

Before Ombudsman, Bihar Cricket Association
Raghendra Kumar Singh (Retd. District Judge)
Incharge Ombudsman, Bihar Cricket Association

(As per Resolution dated 25.09.2020 of General Body Meeting of Bihar Cricket Association)

BCA/Ombudsman/09 of 2021

Chandra Shekhar Kumar S/o Late Sitaram Sultania R/o Sultanpur, Kedalpura, P.S. Danapur, Distt. Patna, claiming himself to be presently Vice-President, Patna District Cricket Association.....Petitioner

Versus

1. Bihar Cricket Association, Through its President Sri Rakesh Kumar Tiwary, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001.
2. Bihar Cricket Association, through its Incharge Honorary Secretary cum Joint Secretary, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001.
3. Mr. Praveen Kumar Pranveer claimed to be President, Patna District Cricket Association
4. Mr. Ajay Narayan Sharma, claimed to be Honorary Secretary, Patna District Cricket Association
5. Mr. Arun Kumar Singh, claimed to be Joint Secretary, Patna District Cricket Association.

Addresses of respondent no. 3 to 5- Patna District Cricket Association(Patna DCA), Palika Market, Ashok Rajpath, P.S. Pirbahore, Town & District Patna-800004.

.....Respondents

AND

Omb 11 of 2021

Rakesh Kumar Tiwary, President, Bihar Cricket Association (BCA), 1st & 2nd Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001
(Email ID- president.bca.rkt@gmail.com)

.....Petitioner

Versus

1. Patna District Cricket Association, through its President Mr. Praveen Kumar

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R.K. Singh

Pranveer (said to be expelled for six years from Patna DCA by decision of COM of Patna DCA by its Resolution dated 04.10.2021), Palika Market, Ashok Rajpath , P.S. Pirbahore, Patna- 800004.(Email ID- ppranveer@gmail.com)

2.Patna District Cricket Association, through its Secretary Ajay Narayan Sharma, Palika Market, Ashok Rajpath, P.S. Pirbahore, Patna- 800004. (Email ID- ansbca@gmail.com).....Respondents

04.06.2022

The petition numbered as Ombud 09 of 2021 has been filed on behalf of the aforesaid petitioner namely Chandra Shekhar Kumar, along with vakalatnama executed in favour of Sri Dayanand Sinha, Advocate, which soft copy was sent to me also from the Email of one Kanhaiya Kumar- kk22091997@gmail.com.

In the petition it has been averred that in pursuance of the order of Hon'ble Apex Court, the Bihar Cricket Association(BCA) being full member of the BCCI also implementing the recommendation of Justice Lodha Committee and in pursuance of the same issued letter dated 18.02.2017 to all the District Cricket Association of Bihar to implement the same by themselves also and accordingly Management of Patna DCA accepted and adopted the said recommendation of the Hon'ble Lodha Committee in its meeting dated 04.03.2017 in which Sri Ajay Narayan Sharma, Honorary Secretary Patna BCA was authorized to nominate the five members, i.e, President, Vice president, Secretary, Joint Secretary and Treasurer, as mandated by the Hon'ble Lodha Committee. It is further averred that in meeting dated 18.04.2017 of the Management Committee of Patna DCA, said Honorary Secretary of the Patna DCA nominated five eligible members of Patna DCA including respondent no.3 to 5 as Office Bearer of Patna DCA, of which in the election held in the year 2008, out of its 19 members, twelve members became ineligible either due to death or due to the qualification fixed by the Justice Lodha Committee, suspension and/or attending the meeting of Patna DCA since more than two years; and thus amongst the remaining seven members 5 members including respondent nos. 3 to 5 were nominated; and accordingly, said recommendation of said Secretary Mr. Ajay Narayan Sharma was accepted and resolved to continue with said five members of Committee till regular election is held and those five nominated and accepted five members committee was as under:

(I) Sri Praveen Kumar Pranveer – President

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Sri Praveen Kumar Pranveer

- (II) Sri Sherazul Haque – Vice President
- (III) Sri Ajay Narayan Sharma – Secretary
- (IV) Sri Arun Kumar Singh – Joint Secretary
- (V) Sri Rajesh Kumar – Treasurer.

It is also averred that every unit of the BCA has to constitute its bye-laws and committees as per the recommendations of Justice (Retd.) Lodha Committee, as approved by the Hon'ble Apex Court; but the President of Patna DCA by playing fraud upon the Committee framed a bye-laws other than the recommendation of the Hon'ble Lodha Committee and his said misdeed was raised by the petitioner before the meeting of Management Committee of PDCA but the President intentionally and deliberately has not been taking the same in agenda of the meeting of the Management Committee of the Patna DCA for his wrongful gain and loss to Cricket Stakeholders.

On the basis of aforesaid pleading, the petitioner has prayed to direct the BCA and Patna DCA to fully implement the recommendations of Justice (Retd.) Lodha Committee by framing bye-laws of Patna DCA as per aforesaid recommendations and for this the petitioner would place documents and other material at the time of argument to show misdeed and other illegal acts being done by the President, Patna DCA.

