

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. OF 2018

In the matter of Article 226 of
the Constitution of India

AND

In the matter of the
management of the affairs of the
Mumbai Cricket Association.

AND

In the matter of the breach of
recommendations of the Lodha
Committee report dated 28th
December, 2015 accepted by the
Supreme Court of India in Civil
Appeal No. 4235 of 2014 in
Order dated 18th July, 2016.

AND

In the matter of failure to
conduct election of the
Managing Committee of
Mumbai Cricket Association.

AND

In the matter of illegally
organizing the T20 Mumbai
League

Nadim Memon, an adult Indian Inhabitant,)

Occupation:- business having his address at)

22, Rustom Sidwa Marg, Fort,)

Mumbai- 400 001)

... Petitioner

Vs.

1) Mumbai Cricket Association, a Public)

Trust registered under the)

provisions of Bombay public trust)

Act 1950 as also a Society registered)

under the provision of the Societies)

Registration Act,1860 having its office)

at Cricket Centre Wankhede Stadium,))

Churchgate, Mumbai-400 020)

2) Wizcraft International Entertainment)

Pvt. Ltd., a company registered)

Under the Companies Act, 1956)

Having its registered office at)

Satyadev Plaza, 5th Floor, Fun)

Republic Lane, Off. New Link Road,)

Behind Bhagwati House,)

Andheri (West), Mumbai – 400053)

3) India Infoline Ltd. (IIFL))

a company registered)

Under the Companies Act, 1956)

Having its registered office at)

IIFL House Sun Infotech Park,)

Road No.16V, Plot No.B-23 Thane)

Industrial Area,Wagle Estate,)

Thane-400604)

And Corporate Office at IIFL Center)

Kamala City, Senapati Bapat Marg,)

Lower Parel (West), Mumbai-400013)

- 4) Probability Sports India Pvt. Ltd.)
A company registered under the)
Companies Act, 2013 having its)
registered office at)
IIFL Centre, Kamala City, Kamala)
Mill Compound Senapati Bapat)
Marg, Lower Parel Mumbai 400013)
- 5) Charity Commissioner, Maharashtra)
Mumbai, 3rd floor,83,Dr.Annie Besant)
Road, Worli, Mumbai- 400 018.)
- 6) Board of Control for Cricket in India)
A society registered under the)
Tamil Nadu Societies Registration Act))
having its office at 4th Floor,)
Cricket Stadium Wankhede)
Stadium, Churchgate,)
Mumbai 400 020)
- 7) Adv. Ashish Shelar,)
An adult Indian Inhabitant)
Occ:Advocate , the President of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 8) Vinod Deshpande)
An adult Indian Inhabitant)
Occ: unknown, the Vice President of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 9) Pankaj Thakur)

- An adult Indian Inhabitant)
Occ: unknown, the Vice President of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 10)Nitin Dalal)
An adult Indian Inhabitant)
Occ: unknown, the Treasurer of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 11) P. V. Shetty)
An adult Indian Inhabitant)
Occ: unknown, the Jt. Secretary of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 12)Prof. Dr. Unmesh Khanvilkar)
An adult Indian Inhabitant)
Occ: unknown, the Jt. Secretary of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 13)Arman Mallick)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)

- Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 14)Mr. Navin Shetty)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 15)Arvind Kadam)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 16)Deepak Patil)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
- 17)Pravin Amre)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)

Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
18)Shrikant Tigdi)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
19)Shahalam Shaikh)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
20)Ramesh Vajge)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)
Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
21)Ganesh Iyer)
An adult Indian Inhabitant)
Occ: unknown , the Managing)
Committee member of)
Mumbai Cricket Association Having)

Address at Cricket Centre Wankhede)
Stadium, Churchgate,)
Mumbai-400 020)
22)State of Maharashtra)
Through the Government Pleader) ... Respondents

TO,

**THE HON'BLE CHIEF JUSTICE AND
OTHER PUISNE JUDGES OF THIS HON'BLE COURT**

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED

1. The petitioner is a citizen of India and an adult Indian inhabitant having his address as mentioned in the cause title. The Petitioner is the representative of the Muslim Sports Club in the General Body of the Mumbai Cricket Association.
2. Respondent No.1, Mumbai Cricket Association ("**MCA**") is a Public Trust registered under the Maharashtra Public Trusts Act and a Society registered under the Societies Registration Act, 1860. Respondent No.1 is one of the State Cricket Associations, in which capacity it is a permanent member of the Board of Cricket Control of India. Respondent No.1 is the apex body in Mumbai entrusted with the authority of controlling and regulating the sport of Cricket in Mumbai, Greater Mumbai and Thane districts. Respondent No.1 is performing a public function and is therefore amenable to the Writ Jurisdiction. The Working of the Respondent No 2 is governed by "Memorandum of Association" Rules and Bye-Laws. Hereto annexed and marked as **Exhibit "A"** is a copy of the Memorandum of Association and rules of Respondent No.1.

