

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADMINISTRATORS
HELD ON 2ND MAY 2018 AT HOTEL PULLMAN, AEROCITY, NEW DELHI**

Mr. Vinod Rai – Chairman
Ms. Diana Edulji
Mr. Rahul Johri – BCCI
Mr. Santosh Rangnekar - BCCI
Ms. Prabhjyot Chhabra – BCCI Legal Advisor
Mr. Adarsh Saxena (Cyril Amarchand Mangaldas)
Ms. Rachyeta Shah (Cyril Amarchand Mangaldas)

The COA decided to take up Finance Matters before taking up other matters.

ITEM 5: FINANCE MATTERS

A. Recommendations made by the Infrastructure Subsidy Committee pursuant to its Meeting held on 17th April 2018

1. The COA was informed that the meeting of the Infrastructure Committee was held on 17th April 2018. The email dated 24th April 2018 from the Acting Secretary to the COA communicating the major decisions taken during the said meeting of the Infrastructure Subsidy Committee was noted.
2. The COA noted that paragraph 10 of the directions dated 15th March 2018 requires that notice of any meeting of any committee/ sub-committee of the BCCI be issued only with the COA's prior approval and, while seeking such approval, the convenor of the relevant committee/ sub-committee is required to provide a draft notice and draft agenda for the proposed meeting as well as any related documents that are circulated and/or intended to be circulated to the persons/ members entitled to attend such meeting. It was discussed that there is a need to ensure that no disqualified persons attend any meetings of any committee/ sub-committee of BCCI.
3. The COA noted its decision of 23rd January 2018 where it had decided that (i) the Infrastructure Subsidy Committee should first scrutinize the claims submitted by various State Associations as per the relevant rules/ regulations governing grant of Infrastructure Subsidy; and (ii) if and after claims are approved by the Infrastructure Subsidy Committee and before the amounts are released to the relevant State Associations, the same should be put up before the COA for appropriate decision. The COA was informed that the Infrastructure Subsidy Committee had now scrutinized and approved certain claims, which are being put up before the COA.
4. After some further discussion, the COA decided that:

- (a) the issue of disbursement of infrastructure subsidy claims approved by the Infrastructure Subsidy Committee will be considered after the hearing before the Hon'ble Supreme Court on 11th May 2018; and
- (b) whenever a draft notice for any meeting of any committee/ sub-committee of BCCI is sent to the COA for approval in terms of Paragraph 10 of the directions dated 15th March 2018, the COA will direct that the notice calling the meeting should contain the COA's decision regarding disqualified persons not being permitted to attend and state that by attending the meeting, the concerned person is taken to represent that he/ she is not disqualified.

B. Tax Deduction at Source on Payments to State Associations

1. The COA was informed that BCCI had received legal advice from a Senior Counsel to the effect that BCCI should deduct TDS at the rate of 10% under Section 194J of the Income-Tax Act, 1961 ("**IT Act**") on all payments made to the State Associations except payments in the nature of reimbursements, in respect of which BCCI should deduct TDS at the rate of 2% under Section 194C of the IT Act.
2. After some discussion and based on the legal advice received from Senior Counsel (as communicated by the CFO), the COA decided that:
 - (a) BCCI should deduct TDS at the rate of 10% on all payments made to State Associations except payments in the nature of reimbursements; and
 - (b) BCCI should deduct TDS at the rate of 2% on all payments made to State Associations that are in the nature of reimbursements.

C. Arrangement between BCCI and KSCA for Use of National Cricket Academy Premises

1. The COA was informed that although the existing National Cricket Academy ("**NCA**") facility is located on the premises of the Karnataka State Cricket Association ("**KSCA**"), there is no formal agreement between BCCI and KSCA for the same and BCCI only pays the municipal taxes in respect of the same.
2. The CFO then informed the COA that BCCI's consultant had advised that if BCCI would have been paying rent to the KSCA for use of the latter's premises, certain taxes would have been payable on the said rent. The said consultant had also advised that even though BCCI is not paying any rent to the KSCA, certain taxes are nevertheless payable on notional rent for use of the KSCA's premises. For this reason and since BCCI and KSCA are not related parties/ entities, the said consultant has advised that BCCI should calculate and pay the said taxes on the basis of notional



rent, under protest and without prejudice clearly stating that BCCI and KSCA are not related parties.