The petitioner Sri Rakesh Kumar Tiwary in Ombud 11 of 2021 has filed this petition as President of the Bihar Cricket Association(BCA) to decide whether Mr. Praveen Kumar Pranveer as Adhoc President of Patna DCA(District Cricket Association) has any right to dissolve the COM (Committee of Management) of Patna DCA under Rule 14(1)(b) of the Rules & Regulations of Patna DCA and till decision of the aforesaid question Mr. Praveen Kumar Pranveer be restrained to deal with the Cricketing activities in Patna DCA in any manner as interim measure.

From perusal of the petition in Ombud 11 of 2021 it transpired that there are disputes between the aforesaid Mr. Praveen Kumar Pranveer on one side and other Members of the COM of the Patna DCA on the other side and as a result of the same, Mr. Pranveer has dissolved the COM of the Patna DCA on 16.09.2021 claiming that he as President of Patna DCA has right to do so under Rule 14(1)(b) of the Rules & Regulations of the Patna DCA and after that rest members of the COM of the Patna DCA suspended Mr. Pranveer as President of Patna DCA and issued show-cause notice to him for his anti Association

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activities and as Mr. Pranveer did not file his show-cause, the COM of the Patna DCA expelled him for six years from Patna DCA by its Resolution dated 04.10.2021 and in the COM warring faction of Patna DCA with Mr. Pranveer is in majority in its COM as claimed by Mr. Ajay Narayan Sharma as Secretary of the Patna DCA before the BCA and considering the decisions communicated by both factions of Patna DCA, the COM of the BCA by its decision dated 16.09.2021(Annexure-1) have decided to refer the dispute in Patna DCA to the Ombudsman for decision and till then the decision by majority of the COM of Patna DCA should be acted upon.

From the above mentioned facts, it appeared that there is a dispute as regards to power of the President of the Patna DCA under its Rule 14 between two factions of the Patna DCA and a copy of the Rules & Regulations of Patna District Cricket Association has been filed along with the petition in Ombud 11 of 2021 but from perusal of the case Ombud 09 of 2021 filed earlier it would be reflected that there is also a dispute about actual Rules & Regulations of the Patna DCA and the facts about the case Ombud 09 of 2021 came in my mind just after perusal of the petition in Ombud 11 of 2021. Therefore, the case Ombud 11 of 2021 and the earlier case Ombud 09 of 2021 was ordered to be heard analogously and till further order both factions of the Patna DCA were directed to maintain the status existed before 16.09.2021 in Patna DCA vide order dated 30.10.2021.

In the aforesaid view of the matters, both the above referred cases are being decided analogously by this order.

I have heard Rajesh Kuamr, Advocate for the petitioner in Ombud 09 of 2021 and Shri Navjot Yeshu, Advocate for the petitioner in Ombud 11 of 2021 and Shri Gautam Kejriwal, Advocate assisted by Sri Rajesh Srivastava, Advocate appearing for the respondent Praveen Kumar Pranveer. During course of the arguments, the counsel for the petitioner in Ombud 09 of 2021 referred documents filed on behalf of the petitioner in that case earlier and in that course he referred page 1 (Copy of letter of Secretary, BCA dated 18.02.2017 to all the DCAs of Bihar for implementing Justice Lodha Committee recommendations), Page 9-20 (copy of the minutes of the AGM of Patna DCA held on 01.07.2018 since 12:00 PM), Page 21 (Copy of a letter of Sri Praveen Kumar Pranveer as President of Patna DCA dated 20.09.2018 bearing Reference No. PDCA/2018-19 addressed to President/Secretary, ERCC, Full Member), Page 22 (Copy of Letter of Shri Praveen Kumar Pranveer as President of Patna DCA bearing Reference No. PDCA/2018-19 dated 20.09.2018 addressed to All Full Members and Associate Members of PDCA enclosing copy of approved Rules and Regulations of Patna DCA, which are, as per claim of the petitioner in Ombud

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09 of 2021, are at pages 23-44) of the documents so filed. The counsel for the BCA has adopted the arguments put forth on behalf of the petitioner in Ombud 09 of 2021 at most points but he contended that the terms of the office bearers of the Patna DCA has already expired as the election for the said post were admittedly held in 2008 prior to 16.09.2021 and 30.10.2021 on which date this forum has directed the warring factions of Patna DCA to maintain the status-quo which was existing just prior to 16.09.2021, and on that score he has prayed to direct the BCA to form an adhoc committee for Patna DCA to conduct the election of the office bearers of Patna DCA in its supervision, and this prayer made on behalf of the BCA has been objected by the counsels of the petitioner in Ombud 09 of 2021 and Shri Praveen Kumar Pranveer, Respondent in both the cases.

The counsel for Shri Praveen Kumar Pranveer has raised the point that this forum of Ombudsman, BCA has no jurisdiction to entertain and decide the aforesaid two petitions and in that regard he has referred Rule 45 of the BCA Rules and Regulations, and therefore, the relevant portion of the Rule 45 so referred is extracted below:

“(I) **The types of disputes/differences that form the Ombudsman's ambit and the procedures for redressal are:**

a. **Member, Association & Franchisee Disputes**

Any disputes between or among the BCA, its Members, Tournament Franchisees, Zones and the Cricket Players' Association shall be automatically referred to the Ombudsman.

Procedure: Both parties would submit their arguments and a hearing would be conducted following the principles of natural justice and exercising all powers of enquiry and hearing as the Ombudsman deems fit before appropriate orders are passed.