3. Respondent Nos.2 and 3 are companies registered under the Companies Act, 1956 having their respective registered address as mentioned in the cause title. Respondent No.4 is a company registered under the Companies Act, 2013 having its registered office as mentioned in the cause title. Respondent No.4 is said to be a special purpose vehicle of Respondent Nos.2 and 3 to plan, market and execute T20 Mumbai League "*T20 Mumbai League*" in its entirety.
4. Respondent No.5 is a statutory authority under the Maharashtra Public Trusts Act and is empowered to exercise control over registered public trusts in the city of Mumbai.
5. Respondent No.6 is the Apex Body for the control of Cricket in India. No Cricket League can be conducted by the State Cricket Associations anywhere in India without the prior approval of Respondent No.6.
6. Respondent Nos.7 to 12 are adult Indian inhabitants having their address as mentioned in the cause title. Respondent Nos.7 to claim to be the office bearers of Respondent No.1.
7. Respondent Nos.13 to 21 are adult Indian inhabitants having their address as mentioned in the cause title. Respondent Nos.13 to 21 claim to be the managing committee members of Respondent No.1.
8. The Petitioner has filed the present Writ Petition being aggrieved by the gross violations committed by the Committee Members and Office Bearers of Respondent No.1 of the recommendations in the Lodha Committee Report filed with the Hon'ble Supreme Court of India which has resulted in their holding over as the office bearers and committee members despite expiry of their term solely to facilitate third parties to earn exponential profits using the position and authority of MCA.
9. The facts germane to the present Petition are as under:

- i. Mumbai Cricket Association (Respondent No.1) formerly known as Bombay Cricket Association was established in 1930 and is the governing body for cricket in Mumbai, Greater Mumbai and Thane districts. The jurisdiction of MCA includes the area up to Dahanu in the Western Suburbs, Badlapur in the Central Suburbs, and Navi Mumbai up to Kharghar. Respondent No.1 is also a permanent member of the Board of Control for Cricket in India (Respondent No. 6 herein)
- ii. As a permanent member of Respondent No.6, Respondent No.1 is entitled to receive disbursements from Respondent No.6 for the purpose of promotion and development of the sport of cricket in the area within the jurisdiction of Respondent No.1. The Respondent No.1 Association until the year 2016 was receiving disbursements to the extent of Rs.30 Crores per year from Respondent No.6.
- iii. It is pertinent to note that BCCI had received nearly Rs.2500 crores towards compensation on account of termination of Champions League T20 out of which BCCI had disbursed an amount of Rs.1500 crores towards taxes and other liability leaving a net amount of Rs.1036.78 crores with it. In terms of a decision taken in the AGM held on 9th November, 2015, 70% of balance amount of Rs.718.24 crores was to be disbursed to 25 Associations in the country @ Rs.28.73 crores per Association. Accordingly, by virtue of the said Resolution dated 9th November, 2015, Respondent No.1 became entitled to receive a sum of Rs.28.72 Crores from BCCI.
- iv. As per the constitution of Mumbai Cricket Association, it has a democratic set up and the affairs of the Association are run by a Managing Committee which is duly elected every two years by the General Body consisting of 350 member clubs. There are no individual members in the Association. Each of the member clubs are required to nominate an individual to represent the said member club in the general body of Respondent No.1
- v. As per clause 31 (d) of the Constitution of Respondent No.1, from the profits earned by Respondent No.1 during a financial year, a sum

equivalent to 10 % thereof can be given to the member clubs to enable the member clubs to improve their facilities for the promotion and development of the game of cricket.

- vi. The Petitioner states that pursuant to the election for the Managing Committee of MCA conducted on 16th June 2015, the Managing Committee of MCA and the Office bearers for the period from 17th June 2015 to 16th June 2017 came to be elected as per the constitution of MCA as existed when the said election was conducted.
- vii. As per the constitution of MCA, the term of the Managing Committee and office bearers is 2 years. The term of the managing committee has thus expired on 16th June, 2017. However, despite the term of the erstwhile managing committee coming to an end, election for the appointment of the new managing committee has till date not been conducted.
- viii. In the meantime, the Hon'ble Supreme Court was hearing Civil Appeal No. 4235 of 2014 pertaining to the allegations of sporting fraud, mismanagement, and conflict of interest of the functionaries of BCCI. The Hon'ble Supreme Court constituted a committee headed by Justice R.M.Lodha (Retd.) inter alia to make suitable recommendations on the following aspects:-
 - a. Amendments considered necessary to the memorandum of association of BCCI and the prevalent rules and regulations for streamlining the conduct of elections to different posts/officers in BCCI including conditions of eligibility and disqualifications, if any, for candidates wanting to contest the election for such posts including the office of the President of BCCI.
 - b. Amendments to the memorandum of association, and rules and regulations considered necessary to provide a mechanism for resolving conflict of interest should such a conflict arise despite Rule 6.2.4 prohibiting creation or holding of any commercial interest by the administrators, with particular reference to persons, who by virtue of their proficiency in the game of cricket,

were to necessarily play some roles as coaches, managers, commentators, etc.

