



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.43 OF 2026

Kedar Mahadeo Jadhav,]
R/o. Kothrud, Pune] .. Petitioner

Versus

1. The Electoral Officer,]
Maharashtra Cricket Association]
2. The Maharashtra Cricket Association, Pune]
3. Chief Executive Officer,]
Maharashtra Cricket Association, Pune]
4. State of Maharashtra] .. Respondents

ALONG WITH

WRIT PETITION NO.44 OF 2026

Latur District Cricket Association,]
Through its President – Kamlesh Thakkar]
R/o. Gujrati Galli, Latur] .. Petitioner

Versus

1. The Electoral Officer,]
Maharashtra Cricket Association]
2. The Maharashtra Cricket Association, Pune]
3. Chief Executive Officer,]
Maharashtra Cricket Association, Pune]
4. State of Maharashtra] .. Respondents

ALONG WITH

WRIT PETITION (STAMP) NO.29 OF 2026

Anant Nilkanth Mate]
Life Member of Maharashtra Cricket Association,]
R/o. Karve Nagar, Pune] .. Petitioner

Versus

1. The Maharashtra Cricket Association, Pune]
2. The President/Honorary Secretary,]
Maharashtra Cricket Association, Pune]
3. The State of Maharashtra] ..
Respondents

ALONG WITH

WRIT PETITION NO.112 OF 2026

Shikshana Prasarak Mandali's]
Sir Parashurambhau College, Pune] .. Petitioner

Versus

- | | |
|--|------------------|
| 1. The Electoral Officer, |] |
| Maharashtra Cricket Association, Pune |] |
| 2. Maharashtra Cricket Association, Pune |] |
| 3. The Charity Commissioner, Pune |] |
| 4. State of Maharashtra |] .. Respondents |

Appearances in Writ Petition No.43 of 2026 and Writ Petition No.44 of 2026

- Mr. Vineet Naik, Senior Advocate, with Mr. Sukand Kulkarni, i/by Mr. Sandeep S. Salunkhe, Advocates for the Petitioner in WP/43/2026.
- Mr. Vishwajeet Sawant, Senior Advocate, with Mr. Sandeep S. Salunkhe, Advocate for the Petitioner in WP/44/2026.
- Mr. Huzefa Ahmadi, Senior Advocate, with Mr. Mustafa Doctor, Senior Advocate, Mr. Amjith M. Anandan and Mr. Dewang Mhatre, i/by Mr. Rohan D. Kaiche, Advocates for Respondent No.1– Electoral Officer in both the Writ Petitions.
- Dr. Abhishek Manu Singhvi, Senior Advocate, with Ms. Dixita Gohil, Mr. Yash S. Vijay, Mr. Pranjal Agarwal, Ms. Shweta Surana, Mr. Jatin Patil and Mr. Shikhar Agarwal, Advocates, i/by Gohil Agarwal Law Chambers, for Respondent No.2–Maharashtra Cricket Association in both the Writ Petitions.
- Mr. Sharan Jagtiani, Senior Advocate, with Mr. Gaurav Mehta, Mr. Yash S. Vijay, Ms. Dixita Gohil, Mr. Pranjal Agarwal, Ms. Shweta Surana, Mr. Jatin Patil and Mr. Shikhar Agarwal, Advocates, i/by Gohil Agarwal Law Chambers, for Respondent No.3–CEO, Maharashtra Cricket Association in both the Writ Petitions.
- Ms. Neha S. Bhide, Government Pleader, with Ms. Kavita N. Solunke, Additional Government Pleader and Ms. G.R. Raghuwanshi, Assistant Government Pleader for Respondent No.4– State of Maharashtra.

Appearances in Writ Petition (Stamp) No.29 of 2026

- Mr. Venkatesh Dhond, Senior Advocate, with Mr. Rohan Kelkar and Mr. Sandeep S. Salunkhe, Advocates for the Petitioner.
- Dr. Abhishek Manu Singhvi, Senior Advocate, with Ms. Dixita

Gohil, Mr. Yash S. Vijay, Mr. Pranjal Agarwal, Ms. Shweta Surana, Mr. Jatin Patil and Mr. Shikhar Agarwal, Advocates, i/b. Gohil Agarwal Law Chambers, for Respondent No.1– Maharashtra Cricket Association.

- Mr. Sharan Jagtiani, Senior Advocate, with Mr. Gaurav Mehta, Mr. Yash S. Vijay, Ms. Dixita Gohil, Mr. Pranjal Agarwal, Ms. Shweta Surana, Mr. Jatin Patil and Mr. Shikhar Agarwal, Advocates, i/by Gohil Agarwal Law Chambers, for Respondent No.2-President/Secretary, Maharashtra Cricket Association.
- Ms. Neha S. Bhide, Government Pleader, with Mr. O.A. Chandurkar, Additional Government Pleader and Ms. G.R. Raghuwanshi, Assistant Government Pleader for Respondent No.3–State of Maharashtra.