.....”

From the above quoted Rule, it is evident that the dispute among a member of the BCA (i.e. DCA) can be inquired by the Ombudsman and from the narration of the pleadings in both cases filed by the parties, it is evident that there is dispute among Patna DCA and consequently, the forum of Ombudsman has jurisdiction to inquire and decide that dispute. Therefore, the objection raised on behalf of Mr. Praveen Kumar Pranveer in this regard is overruled.

It is admitted to the parties that the election in Patna DCA was held in the year 2008 on 13.07.2008 and the tenure of the office bearers at Patna DCA so elected was two years as per Rule 10 of the said DCA enforced and effective at that time and as such the term of the persons so elected as office bearers of Patna DCA expired in the year 2010 on 12.07.2010. It is also admitted to the parties that Shri Praveen Kumar Pranveer was co-opted as treasurer of Patna DCA in the year

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11 by the COM of Patna DCA, which term has already expired in 2010 on 12.07.2010, as the person elected as treasurer in said election of 2008 has resigned for his personal reasons. It is also admitted to the parties that as per direction of the BCA vide its Secretary letter to all the DCAs in Bihar dated 18.02.2017 bearing reference no. BCA/LCR4/DCAL/2016-17 to the affiliated District Cricket Association of the BCA directed the DCAs in Bihar to implement recommendations of Justice Lodha Committee constituted as per order of the Hon'ble Supreme Court, an adhoc committee in Patna DCA was constituted on 18.04.2017 by its COM in which following persons have been allocated following respective offices:-

Mr. Praveen Kumar Pranveer	-	President
Mr. Sirajul Haque	-	Vice-President
Mr. Ajay Narayan Sharma	-	Secretary
Mr. Arun Kumar Singh	-	Joint Secretary
Mr. Rajesh Kumar	-	Treasurer

It is also admitted to the parties that Shri Sirajul Haque, Shri Ajay Narayan Sharma, Shri Arun Kumar Singh and Shri Rajesh Kumar were elected in the election held in Patna DCA in 2008 as Vice-President, Secretary, Joint Secretary and Executive Member respectively, and Shri Praveen Kumar Pranveer was co-opted as Treasurer of Patna DCA in the year 2011. From the above, it is evident that the co-option of Mr. Praveen Kumar Pranveer as treasurer of Patna DCA was done by the COM of Patna DCA which term was already expired in 2010 and in the same way the allocation of the aforesaid persons as President, Vice-President, Secretary, Joint Secretary and Treasurer on 18.04.2017 was done by the COM of Patna DCA which term has already expired in the year 2010 (Copy of the relevant extract of the minutes of meeting dated 18.04.2017 of the COM of the Patna DCA, which term has already expired in 2010, has been filed by Mr. Praveen Kumar Pranveer as Annexure-C at running Page 43-44 of his reply filed by him in Ombud 11 of 2021). It is also admitted to the parties that the co-option of Mr. Praveen Kumar Pranveer as Treasurer in the year 2011 was never confirmed in the AGM of Patna DCA as the same was not held till his allocation as President of Patna DCA in the COM of said DCA on 18.04.2017. It is also admitted to the parties that in the year 2020 Mr. Sirajul Haque functioning as Vice-President of Patna DCA became disqualified as per Justice Lodha Committee Recommendations as he has attained 70 years of his age and due to that the petitioner Chandra Shekhar Kumar was co-opted as Vice-President of Patna DCA by the so called COM of Patna DCA in the month of November, 2019 and his said co-option was never confirmed by the AGM of Patna DCA. It is also admitted to both the warring factions of Patna DCA that the allocation of the posts of President, Vice-President, Secretary, Joint Secretary and Treasurer to Mr. Praveen Kumar Pranveer, Shri Sirajul Haque, Shri Ajay Narayan Sharma, Shri Arun Kumar Singh and Shri Rajesh Kumar respectively, as per decision of the so called COM

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on 18.04.2017 was confirmed in the AGM of Patna DCA on 01.07.2018 and the AGM was convened for that date by the aforesaid nominated President Mr. Praveen Kumar Pranveer as per earlier decision of the COM of which the term has already expired in the year 2010.