- c. Amendment, if any, to the memorandum of association and the rules and regulations of BCCI to carry out the recommendations of the Probe Committee headed by Justice Mudgal, subject to such recommendations being found acceptable by the newly appointed committee.
 - d. Any other recommendation with or without suitable amendment of the relevant rules and regulations, which the committee may consider necessary to make with a view to preventing sporting frauds, conflict of interests, streamlining the working of BCCI to make it more responsive to the expectations of the public at large and to bring transparency in practices and procedures followed by BCCI.
- ix. Pursuant to the Report of the Committee appointed by Supreme Court of India and headed by Justice R.M.Lodha (Retd.) dated 18th December 2015 (the “**Lodha Committee Report**”) filed before the Hon’ble Supreme Court, certain reforms in the constitution of the Board of Cricket Control of India and its member Associations which was recommended and accepted by the Hon’ble Supreme Court of India under its Order dated 17th July, 2016. The said Order dated 17th July, 2016 and the said Lodha Committee Report is already available on the official website of MCA. I crave leave to refer to and rely upon the said Lodha Committee Report and the said Order dated 17th July, 2016. The said Order dated 17th July, 2016 was challenged by BCCI and others in a Review Petition and thereafter Curative Petition, both of which were dismissed. The Order dated 17th July, 2016 has therefore attained finality.
- x. Some of the salient features of the recommendations of the said Lodha Committee Report are as under:-
- a) Separation of management of BCCI from that of the Indian Premier League.

- b) Transparency in the management of BCCI.
 - c) Management of the Indian Premier League by the Governing Council comprising members possessing specific qualifications.
 - d) Disqualifications for members of the Managing Committee etc.
- xi. The Petitioner states that as per the said Order dated 17th July, 2016 Respondent No.1 being one of the State Cricket Associations was also required to adopt a new memorandum of association as per the recommendations in the said Lodha Committee Report and to hold election within 6 months of the said Order.
- xii. The Hon'ble Supreme Court by its Order dated 7th October, 2016 directed the Presidents of all State Cricket Associations (which includes Respondent No.1) to pass a resolution stating that the reforms suggested in the said Lodha Committee Report as accepted by the Hon'ble Supreme Court were supported by the concerned association in its letter and spirit. Until the said affidavits were filed, the concerned State Association would not be entitled to receive the disbursement of Rs.28.73 Crores in terms of the said Resolution dated 9th November, 2015. Hereto annexed and marked as **Exhibit "B"** is a copy of the said Order dated 7th October, 2016.
- xiii. The Petitioner states that one Mr. Sharad Powar, the then President of MCA and Mr.Dilip Vengsarkar who was the Vice President of MCA tendered their respective resignations as their occupying any post in MCA was against the recommendations in the said Lodha Committee report.
- xiv. After the resignation of Mr. Sharad Pawar, one Mr. Ashish Shelar (Respondent No.7 became the president of Respondent No.1. However, despite becoming the President of Respondent No.1, the said Ashish Shelar has till date not filed an Affidavit before the Hon'ble Supreme Court in compliance of the said Order dated 7th October, 2016.
- xv. As no affidavit is filed by the President of Respondent No.1 till date in terms of the said Order dated 7th October, 2016, Respondent No.1 is deprived of the said grant of Rs.28.73 Crores and other disbursements

for an additional sum of approximately Rs.30 Crores from BCCI solely on account of the lapse on the part of the President of Respondent No.1, the other office bearers and Managing Committee Members of Respondent No.1. Respondent No.1 is also at the risk of losing its permanent membership with BCCI on account of the said lapse.