3. After some further discussion, the COA observed that since there is presently no demand from any authority to the KSCA or to BCCI in this regard, no decision is required to be taken at this stage.

D. Payment to State Associations over last 5 Years

1. The COA was informed that as required by the COA, the consolidated details of payments (net of TDS) made to the State Associations from Financial Year 2012-2013 to Financial Year 2016-2017 had been compiled.
2. After some discussion, the COA decided that the consolidated details of payments (net of TDS) made to the State Associations from Financial Year 2012-2013 to Financial Year 2016-2017 should be put up on the BCCI website.

E. Tax Liabilities Arising out of ICC World T20 2016

1. The COA was informed that a Host Agreement dated 12th October 2014 (“**Host Agreement**”) had been entered into between BCCI and ICC in respect of the ICC World T20 2016 held in India. The relevant provisions of the Host Agreement relating to tax exemption for the ICC were discussed.
2. After some further discussion, the COA decided that it is not appropriate for it to take a decision on this matter at this stage.

F. Payments to State Associations

1. The COA was informed that State Associations conduct various local tournaments within their respective jurisdictions, for which they incur expenses. The COA was requested to decide whether such expenses can be reimbursed by BCCI to State Associations that have not complied with the orders dated 7th October 2016 and 21st October 2016 passed by the Hon’ble Supreme Court.
2. The COA noted that the payments that can be made by BCCI to non-compliant State Associations are covered by various decisions taken by the COA from time to time including on 12th April 2017 (for payments relating to cricket operations) and 27th September 2017 (for payment of statutory dues, payments to employees of State Associations and reimbursement of expenses in relation to domestic tournaments).
3. The issue of whether the decision taken by the COA on 27th September 2017 for reimbursement of expenses in relation to ‘domestic tournaments’ covers only



tournaments organized/ conducted by BCCI or includes local tournaments organized/ conducted by State Associations within their respective jurisdictions was discussed.

4. It was noted that the COA had already clarified during the meeting held on 10th and 11th November 2017 that reimbursement of expenses to State Associations in terms of the decision taken on 27th September 2017 would only be as per the extant policies/ rules/ regulations of the BCCI and that the decision of the COA as recorded in the minutes of the COA meeting held on 27th September 2017 would not override the same except to the extent of imposing any additional requirements/ conditions that may have been specifically mentioned in the said decision of the COA. Accordingly, reimbursement of expenses in relation to tournaments organized/ conducted by State Associations within their respective jurisdictions would be covered by the COA decision of 27th September 2017 (read with the clarification provided on 10th/ 11th November 2017) only if the existing policies/ rules/ regulations of BCCI provided for such reimbursement.
5. The COA was informed that the existing policies/ rules/ regulations of BCCI do not provide for reimbursement of expenses in relation to tournaments organized/ conducted by State Associations within their respective jurisdictions and such expenses are borne by the State Association from out of their respective shares of amount due to association disbursed by BCCI. However, since the disbursement of amount due to association has been stopped except to compliant State Associations, most State Associations do not have funds for incurring expenses in relation to tournaments organized/ conducted by State Associations within their respective jurisdictions.
6. It was noted that organization/ conduct of tournaments by State Associations within their respective jurisdictions could be covered by the COA decision of 12th April 2017 regarding payments for cricket operations, subject to the conditions specified in the said decision. It was observed that the COA decision of 12th April 2017 only permits payments directly to vendors on behalf of non-compliant State Associations subject to adjustment against the concerned State Association's share of amount due to association.
7. After some further discussion, the COA decided that:
 - (a) The CFO should prepare a list of tournaments in respect of which he recommends that reimbursements to State Associations should be made in terms of the decision taken on 27th September 2017 and clarified on 10th/ 11th November 2017 and place the said list before the COA;
 - (b) The CFO should prepare a list of all payments already made to any State Association since the COA assumed charge on 30th January 2017 along with

particulars of the approval/ decision of the COA in terms of which each of the said payments were made; and

- (c) Legal team should prepare a list of compliant State Associations (as declared by the COA from time to time) and circulate the same to the COA.