In reply learned counsel for the respondent Mr. Praveen Kumar Pranveer in both the cases has referred pages 43-44, Annexure-C (copy of minutes of meeting of COM of PDCA held on 18.04.2017) Page 45-49, Annexure-D (copy of the minutes of meeting of the COM of Patna DCA dated 26.11.2017), Pages 54-59, Annexure-F (copy of purported requisition made by 43 Club associated with Patna DCA to the President, Patna DCA to convene AGM of the said DCA), Pages 60-67, Annexure-G (copy of minutes of the meeting of COM of Patna DCA dated 02.06.2018), Pages 68-71, Annexure-H (Copy of the minutes of SGM of Patna DCA dated 01.07.2018), Page 72, Annexure-I (Copy of letter issued by Shri Praveen Kumar Pranveer as President Patna DCA bearing Ref. No. PDCA/2018 dated 20.09.2018 addressed to All Full Members & Associate Members of Patna DCA enclosing copy of approved Rules & Regulations of PDCA, at pages 73-94, Annexure-I/1), Pages 95-103 Annexure-J (copy of the minutes of the proceeding of AGM of Patna DCA dated 01.07.2018), Page 104 Annexure-K (copy of application made by one Aman Pandey claiming himself to be Secretary of Kadamkuan Cricket Club addressed to President Patna DCA raising his grievance to the effect that Mr. Ajay Narayan Sharma and Shri Arun Kumar Singh are functioning as Secretary and Joint Secretary of Patna DCA since 2008 and as per decision of the Hon'ble Supreme Court passed in Civil Appeal No. 4235 of 2014 they could not remain on the said post beyond nine years and as such it has been prayed in that application that the aforesaid two persons should be removed from their above said respective post), Page 105 Annexure-K/1 (copy of application made by one Gunjan Kumar claiming himself to be Secretary of Bata Cricket Club addressed to President, Patna DCA raising his grievance that Shri Arun Kumar Singh is functioning as Joint Secretary of Patna DCA beyond nine years against the order of Hon'ble Supreme Court passed in Civil Appeal No. 4235 of 2014 praying therein to take necessary action in this regard), pages 106-107 Annexure-L (copy of minutes of purported emergent meeting by 35 Full Members of Patna DCA said to be held on 15.09.2021 at Gardanibagh Athletic Club Hall claiming that in the said emergent meeting following decisions were taken: (i) it has been decided to request the President, PDCA to convene a Special General Meeting as per the PDCA constitution. (ii) it has been decided to request the President, PDCA to take all the required constitutional and legal measures against the ineligible members of Committee of Management of PDCA), Page 108, Annexure-M (copy of notification dated 17.09.2021 issued by Mr. Praveen Kumar Pranveer as President of Patna DCA stating therein that the Committee of Management of Patna DCA was constituted in the election held on 13.07.2008 for a term of two years and after expiration of said two year terms thirteen years have elapsed and the continuing COM of said DCA on that date of

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17.09.2021 was running on adhoc basis and Shri Ajay Narayan Sharma, Shri Arun Kumar Singh and Shri Rajesh Kumar had been Executive Members/Office Bearers of the COM of PDCA have completed more than nine years and thus, became disqualified as per the recommendation of the Lodha Committee and also BCA Rule, and in that circumstances it is quite wise and proper to remove all the disqualified Executive Members/Office Bearers in opinion of the order of the Hon'ble Supreme Court; hence, he (Mr. Praveen Kumar Pranveer) being President of Patna DCA in exercise of the power conferred under Clause 14(1)(b) of the Constitution of PDCA and as per Rule of Bihar Cricket Association dissolve the present managing committee with immediate effect and constitute a committee to look after the day to day affairs of Patna DCA and to take steps to conduct the election of the Officer Bearers in a period of three months; and the committee so constituted is as: 1. Sri Praveen Kumar Pranveer- Chairman, 2. Sri Sunil Rohit – Member, 3. Sri Shakti Kumar – Member, 4. Md. Rahbar Abdin – Member, 5. Sri Shailesh Kumar – Member, 6. Sri Dhananjay Kumar – Member, 7. Sri Ashish Kumar – Member and 8. Sri Manoj Kumar Singh – Convener, Pages 109-153), Annexure – N Series (copy of the applications dated 18.09.2021 purported to be made by Office Bearers of different clubs affiliated with Patna DCA addressed to Mr. Praveen Kumar Pranveer, President Patna DCA mentioning therein that they support the decision dated 19.07.2021 of dissolving the COM of Patna DCA and constituting the aforesaid committee to look after the day to day affairs of Patna DCA and to hold election of said DCA within three months), Page 154, Annexure-O (copy of the notice dated 13.10.2021 under signature of Mr. Praveen Kumar Pranveer as President of Patna DCA addressed to all Office Bearers/Full Members/Associate Members/Life Members mentioning therein that as per resolution approved by the SGM held on 03.09.2021 and in the light of the requisition served by 45 Full Members of Patna DCA the election of the Officer Bearers of said DCA would be held in the AGM, which shall be held on 31.10.2021, Sunday from 10:30 AM at Durgavati Banquate Hall, Road No. 4A, Sai Nagar, New Sai Temple, beside Kachchi Talab, Gardanibagh, Patna 800001 for which the agenda is as : 1. To confirm the proceedings of the last Annual General Body meeting held on 01.07.2018, 2. To receive and accept the annual report, 3. To appoint the auditor, 4. To transact any other business with the permission of the chair and 5. To elect the office bearers of committee of management of Patna DCA as per Lodha Committee Recommendations, and for that election Shri Anil Kumar Singh, Regional Manager (Retired), New India Assurance Company limited, Bihar and Jharkhand, has been appointed as an electoral officer. Syed Faizal Hoda, Additional PP, City Civil Court, Patna has been appointed as an Assistant Electoral Officer), Page 155-156, Annexure-O/1, (copy of the notice dated 13.10.2021 notifying the schedule for the election, Page 157 Annexure – Part of Annexure – O/1 (Copy of the list of Full Members with voting right, Associate Members without voting right), Page 158-161, Annexure – P (copy of the order passed by the Hon'ble Patna High Court in C.W.J.C. No. 11882 of

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018 on 26.10.2021 disposing the said writ petition as withdrawn with Interlocutory Application(s), if any), Pages 162-166, Annexure – Q (copy of minutes of the AGM said to be held on 31.10.2021 at Hotel Sarvodaya, Rajendra Path, Patna-800001 at 11:00 AM in which it has been claimed that the election of the Officer Bearers of the Patna DCA was also done and Shri Praveen Kumar Pranveer, Shri Rahbar Abdin, Shri Sunil Kumar, Shri Shakti Kumar and Shri Dhananjay Kumar were elected as President, Vice-President, Secretary, Joint-Secretary and Treasurer respectively).

