

ITEM NO.302

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4235/2014

BOARD OF CONTROL FOR CRICKET

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

(With appln. (s) for directions and intervention and modification of Court's order and permission to implead the name of applicant and recalling the Court's order and office report for direction)

WITH C.A. No.4236/2014

(With interim relief and office report)

C.A. No.1155/2015

(With office report for direction)

Conmt. Pet.(C) No.46/2017 in C.A. No.4235/2014

Conmt. Pet.(C) No.47/2017 in C.A. No.4235/2014

Date : 30/01/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. Gopal Subramaniam, Sr. Adv. (A.C.)  
Mr. Santosh Krishnan, Adv.  
Mr. Ankur Kashyap, Adv.  
Mr. Pavan Bhushan, Adv.

Mr. Anil B. Divan, Sr. Adv. (A.C.)

For Appellant(s) Mr. Arvind P. Datar, Sr. Adv.  
Mr. Radha Rangaswamy, AOR  
Ms. Ranjeeta Rohatgi, Adv.  
Mr. Abhinav Mukerji, Adv.

CA 4236/14

Mr. Rajat Sehgal, Adv.  
Mr. Chandrashekher Verma, Adv.  
Mr. Gagan Gupta, AOR

CA 1155/15 Mr. Vikas Mehta, AOR  
Ms. Anushree Menon, Adv.

CP(C) 46/17 Mr. K.K. Mohan, AOR

CP(C) 47/17 Mr. M.P. Vinod, AOR

For Respondent(s) Mr. Mukul Rohatgi, AG  
Mr. Snehasish Mukherjee, AOR

Mr. R. Balasubramonian, Adv.  
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Mr. Akshay Amritanshu, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. Mukesh Kumar Maroria, AOR

Mr. Senthil Jagadeesan, AOR

Mr. Kapil Sibal, Sr. Adv.  
Mr. P.R. Raman, Adv.  
Mr. Gautam Raman, Adv.  
Mr. Amol Chitale, Adv.  
Mr. Nirnimesh Dube, AOR

Mr. Santosh Krishnan, AOR

Mr. Rajat S., Adv.  
Mr. Chandrashekhar Verma, Adv.  
Mr. Gagan Gupta, AOR

Mr. A. S. Bhasme, AOR

Mr. E. C. Agrawala, AOR

Mr. K. K. Mohan, AOR

Mr. Puneet Bali, Sr. Adv.  
Ms. Gunjan Rishi, Adv.  
Mr. Aditya Soni, Adv.  
Mr. Shree Pal Singh, AOR

Mr. Shreekant N. Terdal, AOR

Ms. Manju Sharma, AOR

Mr. Praveen Swarup, AOR

Ms. Kamakshi S. Mehlwal, AOR

Ms. Sonia Mathur, AOR

Mr. Chirag M. Shroff, AOR

Dr. Rajeev Dhawan, Sr. Adv.

Mr. Balaji Srinivasan, AOR

Mr. Abhishek Bharti, Adv.

Ms. Srishti Govil, Adv.

Ms. Vaishnavi Subrahmanyam, Adv.

Ms. Pratiksha Mishra, Adv.

Mr. Raghavendra S. Srivatsa, AOR

Ms. Liz Mathew, AOR

Mr. Snehasish Mukherjee, AOR

Mr. Kapil Sibal, Sr. Adv.

Mr. P.R. Raman, Adv.

Mr. Gautam Raman, Adv.

Mr. Amol Chitale, Adv.

Ms. Pragya Baghel, AOR

Mr. Tushar Mehta, Sr. Adv.

Mr. P.R. Raman, Adv.

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Mr. Rahat Bansal, Adv.

Mr. Nitesh Ranjan, Adv.

Mr. Gaurav Sharma, AOR

Mr. V. K. Biju, AOR

Ms. Rashmi Singh, AOR

Mr. Anish R. Shah, AOR

Mr. Anshuman Ashok, AOR

Mr. Radha Rangaswamy, AOR

Mr. Hari Shankar K., AOR

Mr. Vipin Nair, AOR

Mr. Rahul Pratap, AOR  
Mr. Mishra Saurabh, AOR  
Mr. Deeptakirti Verma, AOR  
Mr. M. Yogesh Kana, AOR  
Ms. Nithya, Adv.  
Mr. Vikas Singh Jangra, AOR  
Ms. Tamali Wad, AOR  
Ms. Pooja Dhar, AOR  
Mr. Sangram Patnaik, Adv.  
Ms. Sonal Bhalla, Adv.  
Mr. Gautam Dass, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

On 24<sup>th</sup> January, 2017, this Court after referring to the order dated 2<sup>nd</sup> January, 2017 and upon hearing Mr. Mukul Rohatgi, learned Attorney General for India, Mr. Anil B. Divan and Mr. Gopal Subramanian, learned Amicus Curiae, Mr. Arvind P. Datar, learned senior counsel appearing for the B.C.C.I., Mr. Kapil Sibal and Mr. Tushar Mehta, learned senior counsel appearing for certain Associations, had directed as follows:

"In view of the aforesaid, we permit Mr. Datar to give three names in a sealed cover after following the due process and, needless to say, the names that will be given should not be disqualified under the principal judgment or any of the orders of this Court.

