

ITEM NO.11+12

Court 5 (Video Conferencing)

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 4235/2014

BOARD OF CONTROL FOR CRICKET & ORS.

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

([ONLY SLP (C) 14109/2020, W.P (C) 1111/2020, W.P. (C) 1345/2020, CONTEMPT PETITION 755 760 OF 2019 IN W.P. (c) 79/2019, CONTEMPT PETITION NO. 496/2020 IN C.A. NO. 4235/2014, CONTEMPT PETITION NO. 959/2017 IN C.A. NO. 1155/2015 AND CIVIL APPEAL 1155 OF 2015 WITH INTERLOCUTORY APPLICATIONS IN C.A. NO. 4235 OF 2014 TO BE LISTED ON 09.12.2020]

(IA No. 185941/2018 - APPLICATION FOR PERMISSION, IA No. 138009/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 8240/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 126712/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 78398/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 136439/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 11702/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 119259/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 64280/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 131096/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 7354/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 179369/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 169168/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 9216/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 119256/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 105636/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 7345/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 117556/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 144204/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 8255/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 156659/2019 - CLARIFICATION/DIRECTION, IA No. 101576/2018 - CLARIFICATION/DIRECTION, IA No. 139483/2018 - CLARIFICATION/DIRECTION, IA No. 167725/2018 - CLARIFICATION/DIRECTION, IA No. 185944/2018 - CLARIFICATION/DIRECTION, IA No. 15567/2019 - CLARIFICATION/DIRECTION, IA No. 117426/2019 - CLARIFICATION/DIRECTION, IA No. 156588/2019 - CLARIFICATION/DIRECTION, IA No. 12943/2019 - CLARIFICATION/DIRECTION, IA No. 98955/2019 - CLARIFICATION/DIRECTION, IA No. 156583/2019 - CLARIFICATION/DIRECTION, IA No. 137988/2018 - CLARIFICATION/DIRECTION, IA No. 160090/2018 - CLARIFICATION/DIRECTION, IA No. 171525/2018 -

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CLARIFICATION/DIRECTION,	IA	No.	79435/2019	-
CLARIFICATION/DIRECTION,	IA	No.	183012/2019	-
CLARIFICATION/DIRECTION,	IA	No.	170134/2018	-
CLARIFICATION/DIRECTION,	IA	No.	67942/2019	-
CLARIFICATION/DIRECTION,	IA	No.	181009/2019	-
CLARIFICATION/DIRECTION,	IA	No.	62816/2018	-
CLARIFICATION/DIRECTION,	IA	No.	108136/2018	-
CLARIFICATION/DIRECTION,	IA	No.	59020/2019	-
CLARIFICATION/DIRECTION,	IA	No.	170094/2019	-
CLARIFICATION/DIRECTION,	IA	No.	128645/2017	-
CLARIFICATION/DIRECTION,	IA	No.	145662/2018	-
CLARIFICATION/DIRECTION,	IA	No.	168793/2018	-
CLARIFICATION/DIRECTION,	IA	No.	8890/2019	-
CLARIFICATION/DIRECTION,	IA	No.	49512/2019	-
CLARIFICATION/DIRECTION,	IA	No.	102722/2018	-
CLARIFICATION/DIRECTION,	IA	No.	117431/2019	-
CLARIFICATION/DIRECTION, IA No. 160010/2018 - EXEMPTION FROM FILING				
O.T., IA No. 145665/2018 - EXEMPTION FROM FILING O.T., IA No.				
45/2017 - EXTENSION OF TIME, IA No. 42/2017 - EXTENSION OF TIME, IA				
No. 93288/2017 - I/A FOR AMENDMENT OF INTERVENTION APPLICATION, IA				
No. 110710/2017 - I/A FOR DIRECTIONS AND SUBMISSION OF OBJECTIONS				
TO THE DRAFT TEXT OF THE NEW BCCI CONSTITUTION - PER IA No.				
107394/2017 - INTERVENTION APPLICATION IA No. 101571/2018 -				
INTERVENTION APPLICATION IA No. 167724/2018 - INTERVENTION				
APPLICATION IA No. 35/2017 - INTERVENTION APPLICATION, IA No.				
94554/2018 - INTERVENTION APPLICATION, IA No. 8235/2019 -				
INTERVENTION APPLICATION, IA No. 34/2017 - INTERVENTION				
APPLICATION, IA No. 55723/2017 - INTERVENTION APPLICATION, IA No.				
33/2017 - INTERVENTION APPLICATION, IA No. 46711/2017 -				
INTERVENTION APPLICATION, IA No. 160008/2018 - INTERVENTION				
APPLICATION, IA No. 32/2017 - INTERVENTION APPLICATION, IA No.				
39270/2017 - INTERVENTION APPLICATION, IA No. 30/2017 -				
INTERVENTION APPLICATION, IA No. 51/2017 - INTERVENTION				
APPLICATION, IA No. 170091/2019 - INTERVENTION APPLICATION, IA No.				
121303/2017 - INTERVENTION APPLICATION, IA No. 49510/2019 -				
INTERVENTION APPLICATION, IA No. 8251/2019 -				
INTERVENTION/IMPLEADMENT,	IA	No.	12941/2019	-
INTERVENTION/IMPLEADMENT,	IA	No.	170132/2018	-
INTERVENTION/IMPLEADMENT,	IA	No.	11698/2019	-
INTERVENTION/IMPLEADMENT,	IA	No.	67939/2019	-
INTERVENTION/IMPLEADMENT,	IA	No.	7352/2019	-
INTERVENTION/IMPLEADMENT,	IA	No.	168786/2018	-
INTERVENTION/IMPLEADMENT,	IA	No.	7343/2019	-
INTERVENTION/IMPLEADMENT, IA No. 37/2017 - MODIFICATION OF COURT				
ORDER, IA No. 46/2017 - MODIFICATION OF COURT ORDER, IA No. 40/2017				
- MODIFICATION OF COURT ORDER, IA No. 8109/2019 - PERMISSION TO				
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 39/2017 -				
RECALLING THE COURTS ORDER)				