The learned counsel for the respondent Mr. Praveen Kumar Pranveer has also referred Rule 16, Rule 17, Rule 21(5) of the Rules and Regulations of Patna DCA claimed to be approved in SGM said to be held on 01.07.2018 and also Rule 48 of the BCA Rules and Regulations.

After conclusion of the arguments advanced on behalf of the parties on 01.03.2022, Mr. Praveen Kumar Pranveer as President of Patna DCA filed a supplementary objection along with Annexures marked as Annexure – V (copy of attendance sheets purported to be of SGM dated 01.07.2018 of Patna DCA at pages 6-7, copy of attendance sheets purported to be of AGM dated 01.07.2018 of Patna DCA at pages 08-09), Annexure – W (copy of attendance sheets of SGM dated 30.09.2021 of Patna DCA at pages 10-13, copy of attendance sheets of Life Members at page 14), Annexure – X (copy of minutes of purported SGM dated 30.09.2021 of Patna DCA said to be held at Hotel Sarvodaya, Om Nanda Apartment, Rajendra Path, Patna-800001 from 12:00 PM at pages 15-17), Annexure – Y (copy of purported notice dated 27.09.2021 giving information that the SGM of the Patna DCA would be convened on 30.09.2021 from 12:00 PM at Hotel Sarvodaya, Om Nanda, Rajendra Path, Patna-800001 by Praveen Kumar Pranveer as President of said DCA at Page 18), Annexure – Z (copy of notice dated 13.10.2021 giving information to the effect that election of office bearers of Patna DCA would be held on 31.10.2021 from 10:30 AM and the AGM of said DCA would also be convened on that date from the time scheduled for the said election at Durgavati Banquate Hall, Road No. 4A, Sai Nagar, New Sai Mandir, Beside Kachchi Talab, Gardanibagh, Patna-800001 said to be given by Mr. Anil Kumar Singh, Electoral Officer at Page 19, copy of notice dated 22.10.2021 informing that the AGM of Patna DCA is already convened to be held on 31.10.2021, Sunday from 10:30 AM but due to unavoidable circumstances the place of the election and AGM has been changed to Hotel Sarvodaya, Om Nanda, Rajendra Path, Near CDA Building, Patna-800001 purported to be given by Mr. Anil Kumar Singh, Electoral Officer and Syed Faizal Hauda, Assistant Electoral Officer of said DCA at Page 20), Annexure – Z(i) (copy of attendance sheets of Full Members with voting rights of Patna DCA dated 31.10.2021 at Pages 21-26, copy of attendance sheets of AGM dated 31.10.2021 of Life Members at Page 27) of the aforesaid Supplementary Objection filed on 03.03.2022 on behalf of Mr. Praveen Kumar Pranveer after conclusion of the arguments on 01.03.2022. PDF copy of the aforesaid supplementary objection with Annexures was sent to me, Shri Navjot Yesu, Advocate for BCA, to the President,

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CA, to Shri Ajay Narayan Sharma on their respective e-mail IDs – rksinghbjs@gmail.com, novjotlawyer@yahoo.co.in, president.bca.rkt@gmail.com, ansbca@gmail.com on 02.03.2022 at 20:52 by Mr. Praveen Kumar Pranveer from his e-mail ID ppranveer@gmail.com.

From copy of the documents at Page 22 amongst the documents filed on behalf of the petitioner Mr. Chandra Shekhar Kumar in Ombud 09 of 2021, it is clear and evident that the SGM of the Patna DCA was held on 01.07.2018 at 10:00 AM at Hotel Aaleajar Inn, Kankarbagh Main Road, Patna under the Presidentship of Mr. Praveen Kumar Pranveer, and the members present in the said SGM discussed the modified, Altered Rules & Regulations of Patna District Cricket Association as far as practicable and in accordance with the Justice Lodha Committee Recommendations and duly approved by the committee of Management of PDCA, in length, and then after some suggestions given by the members the House unanimously confirmed the Modification, Alteration and or additions in the rules and regulations of Patna District Cricket Association resolving the said approved rules and regulations of Patna DAC would be effective from the date of said SGM itself. Mr. Praveen Kumar Pranveer has filed the copy of the minutes of the alleged SGM dated 01.07.2018 at pages 90-93 along with copy of the Rules and Regulations of the Patna DCA said to be approved in the said SGM dated 01.07.2018 at Pages 94-115 as Annexure – G of the documents filed on his behalf initially in Ombud 09 of 2021 along with his reply in the said case.