- xvi. The Hon'ble Supreme Court of India passed an Order dated 2nd January, 2017 in Civil Appeal No.4235 of 2014 holding that all office bearers of BCCI and of its affiliated State Associations who fail to meet the norms recommended by the Lodha Committee and accepted by the Hon'ble Supreme Court, would forthwith demit and cease to hold office namely:
- “A person shall be disqualified from being an Office Bearer if he or she:-*
- (a) Is not a citizen of India;*
 - (b) Has attained the age of 70 years;*
 - (c) Is declared to be insolvent, or of unsound mind;*
 - (d) Is a Minister or government servant;*
 - (e) Holds any office or post in a sports or athletic association or federation apart from cricket;*
 - (f) Has been an Office Bearer of the BCCI for a cumulative period of 9 years;*
 - (g) Has been charged by a Court of Law for having committed any criminal offence.”*

Hereto annexed and marked as **Exhibit “C”** is a copy of the said Order dated 2nd January, 2017

- xvii. As per the official website of the MCA, currently there are 6 office bearers and 9 Managing Committee members. However, in view of the disqualifications prescribed under the Lodha Committee Report and under the said Order dated 2nd January, 2017, out of the 6 office bearers of MCA, 4 suffer from disqualification whereas out of the 9 Managing Committee Members, 6 suffer from the prescribed disqualifications. Resultantly, the combined strength of the office bearers and the managing committee members has fallen down to a mere 5 members.

The disqualification suffered by each of the said members is set out hereunder:-

Name of Member	Position	Disqualification
Adv. Ashish Shelar	Chairman	-
Vinod Deshpande	Vice President	Been office bearer and committeeman for more than 9 years (cumulative)
Pankaj Thakur	Vice President	Been office bearer and committeeman for more than 9 years (cumulative)
Nitin Dalal	Treasurer	Been office bearer and committeeman for more than 9 years (cumulative)
P. V. Shetty	Jt. Secretary	Been office bearer and committeeman for more than 9 years (cumulative)
Prof. Dr. Unmesh Khanvilkar	Jt. Secretary	-
List of disqualified managing committee members		
Arman Mallick	Managing Committee Member	Been committeeman for more than 9 years (cumulative)
Mr. Navin Shetty	Managing Committee Member	

Arvind Kadam	Managing Committee Member	Government Servant (Employee of MSRTC)
Deepak Patil	Managing Committee Member	Government Servant (police officer)
Pravin Amre	Managing Committee Member	Conflict of Interest (coach of Delhi Daredevils) (order to that effect passed by Ombudsman Justice A.P.Shah)
Shrikant Tigdi	Managing Committee Member	Aged more than 70 years
Shahalam Shaikh	Managing Committee Member	-
Ramesh Vajge	Managing Committee Member	Government Servant (Mumbai Customs department)
Ganesh Iyer	Managing Committee Member	-

- xviii. As per the Memorandum of Association of Respondent No.1, the requisite quorum to transact any business in managing committee meetings is 8 members. It is pertinent to note that therefore, the current office bearers and the managing committee members are conducting the affairs of Respondent No.1 in clear contravention of the Memorandum of Association of the Respondent No.1 and in violation of the recommendations of the Lodha Committee Report as also the said Order dated 2nd January, 2017 passed by the Hon'ble Supreme Court.
- xix. The Petitioner states that he along with two other representatives of General Body Members of MCA addressed letter dated 29th March, 2017 to Respondent No.5 interalia requesting the office of Respondent No.5 to enforce the obligation of Respondent No.1 to pass a General Body

Resolution so as to adopt the recommendations of the said Lodha Committee Report. Hereto annexed and marked as **Exhibit “D”** is a copy of the said Letter dated 29th March, 2017.

- xx. The Petitioner states that as no action was taken by Respondent No.5 pursuant to the said letter dated 29th March, 2017, the Petitioner addressed a reminder letter dated 24th April, 2017 to Respondent No.5 once again requesting the office of Respondent No.5 to take appropriate action against the office bearers and Managing Committee of Respondent No.1. Hereto annexed and marked as **Exhibit “E”** is a copy of the said Letter dated 24th April, 2017.
- xxi. Respondent No.1 vide its letter bearing reference No. MCA/1/1249/2017 dated 21st September 2017 informed all clubs under the heading “*Biennial Election of Office bearers and Managing Committee members of Mumbai Cricket Association*” that election would be held on 10th November 2017. Further the member clubs were requested to nominate the names of their representatives who would be attending the Biennial Elections by Monday 9th October 2017. Thereafter on 10th October 2017 Respondent No.1 sent a letter MCA/1/1342/2017 stating that the Managing Committee in its meeting it decided to adjourn the holding of the elections until the receipt of further clarification. Hereto annexed marked as **Exhibits “F” and “G”** are copies of the said letters dated 21st September, 2017 and 10th October, 2017.
- xxii. The Petitioner states as the term of the Managing Committee has already come to an end, the current Managing Committee of Respondent No.1. at best a caretaker committee to fill up the void created on account of the term of the previous managing committee having expired until the new committee is voted into power.
- xxiii. The Petitioner has come across a Tender Notice published in the 15th February, 2018 edition of the Times of India Newspaper by Respondent Nos.2 to 4 claiming that they would be conducting a cricket league called the T20 Mumbai which as per the newspaper report is allegedly conceptualized by Respondent No.1. The said Tender Notice was for

inviting bids from interested parties for awarding 6 teams to enrol and participate in the T20 Mumbai League scheduled to be held between 11th March, 2018 and 21st March, 2018 at Wankhede Stadium, Mumbai.