Appearances in Writ Petition No.112 of 2026

- Dr. Abhinav Chandrachud, with Mr. Janay Jain, Mr. Vinayak Chitale, Ms. Srishti Magdum, Advocates, i/by Parinam Law Associates, for the Petitioner.
- Dr. Abhishek Manu Singhvi, Senior Advocate, with Ms. Dixita Gohil, Mr. Yash S. Vijay, Mr. Pranjal Agarwal, Ms. Shweta Surana, Mr. Jatin Patil and Mr. Shikhar Agarwal, Advocates, i/b. Gohil Agarwal Law Chambers, for Respondent No.2– Maharashtra Cricket Association.
- Ms. Neha S. Bhide, Government Pleader, with Mr. O.A. Chandurkar, Additional Government Pleader and Ms. G.R. Raghuwanshi, Assistant Government Pleader for Respondent No.4–State of Maharashtra.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 5th JANUARY 2026.

Per, SHREE CHANDRASHEKHAR, CJ:

In these Writ Petitions, the petitioners have questioned the admission of about 400 new members in the Maharashtra Cricket Association (in short “MCA”). They are seeking interference with the elections to the MCA published on 23rd

December, 2025. They have also challenged the draft Voters List dated 25th December, 2025 and the final Voters List published on 29th December, 2025.

2. In Writ Petition No.43 of 2026, the petitioner claims that he is a former International cricket player and a life member of the Maharashtra Cricket Association (in short "MCA"). He seeks quashing of the elections of the MCA for the year 2026-29. He also challenges the inclusion of about 400 members of the MCA in the Draft Voters list published on 25th December 2025. According to the petitioner, the Chief Executive Officer (in short "CEO") of the MCA lacks the requisite management experience of five years in a reputed organization as provided under Rule 23(1) of Chapter V of the Rules and Regulations of the MCA. In Writ Petition (St) No.29 of 2026, the petitioner who is a life member of the MCA has alleged illegal, arbitrary and flagrant violation of the Memorandum of Association and the Rules and Regulations of the MCA. The petitioner states that the addition of the new members in the MCA after 26th December 2022 is *void-ab-initio* and *non-est*. He seeks quashing of all decisions and resolutions and actions of the respondents pertaining to inclusion of the new life members of the MCA. In Writ Petition No.44 of 2026 filed by the Latur District Cricket Association through its President Mr. Kamles Thakkar, a similar challenge has been laid to the election schedule uploaded on the website of the MCA on 23rd December 2025 and addition of about 400 new members in the draft list published on 25th December 2025. The Civil Writ Petition No.112 of 2026 has been filed by Shikshana Prasarak Mandali's Sir Parashurambhau College, Pune to challenge the final voters list dated 29th December 2025

and the entire election program published on 23rd December 2025. The petitioner states that no notice was served upon it as to convene a general body meeting. The petitioner alleges that no prior permission of the Charity Commissioner was taken before inducting new members of the MCA. According to the petitioner, no Annual General Body meeting was convened for the purpose of holding the elections and he was not supplied copy of the minutes of the Apex Council, Annual General Body or the Special General Body.

3. Mr. Vineet Naik, the learned senior counsel submitted that the admission of about 400 new members in the MCA would amount to changing the Constitution of the MCA. The process adopted by the MCA for admitting about 400 members in the MCA was arbitrary, illegal and contrary to the Rules and Regulations. Mr. Vineet Naik, the learned senior counsel referred to a chart appended with the writ petition and submitted that a large number of new members have been admitted to the MCA who are related to the present incumbents of the MCA or are businessmen etc. who have nothing to do with the game of cricket. Mr. Vishwajeet Sawant, the learned senior counsel in Writ Petition No.44 of 2026 contended that the whole process of admission of about 400 new members smacks of illegality and arbitrariness. More than double the number of the existing members have been introduced to the membership of the MCA in a clandestine manner and the entire process is vitiated on account of breach of natural justice.

4. Mr. Venkatesh Dhond, the learned senior counsel submitted that there is a procedure prescribed in law for convening a meeting which must be followed. There is a mandatory requirement that formal notice or agenda on the

subject is given and under the heading of “General Business” or with the permission of the Chair a matter of crucial importance cannot be taken up. The learned senior counsel referred to a decision of this Court in “*Kedar Shivkumar Kale v. Digambar Shridhar Mhapsekar & Ors.*” 2007 (4) Mh.L.J. 77 and “*M. I. Builders Pvt. Ltd. v. Radhey Shyam Sahu & Ors.*” (1999) 6 SCC 464 to submit that the procedure adopted in the Annual General Meeting without any agenda purportedly for approval of the names of newly inducted members was patently illegal. The learned senior counsel has also referred to Shackleton on the Law and Practice of Meetings.

