

**In the matter of Rajasthan Cricket Association's Suspension from membership
of the BCCI**

A. Brief Facts

1. The Board of Control for Cricket in India ("BCCI") had in its general body meeting held on 11th December 2017 suspended the membership of Rajasthan Cricket Association ("RCA") and made revocation of the said suspension conditional upon compliance with certain conditions. The said conditions ("**Conditions**") as set out in the resolution passed in the said general body meeting held on 11th December 2017 are set out below:

"A Mr. Lalit Kumar Modi shall not be permitted to associate himself either directly or indirectly in any manner with any form of cricket administration in any capacity whatsoever pertaining to Rajasthan Cricket Association or any of its affiliated bodies.

B The Rajasthan Cricket Association shall ensure termination of membership/association of Mr. Lalit Kumar Modi in any capacity with itself and its affiliated units.

C The Rajasthan Cricket Association shall immediately disaffiliate any affiliated Unit/member that associates itself with Mr. Lalit Kumar Modi in any manner.

D The Rajasthan Cricket Association shall undertake that all cases filed by it or its member association against the BCCI shall be withdrawn immediately.

E The Rajasthan Cricket Association shall call a General Body Meeting and thereafter pass a resolution accepting each of the aforesaid conditions unreservedly and pass a resolution stating that the same are complied with.

F The Rajasthan Cricket Association should after having complied with the above, submit an undertaking before BCCI stating that they shall strictly abide by the aforesaid conditions with the further stipulation that in case any of the provisions of the undertaking are breached subsequently, it shall result in automatic suspension of the Rajasthan Cricket Association, without any further show cause notice or suspension proceedings being commenced /required."

2. The Committee of Administrators understands that since suspension of RCA, the BCCI through various order passed by the Rajasthan High Court

has been running cricket including holding IPL matches in Rajasthan directly with the aid and assistance of the Government of Rajasthan.

3. The RCA has made several representations to the BCCI and the subsequently to the Committee of Administrators requesting revocation of suspension from membership on the ground that the RCA has complied with the Conditions.
4. In view of the above and in the interest of cricket in the State of Rajasthan, the Committee of Administrators vide its email dated 3rd August 2019 asked the RCA to confirm the status of its compliances with each of the Conditions with relevant supporting documents which would establish that said compliance has been undertaken and completed.
5. In response, the RCA vide its email dated 5th August 2019 confirmed that the RCA had complied with all the Conditions and requested that its suspension from membership be revoked. The contents of the said email received from the RCA are set out below:

“This is to bring to your kind notice that the Rajasthan Cricket Association after receiving the resolution passed by the BCCI in its SGM dated 11/12/2017, we had pledged before the Hon’ble Rajasthan High Court to conduct RCA’s General Body Meeting to discuss the resolution passed by the BCCI. Hon’ble Rajasthan High Court was kind enough to grant us the permission to conduct an EGM in its order dated 12/01/2018. In its order Hon’ble Rajasthan High Court directed to conduct the EGM on 18/01/2018 and directed to preside over the EGM by Hon’ble Justice Sunil Kumar Garg (Retired Rajasthan High Court). It is further stated that all members would participated to vote in reference to the resolution of the BCCI dated 11/12/2017; the discussion on resolution referred above was allowed followed by voting.

It is pertinent to mention here that the EGM of Rajasthan Cricket Association was held in the presence of Justice Sunil Kumar Garg (Retired) to vote on the resolution of the BCCI, the result of the voting has been sent to the Hon’ble Court in a sealed cover. The result was opened in the Court and shows that out of 33 members, 31 were present and all of them voted in favour of the resolution of the BCCI. The result of the meeting show unanimous decision of the RCA to accept the condition put by the BCCI in its resolution dated 11/12/2017 for revocation of suspension of Rajasthan Cricket Association.

It is also pertinent to mention here that an undertaking was sought out by the BCCI; it is stated in the Hon’ble Rajasthan High Court order dated 24/01/2018 that RCA has to send an undertaking given therein, in that case, suspension of the RCA would come

to an end automatically. On 25/01/2018 an undertaking was sent by RCA to BCCI following the direction of the court to seek out the revocation of suspension of RCA. We have also directed all the District Cricket Association to send us the undertaking/affidavit regarding the direction/agenda of the BCCI. We have already ensured BCCI, that RCA is abide by the rules and regulations of the BCCI.