G. Efficient Tax Planning

1. The COA was informed that although BCCI operates as a not-for-profit organisation, it pays applicable taxes under protest on the revenue that it earns. A portion of this revenue is distributed to the State Associations. The amount received by each of the State Associations is then treated as the income of the concerned State Association and they are required to pay tax on the said amount. This effectively results in the same amount being taxed twice and is, therefore, an inefficient system from a taxation perspective.
2. After some discussion, the COA decided that this issue can be considered once the new fund disbursement policy in accordance with the recommendations of the Hon'ble Justice Lodha Committee is brought into effect.

H. Tax Deduction at Source on One Time Benefit paid to Former Players

1. The COA was informed that BCCI had received legal advice from a Senior Counsel to the effect that BCCI should deduct TDS at the rate of 10% under Section 194J of the IT Act on all payments towards one-time benefit ("OTB") made to eligible former players. The COA was also informed that BCCI has not deducted TDS on any payments towards OTB made till date.
2. After discussion, the COA decided that BCCI should not deduct TDS while making the remaining payments of OTB to former players since those former players who have already received payment of OTB did so without any deduction towards TDS.

At this juncture, the COA decided to take up certain additional items under 'Any Other Matter'.

ITEM 6: ANY OTHER MATTER

A. Update on Delhi Office

1. The COA was informed that the earlier BCCI office in New Delhi can no longer be used on account of the letter dated 2nd April 2018 issued by New Delhi Municipal Corporation ("NDMC"). By the said letter, NDMC has informed the BCCI that the ground floor and conference room of mezzanine floor of 21-A, Janpath were sealed on 28th March 2018 by the NDMC. In the said letter, NDMC had also stated that the

remaining mezzanine floor could not be sealed as there were important documents and data of BCCI lying in the rooms and requested BCCI to remove the documents by 5th April 2018. In any event, the agreement in terms of which the said premises had been leased to BCCI has expired.

2. The issue of whether BCCI should obtain alternate office space on leave and license/ rental basis was raised.
3. After discussion, the COA decided that:
 - (a) BCCI should not presently obtain any office premises in New Delhi; and
 - (b) The agreement between BCCI and Writer should be finalized and made effective at the earliest so that the documents that were earlier being stored in BCCI's office in New Delhi can be handed over to Writer.

B. Player Contracts

1. The COA was updated on the status of the contracts with players.
2. After discussion, the COA decided that the player contracts should be finalised at the earliest and sent to the respective players for signature and, thereafter, be sent to the Acting Secretary for his signature.

At this juncture, the COA decided that it will now take up the Cricketing Matters before taking up the other matters.

ITEM 4: CRICKETING MATTERS

A. Update on BCCI Anti-Doping Matters

1. The COA was updated about the matters pertaining to Anti-Doping
2. After discussion, the COA decided that the CEO should brief the Acting Secretary.

B. Day/ Night Test Matches

1. The COA was informed that Mr. James Sutherland had addressed an email dated 30th April 2018 to the Acting Secretary once again making the proposal to play a day/ night Test Match between India and Australia at Adelaide.
2. The COA was also informed that during the meeting of the ICC Chief Executives' Committee held on 23rd and 24th April 2018 in Kolkata, some representatives had suggested that it should be the prerogative of the host country to decide whether a

day/ night Test Match should form part of a series but the CEO had immediately objected to this and said that a day/ night Test Match should only be played if the host country and the visiting country mutually agree to do so.

3. The COA noted that during the COA meeting held on 25th April 2018, the COA had decided that it would seek an explanation from the Acting Secretary regarding the statements made by him on the issue of day/ night Test Matches during an interview with The Indian Express after ascertaining whether there was any subsequent change in the views of Mr. Ravi Shastri from what had been communicated to the COA on 12th April 2018. The COA also noted that Mr. Ravi Shastri had confirmed that his views remain the same as what had been communicated to the COA on 12th April 2018.
4. After some further discussion, the COA decided that instead of seeking an explanation from the Acting Secretary as decided on 25th April 2018, it will address an email to the Acting Secretary informing him of the COA's decision not to play day/ night Test Matches for the next 12 to 18 months and directing the Acting Secretary to respond to Mr. James Sutherland in terms of the said decision.