5. Dr. Abhinav Chandrachud, the learned counsel for the petitioner in Writ Petition No.112 of 2026 submitted that the petitioner may be ousted by addition of four new members under the category of affiliated club members. The learned counsel referred to the provisions under Chapter III which deals with Annual General Meeting, Special General Meeting, Quorum at Annual General Meeting and Special General Meeting. Under Rule 10, Fifty (50) full members present and entitled to vote shall constitute a quorum for Annual General Meeting. This is the submission of Dr. Abhinav Chandrachud that by addition of about 400 new members the constitution of the quorum shall change and now it shall be just 10% of the total number of full members and that is how the Constitution of the MCA is sought to be changed.

6. It is submitted that an individual may not have any difficulty but an institution has to follow certain procedure before an objection is lodged to the draft voters’ list. Dr. Abhinav

Chandrachud submitted that by fixing the deadline at 01:00 p.m. on a Banks' holiday, the petitioner and other similarly situated entities were deprived of an effective opportunity to raise objections. The learned counsel indicated in course of his arguments that individuals, such as Kunti Rohit Pawar at Sr. No.183, Revati Sadanand Sule at Sr. No.313 and Satish Madhav Magar at Sr. No.371 are the close relatives of the President. This is the submission of Dr. Abhinav Chandrachud that by admitting a large number of persons and businessmen etc. who have no concern with the game of the cricket an attempt has been made to run the MCA as a private organization. Rule 10 is reproduced as under :-

“10. QUORUM AT ANNUAL GENERAL MEETING & SPECIAL GENERAL MEETING

(1) Fifty (50) Full Members present and entitled to vote shall be a quorum for an Annual General Meeting. No business shall be transacted at the Annual General Meeting unless the quorum requisite is present at the commencement of the business of the meeting. If within an hour from the time appointed for the Annual General Meeting a quorum is not present, the meeting shall stand adjourned to the same day of the following week and at the same place and time. If at the adjourned meeting the quorum is not present within an hour from the time of the meeting, the Full Members present shall form the quorum.”

7. The learned counsels appearing for the petitioners extensively referred to judgment dated 9th August 2018 in Civil Appeal No. 4235 of 2014 titled “*Board of Control for Cricket in India & Ors. v. Cricket Association of Bihar & Ors.*” and the judgment dated 14th September 2022 delivered in I.A. No. 49930 of 2020 in Civil Appeal No. 4235 of 2014 and submitted that there is a mandatory requirement to take approval from the Hon’ble Supreme Court for admitting new members to the MCA.

8. On the other hand, Mr. Sharan Jagtiani, the learned senior counsel for the respondent-CEO of the MCA contended that admission of an individual or entity to the membership of the MCA shall not amount to amendment in the Constitution of the MCA. The petitioner, namely, Kedar Mahadeo Jadhav and the Latur District Cricket Association represented through its President, namely, Kamlesh Thakker have no locus to challenge the election process issued vide notification dated 23rd December 2025. It is submitted that if there is a change in the entities which are mentioned under Clause (a) of Rule 3 then it can be said that there was change in the Constitution of the MCA and not otherwise. The learned senior counsel further submitted that if the Rules and Regulations of the MCA are repealed or added to or amended or altered then only the amendment shall require passing of the resolution by 3/4th majority of the members present in the special general meeting of the general body. The learned senior counsel referred to the minutes of the 76th Annual General Body meeting dated 22nd February 2021 to indicate that Mr. Anant Mate, who is representing the Latur District Cricket Association and Mr. Kamlesh Thakkar had participated in the said meeting which inducted four life members in the Maharashtra Cricket Association. These persons have, therefore, no locus to maintain Writ Petition No. 44 of 2026 and Writ Petition (St) No. 29 of 2026. It is further submitted that Mr. Kedar Mahadeo Jadhav who was inducted as life member on 13th December 2025 cannot be permitted to say that the admission of every single individual member/entity shall amount to amendment in the Constitution and thus would require the procedure under Rule 45 to be followed and approval by the Hon'ble Supreme Court.

9. Dr. Abhishek Manu Singhvi, the learned senior counsel tendered a typed copy of the achievement of the MCA which is taken on the record. The learned senior counsel endeavored to demonstrate that there has been extraordinary performance by the cricketers and overall development of the game under the present regime of the MCA. Responding to the objection that mandatory Rules and Regulations were not followed, Dr. A. M. Singhvi would contend that when everything is going smoothly, unchallenged and uninterrupted, there was no necessity for observations of each and every rule.