It has been argued on behalf of Shri Chandrashekhar Kumar, the petitioner in Ombud 09 of 2021 that as per minutes of the AGM dated 01.07.2018 of PDCA (at Pages 09-20 of the documents filed by the petitioner in Ombud 09 of 2021, pages 116-124 being Annexure-I of the reply filed by the respondent Shri Praveen Kumar Pranveer in Ombud 09 of 2021, which starts with Agenda Item No. 2 with heading “Proceeding of the Annual General Meeting of Patna District Cricket Association held on 01.07.2018”, and from the comparison of the same with pages 10-12 of the documents purported to be minute of the AGM of Patna DCA held on 01.07.2018 filed on behalf of the petitioner Shri Chandrashekhar Kumar it would transpire that the minutes furnished by Shri Pranveer as mentioned above do not contain the pages 10, 11 of the documents filed by the petitioner in Ombud 09 of 2021 and amongst such documents the Page No. 12 of the document filed by said petitioner does not contain the aforesaid Heading “ Proceeding of the Annual General Meeting of Patna District Cricket Association held on 01.07.2018”) mentioned above in the document filed by the respondent Mr. Pranveer it would transpire that for the said AGM dated 01.07.2011 of PDCA held at Hotel Aaleajar-Inn, Kankarbagh Road, Patna there were following Agenda:-

1. To confirm the proceeding of the last meeting (AGM) held on 13.07.2008.
2. To confirm the adoption of the recommendations of Justice Lodha Committee.

3. To receive and adopt the Annual Report.
4. To receive and adopt the statement of Accounts.
5. To elect the officer-bearers as per Lodha Committee recommendations.
6. To appoint the Auditor.
7. To transact any other business with the permission of the chair
and Agenda-Item No. 2 the following has been mentioned:-

To confirm the adoption of
recommendations of Justice Lodha Committee & minutes of COM meetings

The house unanimously confirmed the adoption of the Justice Lodha Committee recommendations and minutes of the meeting of committee Management of Patna District Cricket Association held on 04.03.2017, 18.04.2017, 12.05.2017, 17.07.2017, 26.11.2017, 14.01.2017, 07.03.2018, 11.04.2018, 05.05.2018 & 02.06.2018.

The house was informed that in view of Justice Lodha Committee recommendations the number of officer-bearers have been restricted to Five only i.e. President, Vice-President, Hony. Secretary, Joint Secretary and Hony. Treasurer. It was also informed that in view of instruction of Bihar Cricket Association the Committee of Management of PDCA in its meeting dated 18.04.2017 nominated five eligible officer-bearers of PDCA amongst the remaining 7 office bearers of previous committee whose tenure was expired on 13.07.2010.

The House unanimously decided to approve the decision of Committee of Management of PDCA taken in its meeting dated 18.04.2017 in relation to nomination of officer-bearers of PDCA i.e. the office-bearers shall function till the election of PDCA held.

The nominated office-bearers are as under:-

1. President - Sri Praveen Kumar Pranveer
2. Vice-President - Sri Sirajul Haque
3. Secretary - Sri Ajay Narayan Sharma
4. Joint Secretary - Mr. Arun Kumar Singh
5. Treasurer - Mr. Rajesh Kumar.

The learned counsel for the petitioner Shri Chandrashekhar Kumar also referred copy of the minutes of the COM of PDCA said to be held on 05.05.2018 which are at pages back of page 63 to 65 and also at pages 49 to 52 of the reply filed by Shri Praveen Kumar Pranveer in Ombud 09 of 2021 and as per said minutes the Agenda No. 5 was "To discuss & approve the draft of Constitution Amendment of PDCA" and on the said Agenda the COM resolved "The draft of Constitution Amendment of PDCA was discussed & approved with a suggestion that Page No. 5 where names of regular Members mentioned should be alphabetically & with or without voting rights. And as per

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The counsel of the petitioner Shri Chandrashekhar Kumar said approved amended Constitution of PDCA is at pages 23 to 44 of the documents filed by said petitioner in Ombud 09 of 2021 and from the minutes of the AGM dated 01.07.2018 of PDCA at its Agenda No. 2:- Item No. 2 the following has been mentioned:-

To confirm the adoption of recommendations of Justice Lodha Committee & minutes of COM meetings.

The house unanimously confirmed the adoption of the Justice Lodha Committee recommendations and minutes of the meeting of committee Management of Patna District Cricket Association held on 04.03.2017, 18.04.2017, 12.05.2017, 17.07.2017, 26.11.2017, 14.01.2017, 07.03.2018, 11.04.2018, 05.05.2018 & 02.06.2018.

The house was informed that in view of Justice Lodha Committee recommendations the number of office-bearers have been restricted to Five only i.e. President, Vice-President, Hony. Secretary, Joint Secretary and Hony. Treasurer. It was also informed that in view of instruction of Bihar Cricket Association the Committee of Management of PDCA in its meeting dated 18.04.2017 nominated five eligible office-bearers of PDCA amongst the remaining 7 office bearers of previous committee whose tenure was expired on 13.07.2010.

The House unanimously decided to approve the decision of Committee of Management of PDCA taken in its meeting dated 18.04.2017 in relation to nomination of office-bearers of PDCA i.e. the office-bearers shall function till the election of PDCA held.