In the light of the BCCI resolution passed by the RCA General Body; we have issued show cause notices to three of our District Cricket Association's namely DCA Nagaur, DCA Alwar and DCA Sri Ganganagar, seeking in reply that they have no connection whatsoever with Mr. Lalit Kumar Modi. These District Cricket Association's never answered these queries raised against them. In view of that we have disaffiliated all the three District Cricket Associations. The disaffiliation orders are attached herewith for your kind perusal. It is also pertinent to mention here that there is no court order / stay has been granted till date to these associations against these disaffiliation orders.

We are already aware that the BCCI is conducting its election for the new Apex Council for the BCCI; we would like to follow your schedule of elections as per your directions and may conduct the election as per the BCCI schedule.

So it is submitted that the directions of BCCI has been accepted and implemented in toto and it is also submitted that we will not allow any member to deviate from the directions of the bcci in future also.”

6. In the response to the said email, the Committee of Administrators vide their email dated 22nd August 2019 asked the RCA “to provide a certified copy of the resolution passed in the RCA’s EGM dated 18.01.2019” and reminded the RCA that it had undertaken to withdraw all cases filed by it or its member association against the BCCI immediately and it is noticed that there are still some cases ongoing in relation to the RCA against the BCCI. In view thereof, the Committee of Administrators asked RCA to confirm that RCA has abided by its said undertaking and requested RCA to provide a status update and RCA’s plan of action in all cases filed by the RCA or its member associations that are pending against the BCCI in order to comply with its undertaking to withdraw all cases against the BCCI.

7. In response, the RCA vide its email dated 28th August 2019 stated as under:

“This is to bring into your kind notice that Rajasthan Cricket Association after receiving the resolution of BCCI SGM dated 11.12.2017 has filed an application before the Hon’ble High Court of Judicature for Rajasthan Jaipur Bench to allow Rajasthan Cricket Association to conduct an Extraordinary General Body Meeting (EGM) to discuss the resolution sent by the BCCI for revocation of suspension of the

RCA. Taking into consideration of the urgency of the meeting Hon'ble High Court vide its order dated 12.01.2018 (Annexure-1) was kind enough to permit RCA to conduct an EGM on 18.01.2018 and directed RCA that the meeting may be presided over by the Hon'ble Justice Sunil Kumar Garg (Retired). Hon'ble Court also directed that the voting on the resolution would be by secret vote and, accordingly, the observer would hand over the result of the Resolution directly to the court in a sealed envelope. It is evident from the orders that the certified copy of the Resolution dated 18.01.2018 was submitted in a sealed cover by Mr. Justice Sunil Kumar Garg over to Hon'ble High Court. We have applied for that copy and as soon as we will receive we will send it over to BCCI. Accordingly, the meeting was held on 18.01.2018 in the premises of RCA Academy under the chairmanship of the Hon'ble Justice Sunil Kumar Garg (Retired) in which 31 out of 33 members of the RCA General Body were present. Hon'ble Justice Sunil Kumar Garg (Retired) had sent the report as well as result of the resolution in the sealed cover to the Hon'ble Rajasthan High Court. Hon'ble High Court in its order dated 24.01.2018 (Annexure-2) stated that all the 31 voters which were present in the EGM have voted in favour of the resolution passed by the BCCI SGM dated 11.12.2017 for revocation of suspension of RCA. It is also pertinent to mention here that the Hon'ble Court has also stated in the same that the "Learned Counsel appearing for the BCCI Mr. Angad Mirdha submits that pursuant to para (f) of the resolution, RCA has to send an undertaking given therein. In that case, suspension of the RCA would come to an end automatically. In view of the above, RCA is required to send an undertaking as given in para (f) of the resolution."

It is pertinent to mention here that vide order dated 24.01.2018 an undertaking (Annexure-3) was produced before the BCCI on 25th Jan, 2018 for the revocation of suspension of RCA. Hence it is evident from the order of the Hon'ble Court and the undertaking that the RCA has fully adopted the conditions laid down by the BCCI upon RCA in its SGM dated 11.12.2017.

Also with regard to the withdrawal of the cases against the BCCI, it is to bring to your kind knowledge that the undertaking so enclosed and produced before the Hon'ble High Court, it is evident that no case by the RCA or any of its affiliated members is pending against the BCCI and hence all the cases against BCCI have already been withdrawn in compliance.