10. Dr. Abhishek Manu Singhvi, the learned senior counsel contended that there is no illegality or breach of any Rules and Regulations of the MCA while approving new members of the MCA. There was no objection from any quarters as to the membership of 397 individuals/entities and the petitioners are not even contesting the elections. The learned senior counsel further submitted that this is a complete misconstruction about Rule 14 that only the persons mentioned under the said rule are entitled to vote. The learned senior counsel referred to Rules 4, 5 and 12 to submit that all members are entitled to vote and there cannot be any restriction on the voting rights of the newly inducted members. The learned senior counsel referred to “*Ad hoc Committee Wrestling Federation of India*”¹, “*The Yachting Association of India*”² and “*Aam Akali Dal*”³ and submitted that the election process once started cannot be stayed by an interim

1 *Ad hoc Committee Wrestling Federation of India v. Haryana Wrestling Association & Ors.*: (Civil Appeal Nos.7863-7865 of 2023)

2 *Yachting Association of India v. Boardsailing Association of India & Ors.*” ILR (2013) V Delhi 3539

3 *Aam Akali Dal. v. Directorate of Gurudwara Elections*” 2017 SCC OnLine Del 6872

order passed by the High Court. The learned senior counsel laid stress on the order passed in “Ad hoc Committee Wrestling Federation of India” to submit that the proper course in the present scenario would be to allow the elections to be conducted and make the elections subject to the outcome of the writ petition. The learned senior counsel further submitted that the decision in “*Dattatraya Genaba Lole & Ors.*”⁴ did not distinguish the judgment in “*Shri. Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha*”⁵ and simply recorded in paragraph no.89 of the reported judgment what has been observed in the said case by the Hon’ble Supreme Court.

11. Dr. Abhishek Manu Singhvi, the learned senior counsel for the MCA submitted that the filing of these writ petitions is a design to stall the elections and to put an Administrator in charge of the MCA by virtue of an amendment made in section 30 of the Maharashtra Public Trust Act by which section 30A was incorporated. Section 30A reads as under:-

“30A. (1) When the specific period of appointment of a tenure trustee expires, then notwithstanding anything contrary contained either in the instrument of trust of any decision taken by the trustee, such tenure trustee shall cease to perform functions and discharge the duties as a trustee, unless and until he is re-appointed:

Provided that, if the instrument of trust is silent or does not expressly provide for any specific period for appointment or re-appointment of a trustee, then notwithstanding anything contrary contained in the instrument of trust, or any decision that may have been taken by the trustees, it shall be lawful for the continuing or surviving trustees to unanimously appoint a trustee for a period upto five years at a time.

(2) If the instrument of trust does not contain any specific provision for appointment of trustee as perpetual trustee, then notwithstanding anything contrary to the usage of the

4 *Dattatray Genaba Lole & Ors. v. Divisional Joint Registrar, Cooperative Societies & Ors.* 2021 SCC OnLine Bom 4579

5 *Shri. Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra* (2001) 8 SCC 509

trust or any decision that the trustee may have taken, the number of perpetual trustees at any point of time in the trust shall not exceed one-fourth of the total number of trustees.”

Provided that, the continuing or surviving trustees may, unanimously appoint a tenure trustee whose period has expired to be a perpetual trustee only against the vacancy of the perpetual trustee arising on account of any of the following reasons :-

- (a) death;*
- (b) insolvency;*
- (c) becoming incapable or unfit to discharge the functions and duties of his office by reason of extreme old age, disease whether of body or mind;*
- (d) leaving India with an intention of permanently residing abroad;*
- (e) conviction for any offence involving moral turpitude;*

(3) Notwithstanding anything contrary contained in the instrument of trust, or any decision that may have been taken by the trustees, the tenure of maximum number of trustees expressly or by necessary implication laid down in the instrument of trust. Accordingly, the continuing or surviving trustees shall not either upon expiry of the period of the tenure trustee or on happening of any event specified in clauses (a) to (e) of sub-section (2), appoint any trustee or trustees over and above the maximum number of trustees so laid down in the instrument of trust.”

12. The Memorandum of Association of the MCA provides that the object and performances of the MCA shall be to control and improve the quality and standards of the game of cricket in Maharashtra; to lay down policies, to build stadium of international standards for conducting matches of the BCCI and make Rules and Regulations relating to the game of cricket. It is further provided under the Memorandum of Association that the MCA shall provide measures for promotion and development of the game of cricket and welfare and interest of Cricketers and elimination of unethical and unfair practices in the game of cricket. We need not refer to the whole body of the Memorandum