- xxiv. It is pertinent to note that in the said Tender Notice, it has been stated that the interested bidders would be required to make payment of a non-refundable sum of Rs.1,00,000/- in the name of Respondent No.4. Hereto annexed and marked as **Exhibit "H"** is a copy of the said tender Notice published in Times of India newspaper, 15th February, 2018 edition.
- xxv. The Petitioner has learnt that Respondent Nos.2 and 3 have been appointed by Respondent No.1 as its licensees to conduct and manage the said T20 Mumbai League in its entirety. Respondent Nos.2 and 3 in turn appointed Respondent No.4 as a special purpose vehicle to conduct the said T20 Mumbai League in its entirety. The rights to receive and appropriate the money from team owners have been attorned to Respondent Nos.2 to 4 and a fixed fee of Rs.3.5 Crores per year would be paid to Respondent No.1.
- xxvi. The said Tender Notice therefore indicates that all funds from the interested bidders for team owners are being collected directly by Respondent No.4 in its own name. Thus, the Office bearers of Respondent No.1 and Managing Committee members have in effect planted Respondent Nos.2 and 4 as middlemen to enable them to syphon off the funds which Respondent No.1 would have been entitled to receive in the event the said T20 Mumbai League were to be conducted in the manner as prescribed under the said Lodha Committee Report.
- xxvii. It is indeed surprising that no information of the proposed T20Mumbai or the proposed bidding for appointing Respondent Nos.2 to 4 to conduct the said T20 Mumbai League is available on the website of the MCA. Furthermore, the first time that the members of MCA are made aware of such an event being conceptualized by MCA was through the News Paper report dated 22nd February, 2018. No draft of the agreements to be entered into with third parties viz. Respondent Nos.2 to 4 was discussed

and/ or disclosed not is it made available on the website of MCA. No discussion pertaining to the benefit derived by MCA from conducting the said event has been held.

- xxviii. It comes as a surprise as to how contracts were awarded and entered into between MCA and Respondent Nos.2 to 4 when no advance notice of such step was given to the member clubs nor their opinion of the same was sought. The fact that the aforesaid events have transpired with such inexplicable haste smacks malafides. The entire process of decision making with regard to entering into contracts and settling the terms thereof with Respondent Nos.2 to 4 has been done in a clandestine manner keeping the General Body of Respondent No.1 in the dark.
- xxix. The Petitioner has learnt that from the contracts entered into with the said Respondent Nos.2 to 4, Respondent No.1 stands to earn a sum of Rs.3.5 Crores per year for the next five years. The average amount received from the auction of the 6 participating teams is Rs.6.2 Crores per year. Therefore, Respondent Nos.2 to 4 are given the opportunity to receive sums in excess of Rs.36 Cores per year from the team owners and to make supernormal profits of more that Rs.150 Crores over a period of five years at the cost of Respondent No.1 and its member clubs. As the tournament is being held in Wankhede Stadium, MCA would be under the obligation to incur cost in organizing matches thereby incurring further losses.
- xxx. The Petitioner submits that as per the recommendations in the said Lodha Committee Report, an event such as the Indian Premier League was to be managed by a separate body of BCCI called the Governing Council with the representative of Comptroller and Auditor General of India being a one of the members of the said council.
- xxxi. Therefore, if the said recommendations were to be implemented by Respondent No.1, even Respondent No.1 would be obligated to first set up a Governing Council as described in the recommendations of the Lodha Committee Report comprising the representative of the Accounts Controller of Maharashtra etc.

- xxxii. Furthermore, the said T20 Mumbai League is being held without proper planning and in haste is clear from the fact that no disclosure has been made on the website of Respondent No.1 as to the rights of telecasting, title sponsorship. It is therefore clear that said T20 Cricket League is being conducted against the interest of Respondent No.1 and without due diligence as to income of Respondent No.1 if the said league were organized solely by Respondent No.1 without partnering with Respondent Nos.2 to 4.
- xxxiii. The aforesaid events having transpired with such an inexplicable haste hint towards the involvement of certain officer bearers/ members of Managing Committee of Respondent No.1 that too after the expiry of their term as office bearers/ managing committee members attempting to use the position and status of Respondent No.1 to profiteer out of the same.
- xxxiv. Being alarmed by the aforesaid events, the Petitioner issued a Notice dated 28th February, 2018 to the President of Respondent No.1 calling upon him to:-
- a) forthwith suspend the said T20Mumbai Cricket League;
 - b) file Affidavit in the Supreme Court in compliance of the Order dated 24th October, 2016;
 - c) take steps to adopt the amended constitution of MCA which is in compliance with the recommendations of the Lodha Committee Report;
 - d) take steps to conduct election for the Managing Committee of MCA and for appointment of its new office bearers.