We would like to bring to your kind notice that the RCA Constitution has been duly amended and the same has been registered by the Registrar Co-Operatives Rajasthan as per your directions. We are sending it through separate mail to your good office.

Therefore, this is to request to kindly revoke the suspension of the RCA so that the Association may resume its functioning in order to promote cricket activities in the State."

8. The Committee of Administrators vide its email dated 30th August 2019 to RCA stated as under:

"The Committee of Administrators notes that the RCA has applied for a copy of the resolution passed in EGM held on 18.01.2018 and would furnish the same upon receipt. Kindly let us know when you expect to receive a copy of the said EGM resolution.

You have also in your email stated that “no case by the RCA or any of its affiliated members is pending against the BCCI and hence all the cases against BCCI have already been withdrawn in compliance.” However, the Committee of Administrators have been informed that two cases in the form of Writ Petitions filed by Jaipur District Cricket Association and Nikhil Doru are pending in Rajasthan High Court and are yet not been withdrawn. You are requested to arrange for withdrawal of the said writ petitions at the earliest in compliance of the undertaking given by RCA and intimate withdrawal of the said cases to the Committee of Administrators.”

9. The RCA in response to the said email vide their email dated 5th September 2019 clarified as under:

“This is in reference to your email dated Aug 30, 2019 and the resolution passed in the BCCI SGM dated 11.12.2017, an EGM was conducted on 18.01.2018 with the permission of the Hon’ble Court in which Hon’ble Court had appointed Hon’ble Mr. Justice Sunil Kumar Garg (Retd.) as Chairman of the meeting, In the said meeting the resolution of BCCI was presented, discussed and passed unanimously. An undertaking of the said resolution was submitted before you on 25th Jan 2018. The said resolution of the EGM dated 18.01.2018 alongwith Hon’ble Rajasthan High Court order dated 24.01.2018 is attached herewith for your ready reference.

In so far as the cases pending against BCCI is concerned the status of the same for your kind perusal is as follows:-

1. SBCWP 12961/2017 Jaipur District Cricket Association Vs. Registrar Co-Operatives Societies, Rajasthan.

*The Election result of RCA was declared on 02.06.2017. After the election, RCA in its email dated 06.06.2017 requested BCCI to revoke its suspension as Mr. Lalit Kumar Modi is no longer President of RCA. BCCI in its reply dated 16.06.2017 replied that Mr. Lalit Kumar Modi as per Rule 32(v) of the Memorandum Rules and Regulations of the BCCI (“**Regulations**”), was to forfeit all rights and privileges and could not hold any position or office in the BCCI or its members or its Associate Members and it was also stated that Mr. Lalit Kumar Modi has filed his nomination to contest the election for the post of President, Rajasthan Cricket Association in his capacity as an office-bearer of Nagaur District Cricket Association (An affiliate member association of RCA). Therefore RCA acted in violation of Article 25(b) of RCA bye-laws by not disaffiliating Nagaur District Cricket Association for continuing to have Mr. Lalit Kumar Modi as its office bearer/member.*

After receiving BCCI letter dated 16.06.2017, an Executive Committee meeting was called upon on 24.06.2017 to discuss this issue. In pursuance to the BCCI letter dated 16.06.2017, RCA Executive Committee suspended Nagaur District Cricket Association from the membership of RCA.

An EGM meeting was called upon by the President RCA but simultaneously, Mr. R.S. Nandhu also called upon an unauthorized EGM meeting, which resulted in a dispute between the fractions of RCA. Looking to the ongoing dispute between the office bearers one of the affiliated district Cricket Association i.e. Jaipur District Cricket Association filed a case in before the Hon'ble Rajasthan High Court, Jaipur Bench, Jaipur (SBCWP 12961/2017 titled as Jaipur District Cricket Association & ors. Vs. The Registrar Cooperative Societies and Ors.). During the pendency of the Writ Petition the Hon'ble Court directed to tag another writ petition (SBCWP 9560/2014 Nikhil Doru and Ors. Vs. Board of Control for Cricket in India) filed by few players and since then common orders have been passed in the same. It is worthwhile to mention that during the pendency of the Writ Petition the Hon'ble Court impleaded BCCI as party respondent to the Writ Petition.