of Association and it would suffice to indicate that the objection taken to induction of about 397 new members under different category is on the ground that a majority of these members have nothing to do with the game of cricket. Many of these members are related to the President and other office bearers who are at the helm of affairs. Dr. Abhishek Manu Singhvi, the learned senior counsel appearing for the MCA would however contend that there is no restriction under the Rules and Regulations of the MCA for bringing any relative or a businessman as the member of the MCA. The learned senior further submitted that there is no such restriction indicated in the judgment of the Hon'ble Supreme Court and the Lodha Committee also did not provide any restrictive or regulatory measure for induction of the new members in the MCA who were found eligible by the Electoral Officer to vote in the elections scheduled on 6th January 2026. The MCA follows a similar pattern of elections which are being followed by two other cricket associations in the State of Maharashtra and the Tamil Nadu. The newly inducted members have made substantial contributions to the cause of cricket by donating crores of rupees and stadiums. The Rules and Regulations of the MCA do not mandate that only a cricketer or a person associated with the game of cricket can be a member of the MCA. For verifying the applications, an additional layer of scrutiny was introduced by appointing a Former Judge of the High Court who scrutinized the applications and approved 397 persons and rejected 48 applications. There are at least four institutional members and seven clubs who have made substantial contributions to the game of cricket.

13. Rule 1(l) of the Rules and Regulations of the MCA defines the expression "Existing Member" to mean an association or

individual or cricket club or other body corporate that was a Member of the MCA immediately before the Effective Date. There is no dispute that the effective date for the purposes to determine the existing member shall be the date of the judgments delivered by the Hon'ble Supreme Court in Civil Appeal No. 4235 of 2014, that is, 9th August 2018 and 14th September 2022. Rule 1(p) provides that there is a District Cricket Association having voting rights and as enumerated in Rule 3(a) of the Rules, and other individual life members, Patrons, Benefactors, Institution Members (Colleges), Founder Gymkhanas, Special Gymkhana and affiliated Club Members and other bodies corporate who have been members prior to the effective date of this constitution. Former international cricketers (men and women) hailing from the jurisdiction of the MCA shall be granted automatic membership as Full Members with voting rights and shall be eligible to be office bearers and members of the Apex Council. The Apex Council shall be the principal body of the MCA under rule 1(c) which is tasked with governance of the MCA under Rule 14. The relevant portions of Rule 14(2) which provides composition of the Apex Council and other provisions read as under: -

"14. THE APEX COUNCIL

(1) xxxxx

(2) The Apex Council shall comprise of the following 19 Councillors:

(a) Ten to be elected amongst the 21 District Cricket Associations on a Zonal basis. (Two from each of the five Zones).

(b) Two to be elected from and amongst the Life Members, Patrons and Benefactors of MCA.

(c) Two to be elected from and amongst the Affiliated Club Members of

MCA,

(d) One to be elected from and amongst the four Founder Gymkhanas and the Special Gymkhana,

(e) One to be elected from and amongst the Institution Members (Colleges),

(g) Two International Players [One Male and One Female] from amongst those of its members who hail from the jurisdiction of MCA. The said players to be nominated to the Apex Council shall be the representative of all the Intl players from Maharashtra and elected amongst themselves.

(h) One to be nominated by the Accountant General of Maharashtra from among the serving senior functionaries of the office, co-terminus with the nominee's tenure;”

1.(A) DEFINITIONS

1(c) “APEX COUNCIL” is the principal body of the MCA tasked with its governance as set out in Rule 14.

(e) “CEO” is the Chief Executive Officer of the MCA appointed by the Apex Council as set out in Rule 23.

(f) “CONFLICT OF INTEREST” refers to situations where an individual associated with the MCA in any capacity acts or omits to act in a manner that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of cricket and that may give rise to apprehensions of, or actual favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 38.

(l) “EXISTING MEMBER” is an association or individual or cricket club or other body corporate that was a Member of the MCA immediately before the Effective Date.

(p) “MEMBER” or “FULL MEMBER” is a District Cricket Association having voting rights and as enumerated in Rule 3(a) of these Rules, and other individual life members, Patrons, Benefactors, Institution Members (Colleges), Founder Gymkhanas, Special Gymkhana and affiliated Club Members and other bodies corporate who have been members prior to the effective date of this constitution. Former international cricketers (men and women) hailing from the jurisdiction of the MCA shall be granted automatic membership as Full Members with voting rights and shall be eligible to be office bearers and members of the Apex Council.

3. MEMBERSHIP AND JURISDICTION OF MEMBERS:

(a) *Full Membership of the MCA shall be confined to*

- (1) *District Cricket Associations,*
- (2) *Life Members,*
- (3) *Patrons,*
- (4) *Benefactor,*
- (5) *Institution Members (Colleges),*
- (6) *Founder Gymkhanas,*
- (7) *Special Gymkhana,*
- (8) *Affiliated Club Members,*
- (9) *Former International Cricketers (Men and Women) hailing from the jurisdiction of the MCA.*

[A list of full members duly recognised by the MCA is at Annexure "A" of these Rules & Regulations.]