At this juncture, the COA decided to take up the Legal Matters.

ITEM 3: LEGAL MATTERS

A. Status of Rajasthan Cricket Association

1. The COA was informed that at the Special General Meeting held on 11th December 2017, the BCCI had passed a resolution for revoking the suspension of the Rajasthan Cricket Association ("RCA") subject to the fulfilment of certain conditions by RCA as set out by BCCI in the said resolution. These conditions required the RCA to provide certain documentation to BCCI. The COA was also informed that BCCI was made aware that the RCA had taken a decision at its meeting held on 18th January 2018 to accept all the conditions set out by BCCI. BCCI had also subsequently received an undertaking dated 24th January 2018 stating that the RCA will strictly comply with the conditions set out in BCCI's resolution.
2. When the RCA had requested for the release of certain sums from BCCI vide its email dated 28th January 2018, the CEO had replied on 29th January 2018 requesting for the requisite information/ documentation. As there had been no further communication from the RCA in the matter, the CEO had addressed an email dated 17th April 2018 to the office bearers of BCCI seeking their advice/ views on the way forward regarding the RCA.
3. The COA noted that the decision to suspend of the RCA as well as the decision to revoke the same have both been taken by the General Body of BCCI without the

COA's involvement. It was observed that as long as cricketing activities are continuing properly in the State of Rajasthan, the COA will not get involved in the matter of the RCA's suspension and revocation thereof.

4. After discussion, the COA noted that since the CEO had already addressed an email dated 17th April 2018 to the office bearers of BCCI regarding RCA's non-compliance with the conditions subject to which the General Body had revoked the RCA's suspension, it would wait and see what the office bearers of BCCI say in response to the CEO's email before deciding whether to get involved in the matter.

B. Contempt Petition filed by Cricket Association of Bihar

1. The COA noted that a Contempt Petition had been filed by the Cricket Association of Bihar ("CAB") on the ground that BCCI had violated the order dated 4th January 2018 passed by the Hon'ble Supreme Court whereby it had been directed as an interim measure that State of Bihar shall be eligible to participate in Ranji Trophy and similar such competitions and the incumbent Bihar Cricket Association, shall be in charge of the same.
2. The COA also noted that on 1st May 2018, the court had been informed that Bihar will be allowed to participate in the Ranji Trophy and similar such competitions in the forthcoming domestic season. It had also been pointed out that Bihar could not be accommodated in the present domestic season because the same was almost over by the time the order dated 4th January 2018 had been passed by the Hon'ble Supreme Court. In view of the above, the court had dismissed the said Contempt Petition.

ITEM 1: CONFIRMATION OF THE MINUTES OF MEETING OF THE COMMITTEE OF ADMINISTRATORS HELD ON 12TH APRIL 2018 AND RELATED MATTERS

A. Confirmation of the Minutes of the COA Meeting held on 12th April 2018

1. The COA perused the draft minutes of the COA meeting held on 12th April 2018 and made some corrections therein.
2. The COA decided that once the said corrections have been carried out, the Chairman shall sign the minutes after which the said signed minutes should be put up on the BCCI website in the interests of transparency.

B. Item 4(J) of Minutes of Meeting dated 12th April 2018 – BCCI Awards

1. The COA noted the email dated 29th April 2018 addressed by Prof. Ratnakar Shetty to the Acting Secretary, the CEO, the General Manager (Cricket Operations) and Ms. Edulji wherein he has said that the decision to bestow the C. K. Nayudu award

posthumously on Mr. Pankaj Roy was a deviation from the past practice of BCCI whereby the said award is not awarded posthumously.

2. After some discussion, the COA decided that it will address an email to the General Manager (Cricket Operations) asking him to request the Awards Committee to examine the points raised by Prof. Shetty and comment upon the same.