Hereto annexed and marked as **Exhibit "I"** is a copy of the said notice dated 28th February, 2018.

- xxxv. Despite receipt of the said Notice dated 28th February, 2018, the President of Respondent No.1 failed and neglected to comply with the same or reply to the same. On the contrary, the Petitioner has come across a news report dated 2nd March, 2018 published in Times of India News Paper indicating that the auction of players for participation in the said T20 Mumbai Cricket League would commence on 2nd March, 2018. Hereto annexed and marked as **Exhibit "J"** is a copy of the said News Paper Report dated 2nd March, 2018.

- xxxvi. From the aforesaid, it is clear that the President of Respondent No.1 is inclined deliberately to act in a manner prejudicial to the interest of Respondent No.1 and in direct violation of the Recommendations of the Lodha Committee Report and the Orders of the Hon'ble Supreme Court of India.
10. Being aggrieved by the said conduct of the President of Respondent No.1, the Petitioner is constrained to file the present Writ Petition on the following amongst other grounds which are in the alternative and without prejudice to one another.

Grounds

- A. The term of the Managing Committee of Office bearers of Respondent No.1 has expired on 16th June, 2017 despite which, no election has been conducted for appointing the new Managing Committee and office bearers.
- B. The President of Respondent No.1 has not filed an affidavit in the Hon'ble Supreme Court stating that Respondent No.1 would support the recommendations of the Lodha Committee Report as accepted by the Supreme Court in its letter and spirit.
- C. As Respondent No.1 has till date not adopted the recommendations of the Lodha Committee Report, Respondent No.1 is deprived of disbursements from BCCI of more than Rs.30 Crores per year in view of the Order dated 7th October, 2016 of the Hon'ble Supreme Court of India in Civil Appeal No.4235 of 2014.
- D. The total strength of the Office Bearers and Managing Committee members has fallen below 8 on account of the disqualifications suffered by the said members. Resultantly, the present Managing Committee does not have the requisite quorum to transact any business.

- E. T20 Mumbai is being conducted without obtaining prior permission from BCCI.
- F. The Office bearers and Managing Committee of Respondent No.1, as opposed to adopting recommendations in the Lodha Committee Report in the Memorandum of Association of Respondent No.1 have purported to clandestinely enable Respondent Nos.2 to 4 to conduct T20 Mumbai League in a manner contrary to the recommendations of the said Report.
- G. The Office Bearers and Managing Committee of Respondent No.1 have deliberately planted Respondent No.2 to 4 to collect and appropriate all funds generated from auction of participating teams. The action of the Managing Committee of Respondent No.1 is a systematic fraud played by the Officer Bearers and Managing Committee members of Respondent No.1 in collusion with Respondent Nos.2 to 4 so as to syphon off the funds which would have been otherwise earned by Respondent No.1.
- H. The action on the part of the Office Bearers and Managing Committee members of Respondent No.1 has resulted in unjust enrichment in excess of Rs.150 Crores to Respondent Nos.2 to 4 thereby causing unjust loss to Respondent No.1. Respondent No.1 with sufficient funds would be in a better position to channelize its resources towards the development of cricket and to train and develop talented cricketers within the area of its jurisdiction.
- I. The Office Bearers and Managing Committee of Respondent No.1 have kept the General Body of Respondent No.1 in the dark about the Revenue sources like T. V. Rights, title sponsorships etc.

- J. BCCI has reportedly generated huge revenues of more than Rs.3500 Crores from Franchise Fees alone in the Indian Premier League. BCCI has conducted Premier League (“IPL”) by taking the assistance of professional agencies in managing and marketing the same. However, at all points in time, the revenues from all sources were received by BCCI. As per the recommendations of the Lodha Committee, a Governing Council of BCCI was required to conduct and manage the Indian Premier League to prevent fraud and manipulation of the revenues of BCCI from IPL.
- K. The Office Bearers and Managing Committee members of Respondent No.1 have devised a completely opposite method to conduct T20 Mumbai from that of the Indian Premier League. In case of T20 Mumbai, the licensees viz. Respondent Nos.2 to 4 (which are Media and PR Firms) have been given the exclusive right to receive and appropriate all forms of revenue associated with the conduct of the said T20 Mumbai League such as Fees collected from Team Owners (Franchisees) Television Rights, Intellectual Property Rights, Sponsorships etc.
- L. No justification has been given by the Office Bearers and Managing Committee of Respondent No.1 as to what purpose of the Respondent No.1 association would be served if T20 Mumbai League was conducted by MCA without licensing every right qua conducting and revenue appropriation to Respondent Nos.2 to 4
- M. The arrangement between Respondent No.1 and Respondent Nos.2 to 4 to conduct T20 Mumbai League is in effect, a license to exercise the jurisdiction exclusively vested in Respondent No.1 by virtue of its being a State Cricket Association. Such illegal licensing of jurisdiction if not condemned by this Hon’ble Court