The nominated office-bearers are as under:-

1. President - Sri Praveen Kumar Pranveer
2. Vice-President - Sri Sirajul Haque
3. Secretary - Sri Ajay Narayan Sharma
4. Joint Secretary - Mr. Arun Kumar Singh
5. Treasurer - Mr. Rajesh Kumar

and, as per the counsel for the petitioner Shri Chandrashekhar Kumar, from the above it is clear crystal that the decision of the COM in its meeting dated 05.05.2018 at its Agenda No. 5 mentioned above was approved and in this way the amended Constitution which the said COM had approved earlier in its meeting dated 05.05.2018 was also approved by the AGM of PDCA held on 01.07.2018 which commenced at 12 Noon on that day and thus the minutes furnished by the respondent Shri Praveen Kumar Pranveer of the meeting of the SGM of PDCA dated 01.07.2018 said to be commenced at 10:00 a.m. on that date at pages 68-71 being Annexure- H of the reply filed by said Shri Praveen Kumar Pranveer in Ombud 11 of 2021 mentioning therein-

"After some suggestions like incorporation of Power of President as per last PDCA

(Contd.)
RS Singh

Constitution should be added in new Constitution.

Hence this line was added in 14(1)(b) as under

“In an emergency the President shall have the rights to take all measures to safeguard the interest of the Association and to carry on its activities.

Another addition was in Rule 23.

In draft copy it was written as Patna DCA jurisdiction over players, Match Officials & Team Officials of its Members.

After alteration/modification as per suggestion it has been written as Patna DCA jurisdiction over players, Match Officials, Team Officials & “Office Bearers of Committee of Management of PDCA” & 23(1) also added.

After that House unanimously confirmed the modification, alteration and additions in the Rules and Regulations of Patna District Cricket Association.

The Rules and Regulations of Patna District Cricket Association have been approved and shall be effective with immediate effect i.e. date of special General Meeting which was held on 01.07.2018” is nothing but a sheer act of fraud and forgery played by said Shri Praveen Kumar Pranveer because as per the letter being Reference No. PDCA/2018-19 dated 20.09.2018 (at Page 72 being Annexure I of the reply filed by said Shri Praveen Kumar Pranveer in Ombud 11 of 2021, of which copy has also been filed by the petitioner Shri Chandrashekhar Kumar at Page 22 of the documents filed by him in Ombud 09 of 2021) the following averments have been made:-

“ To,

All Full Members & Associate Members
Patna District Cricket Association

Sir/Madam,

Enclosed please find the copy of approved Rules & Regulation of Patna District Cricket Association for your information.

The Special General Meeting of Patna District Cricket Association was held on 1st July, 2018 at 10 AM at Hotel Aaleajar Inn, Kankarbagh main Road, Patna under the Presidentship of Mr. Praveen Kumar Pranveer.

The members present in the SGM have discussed the modified, Altered Rules & Regulations of Patna District Cricket Association as far as practicable and in accordance with the Justice Lodha Committee Recommendations and duly approved by the committee of Management of PDCA, in length.

After some suggestions given by the members the House unanimously confirmed the Modifications, Alteration and or additions in the Rules and Regulations of Patna District Cricket

(Contd.)
S. Singh

Association.

This Rules and Regulations of Patna DCA have been approved and effective from the date of special general meeting which was held on 01.07.2018.

With Thanks

(Praveen Kumar Pranveer)

President

Encl :- Approved copy of Rules & Regulations of PDCA”

and the aforesaid phraseology - “The members present in the SGM have discussed the modified, Altered Rules & Regulations of Patna District Cricket Association as far as practicable and in accordance with the Justice Lodha Committee Recommendations and duly approved by the committee of Management of PDCA, in length.

After some suggestions given by the memebtrs the House unanimously confirmed the Modifications, Alteration and or additions in the Rules and Regulations of Patna District Cricket Association”

used in the aforesaid letter only suggest that the amended Rules & Regulations of PDCA which was duly approved by the Committee of Management of PDCA was discussed and only said Rules & Regulations so duly approved by the COM of PDCA was discussed in said SGM dated 01.07.2018 and though there was some suggestions by the Members but the said letter did not mention that the said suggestions were approved in the said SGM; and also from the aforesaid minutes of the AGM dated 01.07.2018 of PDCA approving the minutes of meeting of the COM of PDCA dated 05.05.2018 approving draft modified, amended, altered Rules & Regulations of PDCA also goes to show that in the said AGM dated 01.07.2018 the aforesaid duly approved draft modified, amended, altered Rules & Regulations of PDCA by the COM on 05.05.2018 was approved in the said AGM also.

On the other hand the learned counsel for the respondent Shri Praveen Kumar Pranveer refuted the aforesaid argument put forth on behalf of the petitioner Chandrashekhar Kumar stressing that Shri Rajesh Kumar, who was nominated as Treasurer by the resolution of the COM of PDCA dated 18.04.2017 (vide copy of the minutes of said meeting of COM at Page 48, 49 of the documents filed on behalf of said Shri Chandrashekhar Kumar, which was approved by the AGM of PDCA in its meeting dated 01.07.2018 vide Annexure I at running Pages 116-124 specially Page 116, 117 being agenda – Item No. 2 of the documents filed with reply of said Mr. Pranveer in Ombud 09 of 2021) and appearing as counsel for the petitioner Chandrashekhar Kumar, was present