ITEM 2: IMPLEMENTATION OF REFORMS AND MATTERS RELATING THERETO

A. Update on the Hearing before the Hon'ble Supreme Court

The COA was informed that a copy of the order passed by the Hon'ble Supreme Court on 1st May 2018 is not yet available and briefed on what had transpired during the hearing and discussed the implications thereof.

B. Status of Bihar Cricket Association

1. The COA was informed that pursuant to the decision taken during the COA meeting held on 12th April 2018, the COA had addressed an email dated 20th April 2018 to the Bihar Cricket Association ("BCA") seeking an explanation regarding the cancellation of the BCA's registration because Mr. Aditya Verma and his advocate had made a complaint in this regard to the COA. The COA was then informed that the BCA has submitted an explanation letter dated 23rd April 2018 along with supporting documents saying that while the BCA's registration had been cancelled in the year 2008, the said order of cancellation had been subsequently set aside.
2. The COA noted that the order dated 4th January 2018 passed by the Hon'ble Supreme Court which directed that the State of Bihar shall be eligible to participate in Ranji Trophy and similar such competitions also specifically states that the incumbent BCA shall be in charge of the same. In view thereof, even if the COA had not been satisfied with the BCA's explanation, it would nevertheless be bound by the order dated 4th January 2018 which specifically refers to the BCA.
3. After some further discussion the COA decided that it will address an email to Mr. Aditya Verma and his advocate forwarding a copy of the explanation letter dated 23rd April 2018 submitted by the BCA and stating that considering the explanation provided by the BCA and the interim measure directed vide order dated 4th January 2018 passed by the Hon'ble Supreme Court, the COA is of the view that BCCI should presently continue dealing with the BCA for cricketing activities in the State of Bihar.

C. Email dated 27th April 2018 from the Cricket Association of Pondicherry



1. The COA was informed that the Cricket Association of Pondicherry (“CAP”) had addressed an email dated 27th April 2018 stating that the CAP had been confirmed as Associate Member of BCCI as per the orders of the COA and requesting confirmation as to remittance of prescribed fee for Associate Membership as well as details relating to infrastructure to be kept ready for hosting Ranji matches.
2. After some discussion, the COA decided that it will wait till after the hearing on 11th May 2018 and then respond to the CAP.

D. PIL No. 16 of 2017 before the High Court at Hyderabad

1. The COA was informed that a chart showing the deviations in the amended constitution of the Hyderabad Cricket Association (“HCA”) had been submitted to the High Court at Hyderabad. The High Court had observed that it would be appropriate to give the HCA one last chance to hold a meeting and further amend its constitution to address the deviations.
2. The COA took note of the above.

ITEM 6: ANY OTHER MATTER (CONTINUED)

C. Applicability of the Right to Information Act to BCCI

1. The COA was informed that the GST department had sought certain information relating to sales tax and GST from BCCI under the Right to Information Act, 2005 (“RTI Act”) because someone had filed an application asking the GST department for the said information relating to BCCI.
2. The issue of whether it is open for the GST department to seek any information from BCCI under the RTI Act just because someone has filed an application asking the GST department for the said information was discussed.
3. After some further discussion, the COA decided that the BCCI should ascertain whether the information sought by the GST department is already available with the GST department and/or otherwise in public domain.

D. Change in Venue for Playoff Matches

1. The COA was informed that the IPL Governing Council had earlier allotted two playoff matches to Pune. However, since the home matches of Chennai Super Kings (“CSK”) had to be shifted from Chennai to Pune, it is necessary to change the venue for the two playoff matches that had earlier been allotted to Pune because there is insufficient time between CSK’s last home match at Pune and the two playoff matches.

2. The COA noted the email dated 1st May 2018 from addressed by the COO – IPL to the IPL Governing Council suggesting 4 alternate venues for the playoff matches viz. Kolkata, Rajkot, Lucknow and Pune.
3. After some discussion, the COA decided that the IPL Governing Council should take an appropriate decision in the matter.

Meeting concluded.

A handwritten signature in black ink, appearing to be 'V. R. K.', is written on the page.