would have far reaching effect on the management and functioning of other State Cricket Associations within India.

N. Respondent No.1 being a registered Public Trust is required to function under the control and supervision of the Charity Commissioner (Respondent No.5 herein). The office of the Charity Commissioner has turned a blind eye to the letters and complaints filed by vigilant members of Respondent No.1.

O. Respondent No.5 has derelicted from its duty to ensure that the management of Respondent No.1 was in accordance with its Memorandum of Association, the Recommendations in the Lodha Committee Report and the Orders of the Hon'ble Supreme Court.

P. The Hon'ble Andhra Pradesh High Court has in similar circumstances as the ones pleaded in the present Writ Petition appointed a Committee of Administrators to manage the affairs of Hyderabad Cricket Association (another State Cricket Association) as the said association had not incorporated the recommendations of the said Lodha Committee Report in its Memorandum of Association.

11. Petition has been filed with a great urgency. The Petitioner therefore craves leave to add alter amend modify or delete all or any of the grounds set out above.

12. The Petitioner states that one of the recommendations of the said Lodha Committee Report suggests that no State Cricket Association can conduct any cricket league/ match without the prior approval of BCCI (Respondent No.5). It is pertinent to note that Respondent No.1 has not obtained permission/ Approval from Respondent No.5 for conducting the said T20 Mumbai Cricket League.

13. The Petitioner states that as stated above, the said T20 Mumbai Cricket League is scheduled to commence from 11th March, 2018. In the event, the said League is allowed to be conducted, it would be against the letter and spirit of the Lodha Committee Report as accepted by the Hon'ble Supreme Court. Moreover, substantial loss in excess of Rs.150 Crores would be caused to the Respondent No.1 Association which would result in unjust enrichment of Respondent Nos. 2 to 4.
14. The Petitioner submits that it is just necessary convenient and in the interest of justice that this Hon'ble Court be pleased to appoint a committee of Administrators preferably headed by a retired Judge of this Hon'ble Court to forthwith take over charge of the affairs of Respondent No.1 by superseding its Managing Committee and to take steps to implement the recommendations Lodha Committee Report dated 18th December, 2015 as accepted by the Hon'ble Supreme Court in its Order dated 18th July, 2016 passed in Civil Appeal No.4235 of 2014.
15. The Petitioner submits that it is just necessary convenient and in the interest of justice that in the alternative and without prejudice to the aforesaid, this Hon'ble Court be pleased to declare that the Lodha Committee Recommendations dated 18th December, 2015 as accepted by the Hon'ble Supreme Court in its Order dated 18th July, 2016 passed in Civil Appeal No.4235 of 2014 are deemed to have been incorporated in the Memorandum of Association of Respondent No.1 in its totality.
16. The Petitioner submits that it is just necessary convenient and in the interest of justice that this Hon'ble Court be pleased to pass a writ of Mandamus or any other writ order or direction in the nature of mandamus directing the appointment of Election Officer as per Rule 33 of the Draft Memorandum of Association annexed to the said Lodha Committee Report dated 18th December, 2015.
17. The Petitioner submits that it is just necessary convenient and in the interest of justice that this Hon'ble Court be pleased to pass a writ of

mandamus or any other writ order or direction in the nature of mandamus directing Respondent No.1 to forthwith recall the proposed T20 Mumbai Cricket League;

18. The Petitioner submits that it is just necessary convenient and in the interest of justice that this Hon'ble Court be pleased to direct Respondent No.1 to 4 to deposit with the registry of this Hon'ble Court, all funds received by them from any source whatsoever in connection with T20Mumbai League;
19. The Petitioner submits that it is just necessary convenient and in the interest of justice that this Hon'ble Court be pleased appoint a committee to investigate into the affairs of Respondent No.1 so as to identify such persons amongst the Office Bearers and Managing Committee who are responsible for having caused loss to Respondent No.1 by entering into contracts with Respondent Nos.2 and 4 for conducting the proposed T20 Mumbai League;
20. The Petitioner submits that it is just necessary convenient and in the interest of justice that pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to direct Respondent No.1 to disclose on affidavit, all contracts entered into between Respondent No.1 and Respondent Nos.2 to 4 in connection with T20 Mumbai League;
21. The Petitioner submits that it is just necessary convenient and in the interest of justice that pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to direct Respondent No.1 to 4 to disclose on affidavit, amount of funds received/ to be received by them from any source whatsoever in connection with T20 Mumbai League;
22. The Petitioner submits that it is just necessary convenient and in the interest of justice that pending the hearing and final disposal of the