WITH

Civil Appeal No. 4235/2014

C.A. No. 1155/2015 (III)
(With IA No. 55111/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 197262/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 65368/2019 - CLARIFICATION/DIRECTION, IA No. 168852/2018 - CLARIFICATION/DIRECTION, IA No. 141280/2018 - CLARIFICATION/DIRECTION, IA No. 93162/2019 - EXEMPTION FROM FILING O.T., IA No. 180390/2019 - EXEMPTION FROM FILING O.T., IA No. 118443/2019 - EXEMPTION FROM FILING O.T., IA No. 93160/2019 - INTERVENTION APPLICATION, IA No. 118439/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 180386/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 959/2017 in C.A. No. 1155/2015 (III)

CONMT.PET.(C) No. 755/2019 in W.P.(C) No. 79/2019 (X)

CONMT.PET.(C) No. 760/2019 in W.P.(C) No. 79/2019 (X)

W.P.(C) No. 1279/2019 (X)
(IA No. 159580/2019 - STAY APPLICATION)

CONMT.PET.(C) No. 496/2020 in C.A. No. 4235/2014 (III)
(FOR ADMISSION list alongwith Civil Appeal No.4235 of 2014 and other connected Civil Appeals.)

W.P.(C) No. 1111/2020 (X)
(IA No. 97759/2020 - STAY APPLICATION)

SLP(C) No. 14109/2020 (XVI-A)
(IA No. 123255/2020 - CLARIFICATION/DIRECTION, IA No. 111535/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
(PLEASE SHOW THE NAME OF MR. P.S. NARASIMHA, SENIOR COUNSEL AS AMICUS CURIAE)

W.P. (C)No. 1345/2020 (X)
(FOR ADMISSION AND IA No. 122609/2020 - EX-PARTE STAY)

Date : 09-12-2020 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

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Mr. Ikshit Singhal, Adv.

Civil Appeal No. 4235/2014

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Ms. Gayatri Verma, Adv.

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UPON hearing the counsel the Court made the following

O R D E R

By an order dated 14.03.2019 Mr. P. S. Narasimha, learned senior counsel, was appointed as Amicus Curiae by the consent of all the parties to act as a mediator and resolve the disputes between the parties in the interlocutory applications. Till a report was submitted by the Amicus Curiae, this Court directed that no matter pertaining to the BCCI or any State Cricket Association shall be entertained by any Court.

The learned Amicus Curiae had several meetings with the parties representing the State Cricket Associations, the representatives of the clubs, other members who had grievances and the Committee of Administrators. After a series of meetings held by the learned Amicus Curiae, disputes between the parties in the interlocutory applications which are shown in Category 3 of the List submitted by the learned Amicus Curiae have been resolved and they have signed minutes of meetings. Thereafter, the learned Amicus Curiae submitted a report on 09.05.2019 to this Court. Majority of the State Associations became compliant with the Lodha Committee's report as accepted by this Court by its judgment dated 09.08.2018, pursuant to

which elections have been conducted.