Let the names by Mr. Mukul Rohatgi, learned Attorney General and Mr. Kapil Sibal, learned senior counsel for the Committee of Administrators for the BCCI and Mr. Arvind P. Datar, learned senior counsel for the BCCI for a nominee to attend the meeting of the ICC, be given by 27<sup>th</sup> January, 2017.

The documents that have been filed by the learned Amicus Curiae be kept in a sealed cover."

In pursuance of the aforesaid order, Mr. Datar, learned senior counsel has filed a list of names in a sealed cover. Similarly, certain names have been suggested by Mr. Kapil Sibal, learned senior counsel appearing for certain State Associations. In course of hearing, Mr. Mukul Rohatgi, learned Attorney General has suggested that the Secretary of the Sports Ministry, Union of India, may be one of the members of the Committee of Administrators.

First, we shall deal with the submission of Mr. Mukul Rohatgi, learned Attorney General for India. By order dated 2<sup>nd</sup> January, 2017, this Court had observed that no government servant shall be a member of the B.C.C.I. In view of the aforesaid, without dwelling upon the issue of whether the Sports Secretary should be a member of the Committee of Administrators or not, today, we think it appropriate to defer the proposal of Mr. Rohatgi.

We nominate the following members, who shall function as the Committee of Administrators for B.C.C.I.:-

- (i) Mr. Vinod Rai, former Comptroller and Auditor General of India;
- (ii) Mr. Ramachandra Guha, eminent writer, thinker and cricket historian;
- (iii) Mr. Vikram Limaye, Managing Director and CEO, IDFC Ltd.; and
- (iv) Ms. Diana Edulji, former eminent cricketer and captain of the Indian Women's Cricket team.

Mr. Vinod Rai shall be the Chairman of the Committee of Administrators. The C.E.O. of B.C.C.I. shall report to the Committee of Administrators and the Administrators shall supervise the management of B.C.C.I.

An issue had arisen on the previous occasion, as well as today with regard to the implementation of Justice Lodha Committee recommendations which have been accepted by this Court with certain modifications. It is submitted by Mr. Gopal Sankaranarayanan, learned counsel, the Secretary of Justice Lodha Committee that it had incorporated certain time lines. Mr. Arvind P. Datar, learned senior counsel appearing for B.C.C.I. would submit that many of the suggestions of Justice Lodha Committee which have been accepted by this Court have been complied with. There is a dispute with regard to the same.

In view of the same, we direct the Committee of Administrators to ask the C.E.O. of B.C.C.I. to submit a compliance report within a week hence. Mr. Sankaranarayanan, learned counsel shall supply the time lines to Mr. Datar so that the counsel assisting Mr. Datar may be in a position to convey to the C.E.O. what is to be placed before the Committee. The Committee shall scrutinize the compliance and submit a status report before this Court within four weeks from today.

Be it noted, on the last occasion, it was submitted by Mr. Datar that B.C.C.I. has to send a nominee to attend the meeting of ICC which is likely to be held in the first week of February, 2017. For the aforesaid purpose, names have been suggested by Mr. Datar. Considering the names suggested by Mr. Datar, we are of the opinion that three persons, one from the Committee of Administrators and two from the B.C.C.I. shall attend the ICC meeting so that there will be objectivity and transparency. For the aforesaid purpose, we nominate, Mr. Amitabh Choudhary, Joint Secretary, and Mr. Anirudh Chaudhry, Treasurer, B.C.C.I. and Mr. Vikram Limaye, Managing Director and CEO, IDFC Ltd. Needless to say, B.C.C.I. shall make all arrangements for and bear the

expenses of the same. It is further clarified that these persons have been nominated to attend the ICC meeting only for this time.

With regard to the terms and conditions of the Committee of Administrators, the C.E.O. of B.C.C.I. shall place the proposal before this Court.

Mr. Datar, learned senior counsel appearing for B.C.C.I. submits that he has Letters of Undertaking from certain office bearers in pursuance of the order dated 2<sup>nd</sup> January, 2017. Liberty is granted to file them. Needless to say, the grant of the liberty to file does not mean that we have expressed any opinion on the undertaking or the validity thereof.

Let the matter be listed at 3.00 p.m. on 27<sup>th</sup> March, 2017.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master