present Writ Petition this Hon'ble Court be pleased to direct Respondent No.1 to 4 to deposit with the registry of this Hon'ble Court, the funds received by them in connection with T20Mumbai Cricket League;

23. The Petitioner submits that it is just necessary convenient and in the interest of justice that pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to appoint a committee of Administrators to forthwith take charge of the affairs of Respondent No.1 by superseding its Managing Committee and to take steps to implement the recommendations of the Lodha Committee Report;
24. The Petitioner states that to the best of his knowledge, no Caveat has been filed by any of the Respondents in respect of the subject matter of the present Writ Petition.
25. The Petitioner shall rely upon the documents, a list whereof has been annexed hereto.
26. The Petitioner has paid court fee as per the provisions of the Maharashtra Court Fees Act.
27. The Petitioner states that he has no alternative or efficacious remedy save and except the Present Writ Petition.
28. The Petitioner states that to the best of his knowledge, no proceeding is pending between him and the Respondents pertaining the subject matter of this Petition in this Hon'ble Court or the Supreme Court of India.

The Petitioner therefore prays that:-

- a) Hon'ble Court be pleased to appoint a committee of Administrators preferably headed by a retired Judge of this Hon'ble Court to forthwith take over charge of the affairs of Respondent No.1 by superseding its Managing Committee and to take steps to implement the

recommendations Lodha Committee Report dated 18th December, 2015 as accepted by the Hon'ble Supreme Court in its Order dated 18th July, 2016 passed in Civil Appeal No.4235 of 2014;;

- b) In the alternative and without prejudice to prayer clause (a) above , this Hon'ble Court be pleased to declare that the Lodha Committee Recommendations dated 18th December, 2015 as accepted by the Hon'ble Supreme Court in its Order dated 18th July, 2016 passed in Civil Appeal No.4235 of 2014 are deemed to have been incorporated in the Memorandum of Association of Respondent No.1 in its totality;
- c) This Hon'ble Court be pleased to pass a writ of Mandamus or any other writ order or direction in the nature of mandamus directing the appointment of Election Officer as per Rule 33 of the Draft Memorandum of Association annexed to the said Lodha Committee Report dated 18th December, 2015;
- d) This Hon'ble Court be pleased to pass a writ of mandamus or any other writ order or direction in the nature of mandamus directing Respondent No.1 to forthwith recall the proposed T20 Mumbai Cricket League;
- e) this Hon'ble Court be pleased to direct Respondent No.1 to 4 to deposit with the registry of this Hon'ble Court, all funds received by them from any source whatsoever in connection with T20Mumbai League;
- f) This Hon'ble Court be pleased appoint a committee to investigate into the affairs of Respondent No.1 so as to identify such persons amongst the Office Bearers and Managing Committee who are responsible for having caused loss to Respondent No.1 by entering into contracts with Respondent Nos.2 and 4 for conducting the proposed T20 Mumbai League;
- g) Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to direct Respondent No.1 to disclose on affidavit, all contracts entered into between Respondent No.1 and Respondent Nos.2 to 4 in connection with T20 Mumbai League;
- h) Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to direct Respondent No.1 to 4 to disclose on

affidavit, amount of funds received/ to be received by them from any source whatsoever in connection with T20 Mumbai League;

- i) Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to direct Respondent No.1 to 4 to deposit with the registry of this Hon'ble Court, the funds received by them in connection with T20Mumbai Cricket League;
- j) Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to appoint a committee of Administrators to forthwith take charge of the affairs of Respondent No.1 by superseding its Managing Committee and to take steps to implement the recommendations of the Lodha Committee Report;
- k) For such other and further reliefs as this Hon'ble Court may deem fit
- l) For costs

Chaitanyaa Bhandarkar

Nadeem Memon

Advocate for the Petitioner

Petitioner

Verification

I Nadim Memon, the Petitioner abovenamed having my address at 22, Rustom Sidwa Marg, Fort, Mumbai- 400 001, do hereby declare that whatever stated in paras ___ to ___ of the Petition is true to my personal knowledge.

Solemnly sworn at Mumbai)

This 6th day of March, 2018)

Before me,

Chaitanyaa Bhandarkar

Advocate for the Petitioner