(Contd.)
Rajesh Kumar

in the said SGM dated 01.07.2018 vide Aneexure V at running Pages 6, 7, specially page no. 7 at its serial no. 41 being representative of Western CC of the documents filed on behalf of said Mr. Pranveer on 03.03.2022 as his supplementary objections with documents and on that basis he argued that his arguments, i.e. aforesaid arguments of said Shri Rajesh Kumar as counsel for the petitioner Shri Chandrashekhar Kumar is not tenable. In reply to it said Shri Rajesh Kumar as counsel for the petitioner Shri Chandrashekhar Kumar has argued that Shri Pranveer was in practice to take signatures of persons concerned on the list of President and Honorary Secretary of the full Members of the PDCA and thereafter as per his sweet will made the same to be a document as per his convenience and to buttress this argument he drew my attention to the aforesaid page 6 claimed to be attendance sheet of said SGM dated 01.07.2018 at its serial no. 9 concerning ERCC showing Chandrashekhar Kumar as President and Shri Sirajul Haque as Honorary Secretary and in its corresponding column of signatures, signature of said Sirajul Haque is of the date of 30.06.2018 and also at the top of the said page attendance SGM has been written afterwards and there is scored out some letters goes to show that said Mr. Pranveer was in habits of making forgery in the documents and the purported minutes of the SGM dated 01.07.2018 had been drawn stealthily to fulfil his personal interest and the same was not revealed by him till filing of the same in this case and this aspect has clearly been averred by the petitioner Shri Chandrashekhar Kumar in his petition specially in paras 4 & 5 of said petition and on the aforesaid basis it has been urged on behalf of the petitioner that the Constitution of the PDCA which was approved in the meeting of the COM of PDCA dated 05.05.2018, copy of which filed by the petitioner Shri Chandrashekhar Kumar was approved in the SGM dated 01.07.2018 of PDCA and accordingly in the AGM dated 01.07.2018 held after the said SGM the minutes dated 05.05.2018 of the COM of PDCA was also approved. This argument put forth on behalf of said Shri Chandrashekhar Kumar has been vehemently opposed on behalf of Mr. Pranveer but the signature of said Mr. Sirajul Haque in the date of 30.06.2018 and the minutes of the proceeding of said SGM dated 01.07.2018 has been drawn by none else but by said Shri Pranveer himself creates doubts regarding authenticity of the contention put forth on behalf of Mr. Pranveer and there is force in the contention put forth on behalf of the petitioner Mr. Chandrashekhar Kumar and accordingly the same is accepted.

It has been urged on behalf of the respondent Mr. Pranveer that he was co-opted as Treasurer of PDCA in the year 2011 and thereafter nominated as President of PDCA by the resolution of the COM of PDCA and continued in the same capacity till his election in the AGM dated 31.10.2021 as President of PDCA the bar of not being amongst office bearers of the PDCA after holding 9 years as an office bearers as per Justice Lodha Committee Recommendations approved by the Hon'ble Supreme Court is not applicable against him because, as per his contention, he was office bearer of PDCA since the year 2011 till before 31.10.2021 as co-opted member of the COM of PDCA and

(Contd.)
Rajesh

not as elected person. This argument is also not tenable because there is no such distinction in the Justice Lodha Committee Recommendations approved by the Hon'ble Supreme Court. Though his co-option as Treasurer of PDCA in the year 2011 and thereafter his nomination as President of PDCA by the COM of PDCA were not legal because said co-option and nomination were done by the COM of PDCA which term has already expired on 12.07.2010 but he acted as de facto Treasurer and President of PDCA since year 2011 and as such he could not be office bearer of PDCA after 9 years elapsed since his acting as de facto Treasurer of the PDCA and the de facto President of the PDCA since 2011.

It is also admitted to the parties that the election process for the PDCA in the year 2021 was started before 26.10.2021 on which day the C.W.J.C. No. 11882 of 2018 was withdrawn and before such withdrawal on 26.10.2021 there was stay for holding election in PDCA vide order dated 29.06.2018 passed in the aforesaid writ by the Hon'ble Patna High Court and, therefore, starting election process during operation of said stay order is nothing but illegal and as such the so called election of PDCA held on 31.10.2021 for which election process was started before 26.10.2021 is nothing but illegal. Besides it by order dated 30.10.2021 passed by me as Ombudsman in Case No. Ombud 11 of 2021 to maintain the status quo which existed in the PDCA before 16.09.2021, the election was held on 31.10.2021 in PDCA and for holding such election on 31.10.2021 it has been urged on behalf of Mr. Pranveer that the said order dated 30.10.2021 was received on his Email on 30.10.2021 at about 11 'O' Clock night. But even then for the reasons mentioned above the election of PDCA held on 31.10.2021 cannot be said to be legal and could not be recognized as valid election for the reasons mentioned above.

As the last election, before the aforesaid election on 31.10.2021 which has been held to be illegal, was held in the year 2008 on 13.07.2008 only for the period of 2 years which can be easily held that the COM including the executive members of PDCA after 12.07.2010 running the PDCA was not justifiable hence the said COM along with executive members of PDCA are not legal entity and, therefore, for the Patna DCA the BCA is also directed to take recourse of the directions passed in Ombud 12, 13, 14 of 2021 on 13.04.2022 but the period of 3 months stipulated in the said order for Patna DCA shall be three months from today.

In the aforesaid terms the Ombud 09 of 2021 and Ombud 11 of 2021 are disposed off.


(Raghendra Kumar Singh)

In-charge Ombudsman
Bihar Cricket Association

Copy to:

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Praveen