It is stated in most unequivocal terms that the RCA had requested to JDCA to withdraw the Writ Petition as by enlarge it had become infructuous. In light of the same the JDCA had made a request before the Hon'ble High Court to withdraw the Writ Petition and the same is reflected in the order sheet drawn on 1st March 2019. The same request for withdrawal was again made on 09.04.2019 but surprisingly the counsel who seems to have been appointed by Dr. B.R. Soni informed the Hon'ble Court that the petitioner do not want to withdraw the petition. The Hon'ble Court in terms of the letter written by Dr. B.R. Soni wherein it had requested for withdrawal of the writ petition and subsequent instructions not to withdraw the writ petition, as directed Dr. B.R. Soni to remain present in person in the Court. It is crystal clear that Dr. B.R. Soni is not willing the Writ Petition to be withdrawn for the reasons best know to him. For the sake of clarity the relevant portion of order dated 10.04.2019 is reproduced here under:-

“ Dr. B.R. Soni, petitioner in SBCWP No. 12961/2017, issues an unconditional withdrawal letter dated 28th February 2019, to his counsel expressing his willingness to withdraw [SBCWP No. 12961/2017; Jaipur District Cricket Association Vs. The Registrar, Cooperative Societies, Rajasthan & Ors.] and simultaneously, instructs another counsel to the contrary disputing contents the withdrawal letter and to prosecute the writ application. This conduct of the petitioner is highly depreciated”.

It is worthwhile to mention that Since, the scope of the writ petition was enlarged by the Hon'ble Court therefore the Hon'ble Single Judge keeping the enlarged scope in mind and further keeping the view that public interest is involved, directed the Writ Petition to be laid before the Hon'ble Chief Justice for necessary directions in view of the High Court rules. Therefore, in light of the same the said writ petition were directed to be placed before the division bench of the Hon'ble High Court.

2. SBCWP 9560/2014 Nikhil Doru and ors. Vs. BCCI and ors.

This Writ Petition has been filed by the players of Rajasthan due to the suspension of Rajasthan Cricket Association from the membership of BCCI. This Writ Petition will

become infructuous once BCCI revokes the suspension of RCA and RCA is allowed to run the affairs of Cricket.

In the factual backdrop of the above said matters pending before the Hon'ble Rajasthan High Court, we are taking action against JDCA for non compliance of your directions to withdraw the petition. In so far as the case of Nikhil Doru and Ors. RCA has no role to play and at the cost of repetition we would like to state that the same would become infructuous once the BCCI revokes the suspension as thereafter RCA would be in a position to take care in the interest of Cricket and its players in the State of Rajasthan. We hope that you would understand that we are duty bound to follow your instructions and our endeavour is also to get these cases withdrawn/disposed off and for which you are already apprised of the efforts made at our end.

The above is for your kind perusal and action. We hope you would be satisfied by our best possible efforts and would revoke the suspension of RCA at the earliest.”

10. On 6th September 2019, the RCA, vide its email of the said date, has forwarded a copy of an application made by JDCA seeking withdrawal of the Writ Petition filed by it before the High Court.
11. The RCA has got its constitution, approved by the Committee of Administrators and undertaken that the same will be registered in compliance of the judgment dated 9th August 2018 passed by the Hon'ble Supreme Court of India. Further, the RCA also confirmed appointment of its Electoral Officer in compliance of the directions issued the Committee of Administrators to conduct elections under its amended constitution.

B. Decision

12. The Committee of Administrators has considered the Conditions and the steps taken by the RCA to fulfil the same. On the basis of information, documents and undertakings furnished by the RCA, the Committee of Administrators is satisfied that RCA has fulfilled the Conditions and have taken steps to implement the undertakings given to BCCI.
13. Keeping in mind the interests of the game of cricket and development and promotion of the game in Rajasthan, the Committee of Administrators is of

the view that RCA's suspension from membership of the BCCI be revoked with immediate effect.

14. Accordingly, RCA's suspension from membership of the BCCI is hereby revoked with effect from 6th September 2019. RCA is directed to continue to act on the basis of its undertakings given to the BCCI. All concerned are directed to act and take steps to implement the decision taken in this order.
15. Let a copy of this decision be sent to the Ld. Amicus Curiae for his information.

Date this 6th day of September 2019.

The Supreme Court Appointed Committee of Administrators