(b) *Disputes:*

Where disputes are pending regarding the duly recognized association to represent a particular District, the District shall be represented by the recognized association, subject to any order of the Court or resolution of the MCA as the case may be.

(c) *Annual updates*

All members (other than individuals) shall, on or before 15th November of each year, inform and update the MCA as to the names of their Office Bearers and the members of their respective Governing Bodies/Managing Committees, their respective tenures, the audited statement of accounts and the balance sheets.

(d) *Jurisdiction*

The territorial jurisdiction of the Full Members classified under Rule 3(a)(ii) shall extend to the 21 districts of the State of Maharashtra, and shall exclude those districts of administrative Maharashtra that are covered by Mumbai Cricket Association and Vidarbha Cricket Association. If the State of Maharashtra were to be bifurcated, the newly created State would apply to the B.C.C.I. to determine its membership status vis-à-vis the MCA, and the decision of BCCI will be final and binding.

45. AMENDMENT AND REPEAL

These Rules and Regulations of the MCA shall not be repealed, added to, amended or altered except when passed and adopted by a 3/4th majority of the members present and entitled to vote at a Special General Meeting of the General Body convened for the purpose or at the Annual General Meeting. Any such amendment will not be given effect to without the leave of Hon'ble Supreme Court.

14. The office of the Electoral Officer of the Maharashtra Cricket Association issued an order purportedly on 29th December 2025 by which the objection filed by Mr. Kedar Jadhav, a Full Member of the Maharashtra Cricket Association has been rejected. The order dated 29th December 2025 has been made broadly under the captions, such as, election schedule and limitation to raise objection; on requirement of the Charity Commissioner's approval in induction of members; on election scheduling, short timelines and the CEO's communication. In paragraph 16 of the order dated 29th December 2025, the Electoral Officer dealt with the objection taken by Mr. Kedar Jadhav that Memorandum of Association of the Maharashtra Cricket Association is not available on the Maharashtra Cricket Association's website. He has taken a view that the non-availability of the document on the website even if it is assumed for argument's sake could not by itself render the election programme void so long as the election is conducted in conformity with the Memorandum of Association and the governing legal framework. The request made by the objector for furnishing of the minutes of General Body Meetings, Annual General Body Meetings, Special General Body Meetings and Apex Council Meetings were rejected on the ground that the Electoral Officer has no such authority and jurisdiction. He held that the issue of disclosure of minutes, inspection of records and compliance with the statutory obligations regarding maintenance and inspection of books fall within the remit of the Maharashtra Cricket Association and the appropriate statutory authorities and they are not amenable to any adjudication in the election related objection. The Electoral Officer held as under: -

“16. On Availability of the MoA on MCA Website and Demand for Minutes.

a. The Objector asserts that the MoA of MCA is not available on the MCA website. MCA has produced material to show that the MoA is indeed hosted on, and accessible through, the official website. On the basis of the records placed before me, I am satisfied that the MoA is available online.

b. In any event, all decisions taken by the Electoral Officer, including the election programme and this order, are rooted in the MoA as placed before me. The non-availability of the document on a website, even if assumed for argument's sake, would not by itself render the election programme void, so long as the election is conducted in conformity with the MoA and the governing legal framework.

c. As regards the Objector's prayer seeking a direction to furnish all minutes of all General Body Meetings, AGMs, Special General Body Meetings and Apex Council meetings, the same travels beyond the limited scope of an objection to the Draft Voter List. The Electoral Officer's jurisdiction is confined to ensuring that:

- i. The electoral college is drawn in accordance with the MoA; and*
- ii. The election process is conducted in a free, fair and transparent manner.*

d. The broader issues of disclosure of minutes, inspection of records and compliance with statutory obligations regarding maintenance and inspection of books fall within the remit of the Association and the appropriate statutory authorities, and are not amenable to adjudication in this election related objection.

17. For the reasons recorded hereinabove, I am of the considered view that:

a. The objection, though filed beyond the prescribed time, has been taken on record and examined on merits in exercise of discretion.

b. The Objector, being a Full Member in the category of former international player, has locus to raise concerns; however, no cogent material has been placed before me to establish that the additions to the voter list are ultra vires the MoA, contrary to any binding order of the Hon'ble Supreme Court, or invalid for want of Charity Commissioner's approval.

c. There is no specific, substantiated instance of any ineligible person having been included, or any eligible member having been excluded, solely on account of alleged fee irregularities for the current term.

d. *The extension for submission of representative (extended upto 30th December 2025) by the CEO is a purely internal administrative exercise, not affecting the Schedule of the Elections, and does not disclose any arbitrariness or unreasonableness.*

e. *The absence of separately codified election rules under Rule 32, a feature common to prior elections as well, does not vitiate the present election, so long as the MoA and applicable directions are adhered to.*

f. *The Constitution is available on the MCA website, and the further prayers seeking wholesale disclosure of minutes of all meetings fall outside the narrow compass of the Electoral Officer's mandate.*

