

ITEM NO.36

COURT NO.2

SECTION III

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

THE BOARD OF CONTROL FOR CRICKET IN INDIA

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

(With IA No.133365/2022 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 133364/2022 - INTERVENTION/IMPLEADMENT)

Date : 30-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE HIMA KOHLI

Mr. Maninder Singh, Sr. Adv. (A.C.)  
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Mr. Prabhas Bajaj, Adv.  
Mr. Pranav Saigal, Adv.

For Appellant(s)

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Mr. Nirnimesh Dube, AOR

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Respondent-in-person

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Mrs. Pragya Baghel, AOR

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**For Applicants**

Mr. Anupam Lal Das, Sr. Adv.

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Mr. Rajesh Kumar Singh, Adv.

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Ms. Gauri Goburdhun, Adv.

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

**IA No 133365/2022 & IA No 133364/2022**

- 1 On 23 September 2022, this Court took note of the fact that the Electoral Officer had by a communication dated 22 September 2022 stated that six candidates stood elected unopposed to the posts of President, Vice President, Secretary, Joint Secretary, Treasurer and Counsellor (District Representative) of the Bihar Cricket Association.
- 2 The Annual General Meeting of the Bihar Cricket Association was to take place on 25 September 2022. The grievance of the applicant was that the electoral college was altered and that there was an amendment to the Constitution of the Bihar Cricket Association without seeking the leave of this Court.
- 3 The submission which was urged on behalf of the applicant by Mr Anupam Lal Das, senior counsel was disputed at that stage by Mr A N S Nadkarni, senior counsel appearing on behalf of the Bihar Cricket Association.
- 4 The AGM was permitted to proceed, but its results were directed to be placed before this Court in a sealed cover.
- 5 The Electoral Officer has placed on the record a copy of his report. The report indicates that the process of the election commenced with the issuance of an election schedule on 28 August 2022. Nominations were called from Full Members/District Cricket Associations between 12 September and 14 September 2022 for nominating their representatives, whose names were to be included in the electoral roll.
- 6 After scrutiny of 41 nominations, the final electoral roll maintaining 32 nominations was published. Nine nominations were received for filing up six

posts of the Committee of Management of the Bihar Cricket Association. After scrutiny, the final list was prepared in terms of which the number of contesting candidates against the posts of President, Vice President, Secretary, Joint Secretary, Treasurer and Counsellor (District Representative) was found to be equal to the number of candidates contesting. Consequently, the election results were notified on the basis of there being no contest.

- 7 During the course of the hearing, Mr Anupam Lal Das, senior counsel has urged the following submissions. At the outset, it has been submitted that the Constitution of the Bihar Cricket Association was altered without seeking the prior leave of this Court. Mr A N S Nadkarni, senior counsel has stated on instructions that the amended Constitution has not been implemented and an Interlocutory Application has been filed before this Court for seeking its leave to implement the proposed amendments. However, according to Mr A N S Nadkarni, senior counsel the elections have taken place on the basis of the unamended Constitution of the Bihar Cricket Association.
- 8 The other submissions which have been urged on behalf of the applicant to challenge the elections are as follows:
  - (i) Firstly, it has been submitted that an Electoral Officer was summoned from Goa whereas, in terms of the Constitution the Electoral Officer has to be from the State of Bihar.
  - (ii) Secondly, it has been submitted that the definition of the expression 'Full Member' was altered so as to include District Associations and local clubs, and though the draft list contained 41 representatives, it was reduced to 32 in the final electoral roll; and
  - (iii) Thirdly, it has been submitted that the candidates who contested for the post of President, Secretary and Treasurer, were not part of the



draft or final electoral roll.

- 9 We are of the considered view that any challenge to the elections which has taken place can be pursued by adopting suitable remedies as are open in law. It is neither appropriate nor proper for this Court to enter into a disputed question by entertaining an Interlocutory Application for reliefs in these proceedings.
- 10 We accordingly grant liberty to the applicant to seek such remedies as are available in law for challenging the outcome of the elections. We clarify that this Court has not expressed any opinion thereon since the applicant has been permitted to pursue the remedies available in law.
- 11 In the above view, it is not expedient in the interest of justice to pursue the exercise of the contempt jurisdiction any further. The contempt proceedings are disposed of.
- 12 The Interlocutory Applications are disposed of.
- 13 In view of the disposal of these proceedings, the Electoral Officer would be at liberty to notify the results and the results of the AGM may be duly published.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**