Taking note of several interlocutory applications that are pending in this Court which can be disposed of, we requested the learned Amicus Curiae to submit a note. In the note submitted by the learned Amicus Curiae, the interlocutory applications have been divided into four categories. The first pertains to cases which can be disposed of giving liberty to parties to avail appropriate remedies in suitable forum. The second relates to applications which have become infructuous. The third category consists of interlocutory applications which have been successfully mediated and the last category involves interlocutory applications which need to be considered by this Court.

There is a consensus amongst the counsel appearing for the applicants in the interlocutory applications that there can be no objection for disposal of these applications with the following orders:

1. CATEGORY

Contempt Petition Nos. 755/2019 and 760/2019 have been filed by Mr. Santosh Karunakar and Mr. Promod complaining of the non-compliance of the directions issued by the Lodha Committee by the Kerala Cricket Association and the Committee of Administrators. After hearing the learned counsel for the parties, we are of the opinion that the

contempt petitions deserve to be closed. However, the petitioners can pursue other remedies for implementation of the recommendation made by Justice Lodha Committee. All the other interlocutory applications from Serial Nos. 2-22 are disposed of with liberty to the parties to avail remedies available to them. This order is in modification of the order passed by this Court on 14.03.2019 by which there was a restraint on all other Courts from entertaining any petition pertaining to the BCCI and any other State Cricket Association till the process of mediation by the learned Amicus Curiae was completed. As stated above, the learned Amicus Curiae has submitted a report of completion of the mediation and the order restraining the other Courts from adjudicating disputes brought before them need not continue. Interlocutory applications listed at serial Nos. 23-25 in the List can be disposed of with liberty to the applicants to resort to appropriate remedies. Mr. Vikas Mehta, learned counsel appearing for the applicants, submitted that the response from the BCCI should be called for by this Court for deciding the disputes in the case. We do not accept the submission made by Mr.Mehta. If there is any surviving dispute, the applicants can approach the suitable forum.

I.A. No. 12941, 12943 of 2019, I.A. No. 187421 of 2019, I.A. No. 187425 of 2019, I.A. No. 164367 of 2019, I.A. No. 164370 of 2019, I.A. No. 127658 of 2020, I.A. No. 127660

of 2020 and I.A. No. 160008 of 2018 are also disposed off in the same terms as applicable to Serial Nos.2 to 22.

2. INFRUCTUOUS

In the list of matters which have become infructuous, there are 35 interlocutory applications. Except serial No. 31 which is I.A. No. 183012 of 2019 filed by Tamil Nadu Cricket Association for the release of funds, all the other interlocutory applications are dismissed as infructuous as no objection is raised by the counsel appearing in the interlocutory applications.

3. MATTERS SETTLED THROUGH MEDIATION

Due to the efforts made by learned Amicus Curiae, majority of the associations have resolved their disputes and the interlocutory applications pertaining to the said disputes are in List 3 of the note submitted by the learned Amicus Curiae. Mr. Balaji Srinivasan, learned counsel appearing for the Karnataka Cricket Association voiced his concern regarding the disposal of Item Nos. 16-18 in the said list. He argued that certain issues have not been resolved and requested this Court to hear the applications in item Nos. 16-18. The applicants in Item Nos. 16-18 participated in the mediation process and have signed an agreement. We are not inclined to accept the contention of

Shri Srinivasan and keep these interlocutory applications pending as the disputes relating to the Karnataka Cricket Association stood resolved through mediation. We accept the suggestion made by the learned Amicus Curiae that all the interlocutory applications in List III deserve to be disposed of as the disputes in those interlocutory applications have been successfully mediated.

There are certain interlocutory applications that are shown in List IV where there is a contest which we would like to hear. We direct these interlocutory applications, except I. A. Nos. 101571 and 101576 of 2018 to be listed on 20th January, 2021.

I. A. Nos. 101571 and 101576 of 2018 are filed by the Telangana Cricket Association seeking impleadment and clarification that it would be granted Associate Membership within BCCI. Mr.Siddharth Luthra, learned senior counsel submits that these interlocutory applications can be disposed of with liberty to the Telangana Cricket Association to approach the BCCI and make a representation for grant of Associate Membership in BCCI. Permission granted. Interlocutory applications are disposed of with liberty to the applicants to submit a representation before the BCCI which shall be disposed of in accordance with law.

Writ Petition (C) No. 1111 of 2020 and SLP (C)No.

Civil Appeal No. 4235/2014

14109 of 2020 are disposed of in view of orders passed above. The LPAs that are pending before the Jammu and Kashmir High Court can be adjudicated upon by the High Court on their own merits. The petitioner in Writ Petition (C) No. 1111 of 2020 can seek remedies available to him.

(NIDHI AHUJA)
AR-cum-PS

(ANAND PRAKASH)
BRANCH OFFICER