18. *Accordingly, the objections raised by Mr. Kedar Jadhav stand rejected herewith."*

15. The Electoral Officer has recorded the materials which were placed before him by the Maharashtra Cricket Association in response to the objection raised by Mr. Kedar Jadhav. Those, materials are noted in paragraph no.9 as under: -

"9. *Pursuant to the objection, response from MCA was sought. MCA has placed before me:*

a. *The relevant provisions of the MoA, including the definitions of "Member/Full Member" and categories recognised under Rule 3(a);*

b. *Minutes of meetings of the competent bodies of MCA outlining the procedure followed over the years for induction of new members as Full Members, and precedents of the Association;*

c. *Information regarding the automatic full membership granted to former international players hailing from MCA's jurisdiction in terms of the MoA;*

d. *Clarification that, for the current term (2023-2026), no member has been declared a defaulter by the competent governing body in relation to membership fees;*

e. *Clarification that the Constitution is and has been available on the official website of MCA, and that the website is periodically updated; and*

f. *Clarification that, under the applicable legal regime, no prior permission of the Charity Commissioner is required for induction of individual or institutional members in the categories recognised by the MoA and that change reports are filed in relation to changes in the*

composition of Councillors/Trustees post elections, as mandated.”

16. On addition of the members and a need for an amendment in the Constitution, the Electoral Officer held as under: -

“11. On Alleged Unauthorised Addition of Members and Need for Constitutional Amendment.

a. The Objector's core grievance is that the number of members has allegedly risen to over 570, and that such increase could not have been effected without:

- i. A prior constitutional amendment altering the definition and categories of members;*
- ii. A Special/ Annual General Meeting; and*
- iii. Approval by the Charity Commissioner and/or sanction of the Hon'ble Supreme Court.*

b. On the plain reading of Rule 1(A)(p) and Rule 3(a) of the MoA, the categories of Member/Full member are expressly recognised and exhaustively enumerated. These include, inter alia, district associations, individual life members, patrons, benefactors, institutional members (colleges), founder gymkhanas, special gymkhana and affiliated club members, and former international cricketers hailing from the jurisdiction of the MCA who are granted automatic full membership.

c. The material placed before me indicates that the additions complained of have been made within the existing categories already recognised under the MoA. There is no material to show that any new category of membership, not contemplated by the MoA, has been created. In such a scenario, the mere numerical increase in members within existing categories does not, by itself, amount to a constitutional amendment.

d. The MCA has referred to the powers of the Apex Council under Clause 15 of MoA. I have perused the minutes and documents placed before me by MCA evidencing that such inductions have been carried out in line with past practice; and with due process, including but not limited to having appointed an independent Scrutiny Officer, who verified the applications, proper resolution to that effect in the Apex Body, and as confirmed by MCA, with the additional passage of the same in the AGM.

e. The objection does not specify any individual member, category, or resolution that is ultra vires the MoA. The grievance is couched in broad and general terms, without substantive particulars or any

documentary evidence.

f. In the absence of material to show that:

i. Any new category of membership has been created contrary to the MoA; or

ii. Any person/entity has been inducted in a category in which they are ineligible under the MoA;

I am unable to accept the sweeping prayer to delete all allegedly illegal newly added members from the Draft Voter List. To accede to such a prayer, without specific evidence or particulars, would be to interfere with the membership structure of MCA without jurisdiction, factual foundation or any valid legal basis. In fact, the Objector himself was granted membership only on 13.12.2025.”

17. The Rules and the Regulations of the MCA contemplate a situation under Rule 1(f) where an individual associated with the MCA in any capacity acts or omits to act in a manner that brings, or it perceived to bring the interest of the individual in conflict with the interest of the game of cricket and that may give rise to apprehensions of, or actual favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 38. In this context, we may refer to Rule 38 which indicates the instances in which a conflict of interest may take place as far as any individual associated with the MCA is concerned. It refers to direct or indirect interest, roles compromised, commercial conflicts, prior relationship, position of influence etc. This is well settled that the availability of the alternative efficacious remedy is no bar to the exercise of high prerogative writ jurisdiction. In “*Union of India v. Raghbir Singh*” (1989) 2 SCC 754, the Hon’ble Supreme Court held that the range of judicial review recognized in the superior judiciary of India is perhaps the widest and the most extensive known to the world of law. There are decisions by the Hon’ble Supreme

Court holding that the writ Court can exercise its powers under Article 226 of the Constitution of India even where there is a statutory remedy available to the aggrieved person. The reliance on the decisions in “Ad hoc Committee Wrestling Federation of India”, “The Yatching Association of India”, “Aam Akali Dal” and “Shri. Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha” shall not avail any help to the respondents. The powers of the writ Court under Article 226 of the Constitution of India shall extend to issue a writ or order or direction in a matter like the present one. There is no restriction on the powers of the writ Court under Article 226 of the Constitution of India and it is a matter of practice and not as a rule that writ Court shall not interfere in a matter where the aggrieved party has an alternative remedy. There is no absolute restriction on the powers of the writ Court to interfere in an election matter even in the face of a bar created under the Constitution of India.

18. On 31st October 2025, a report was submitted by One-man Committee of a former Judge of the High Court. In that report, the Committee accepted the application for admission to the MCA by 397 members and rejected 48 applications. This report was laid before the Apex Body which approved the same and on the same day, the AGM purportedly resolved to approve new members in the MCA. The manner in which the entire process of admission of new members has been undertaken gives a *prima-facie* impression that everything was done in a hot haste. The existing members had no opportunity to raise objection. They were not provided access to the minutes of the meeting of the Apex Council and the Annul General Meeting. By merely

saying that there is restriction on the powers of the High Court to interdict the election process, the respondent cannot overcome the rigors of the rules of natural justice and the mandate under Article 14 of the Constitution of India. The High Court is entitled to examine the decision making process as to how about 400 new members were inducted in the MCA under different category in the face of the allegations of illegality, arbitrariness and nepotism. The view taken by the Electoral Officer in his order dated 29th December 2025 *prima-facie* seems to be not correct.

19. The objects and purposes of MCA provide a clear insight into the activities and area of operation of MCA which must relate to the game of cricket. This is a debatable issue that by mere donation of funds one can become a life member of the MCA. Subject to final decision on this aspect, we are of a *prima-facie* opinion that largescale admission of new members just two months prior to publication of the schedule of the elections raises a serious question on the procedure adopted by the MCA for admitting about 400 new members. There is a substance in the submission that the proceedings of the AGM, Special General Body and Apex Council were not published and the minutes of the meetings were not supplied to the members. The stand of the petitioners in these writ petitions that the minutes of the meetings were not uploaded on the website of the MCA or provided to them finds support from the order passed by the Electoral Officer. In the order dated 29th December 2025, there is no mention about the stand taken on behalf of the MCA that the minutes of meetings were either uploaded on website of the MCA or provided to the petitioners and other members. It was

on 23rd December 2025 when the members of the MCA could know that about 400 new members were inducted in the voters list.

20. Mr. Vishwajeet Sawant, the learned senior counsel submitted that no details of the new members are provided to the petitioners or uploaded on the website. By doing so, the MCA has deprived and denied the members of the MCA who intended to contest the elections. The preparation of voters list is an integral part of the election process. The purity of election is maintained not only by showing compliance of the rules but there must be real opportunity to all the stakeholders to raise their objection. We are also of the *prima-facie* opinion that there was no sufficient opportunity to the petitioners to raise their objections to admission of such large number of members and their inclusion in the voters list. As the previous trends indicate, the total number of voters has decreased from the elections held in 2019. This may not be a measure to assume that the total number of members must keep on decreasing, but then, admission of about 400 new members would certainly change the whole complexion and to a certain extent the Constitution of the MCA in certain aspects. The proceedings of the AGM indicate that the proposals were approved by showing of hands. This is also a matter of record that there was no clear agenda for approving the admission of new members. A few instances in the past when new members were inducted is not a ground to hold that the proceedings under challenge in these writ petitions were legal and valid. In the circumstances of the case, this Court cannot adopt a hands-off stand and permit the elections scheduled on 6th January 2026 to continue. An

election petition cannot be the remedy in this situation and the High Court should not permit the illegality to be perpetuated. This is not in the public interest that the High Court or for that matter any Court should permit the legal wrangle to continue unabated. In our opinion, the balance of convenience lies in favour of the petitioners and no prejudice shall be caused to the MCA, if the elections scheduled on 6th January 2026 are stopped. On the other hand, the petitioners would suffer irreparable loss if the elections are permitted to be conducted on the scheduled date and mere availability of alternate statutory remedy to them shall not suffice. This is not a rule of universal application that aggrieved party shall have remedy only in filing the Election Petition once the election process has been initiated.

21. After hearing the rival submissions and perusing the materials on record, we have formed an opinion that interference by this Court with the election process published on the website of the Maharashtra Cricket Association on 23rd December 2025 is necessary. Therefore, we issue a direction to the Electoral Officer represented through Mr. Huzefa Ahmedi, the learned senior counsel not to proceed with the election of the Maharashtra Cricket Association scheduled on 6th January 2026, the schedule for which was published on 23rd December 2025 in any manner whatsoever, without leave of the Court or till the next date of hearing.

22. Reply to be filed by 3rd February 2026.

23. Post these matters on 4th February 2026.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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