

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.117 of 2021

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.17-11-2020 passed in I.A.No.674 of 2020 in PSROP No.17 of 2020 of the XXV Additional Chief Judge, City Civil Court, Hyderabad.

2. The petitioner herein is a third party to the said O.P.
3. The said O.P. had been filed by the 1st respondent against 2nd respondent under Section 23 of the Telangana State Public Societies Registration Act, 2001 (formerly Andhra Pradesh (Telangana Area) Public Societies Registration Act, 2001) (for short “the Act’), as both are public Societies registered under the said Act on 23-06-2003 and 28-12-1961 respectively.
4. The petitioner and 1st respondent are both Cricket Clubs and are members of the 2nd respondent Association.

The case of the 1st respondent in the OP

5. In the O.P., the 1st respondent contended that the 2nd respondent initiated process of appointment of Justice Deepak Verma, former Judge of Supreme of India as Ombudsman and Ethics Officer and had addressed a letter dt.05-11-2019 to Justice Deepak Verma seeking his consent; that such consent was given on 07-11-2019 by Justice Deepak Verma; and the 2nd respondent then addressed a letter dt.09-11-2019

stating that the said consent would be placed in the General Body Meeting for approval and thereafter it will be conveyed with the letter of appointment.

6. It is the contention of the 1st respondent in the O.P. that no General Body Meeting was called for and the issue has been kept pending; that appointment of Ombudsman and Ethics Officer can only be done as per Clauses 15, 39 and 40 of the Memorandum of Association of the 2nd respondent at the Annual General Meeting and such power of appointment vests with the General Body alone.

7. According to the 1st respondent, neither the Apex Council nor any of its office bearers or elected members of the 2nd respondent Association have any power to appoint Ethics Officer or Ombudsman.

8. The 1st respondent contended that due to the Covid-19 pandemic which commenced in March, 2020, General Body Meeting had not been called for by 2nd respondent and there was a meeting of the Apex Council of 2nd respondent on 06-06-2020 and a decision was taken therein for appointment of Ombudsman and Ethics Officer.

9. It is contended by the 1st respondent that members of the Apex Council had addressed a letter to Justice Deepak Verma informing that as per the Memorandum of Association, the Apex Council did not have power to appoint an Ombudsman and Ethics Officer; but since the objection of the 1st respondent was not considered, the O.P. had to be filed contending that the Apex Council cannot circumvent the Rules and

Regulations of the 2nd respondent taking advantage of the Covid-19 pandemic and any such decision is illegal and liable to be set side.

10. The 1st respondent, sought a declaration in the O.P. that the decision of the Apex Council of the 2nd respondent taken on 06-06-2020 to appoint Justice Deepak Verma as Ombudsman-cum- Ethics Officer is contrary to and in violation of Clauses 39 and 40 in Chapters 8 and 9 of Memorandum of Association and Rules and Regulations, 2018 of the 2nd respondent and should be set aside; that the Court below should also suspend the said decision dt.06-06-2020 of the Apex Council; and a direction should be issued to the 2nd respondent to convene and call for Annual General Meeting of the 2nd respondent for appointment of Ombudsman and also Ethics Officer as per Memorandum of Association and Rules and Regulations, 2018.

I.A.No.674 of 2020

11. Along with the O.P. the 1st respondent filed I.A.No.674 of 2020 under Section 151 of C.P.C. to suspend the decision of the Apex Council of the 2nd respondent taken on 06-06-2020 to appoint Justice Deepak Verma, former Judge of Supreme Court of India as Ombudsman-cum-Ethics Officer, till disposal of the O.P.

The stand of the 2nd respondent in the OP

12. Counter-affidavit was filed by 2nd respondent through R.Vijayanand, said to be Secretary of the 2nd respondent.

13. In the said counter-affidavit, a stand is taken on behalf of 2nd respondent that on account of outbreak of Covid-19 pandemic, the process for appointment of one single person Ombudsman-cum-Ethics Officer was initiated and a letter had been addressed on 05-11-2019 to Justice Deepak Verma, former Judge of Supreme Court of India seeking his consent and the latter had replied on 07-11-2019 giving his consent. It is stated that the 2nd respondent had addressed a letter dt.09-11-2019 stating that the said consent would be placed in the General Body Meeting for its approval and thereafter the approval would be conveyed with letter of appointment.

14. It is also stated that Mohammad Azharuddin, the President of 2nd respondent Association had written letter to Justice Deepak Verma, former Judge of Supreme Court of India that he was being appointed as the Ombudsman and Ethics Officer as per Apex Council's decision dt.06-06-2020 and on the same day, Justice Deepak Verma, had accepted to act as an Ombudsman-cum-Ethics Officer for a period of one year.

15. It is contended that thereafter the 2nd respondent represented by its Secretary, Joint Secretary, Vice President and Treasurer had addressed a letter to Justice Deepak Verma stating that the letter issued by the President was without approval and consent of the office bearers, that the same was unilaterally addressed and it was illegal, unlawful and improper and it should be treated as withdrawn; and that it was the General Body alone which was empowered to appoint an Ombudsman and Ethics Officer.

16. It is next contended that on 08-09-2020, Justice Deepak Verma addressed a letter to the Apex Council that his nomination is within the purview of the bye-laws, that objection to his nomination was uncalled for and that he had taken charge.

17. It is then stated that in the 8th Apex Council meeting of the 2nd respondent held on 06-11-2020 at Uppal Stadium, the Apex Council Members with overwhelming majority did not approve the name of Justice Deepak Verma for appointment as the Ombudsman and Ethics Officer and called for the General Body Meeting on 29-11-2020 without any further delay.

18. It is further contended that the appointment of Justice Deepak Verma was never approved and it would be decided in the presence of the members of the General Body meeting to be held on 29-11-2020; and only after General Body approves, Justice Deepak Verma's appointment as Ombudsman and Ethics Officer would be confirmed or else new person would be appointed as Ombudsman and Ethics Officer in the said General Body Meeting.

19. It is contended that on account of extraordinary circumstances due to outbreak of Covid-19 pandemic, the decision to nominate Justice Deepak Verma was taken under force, coercion and undue influence and there were compelling circumstances to take the said decision.

20. Thus, in the counter-affidavit filed by the Secretary of the 2nd respondent, he had supported the stand taken by the 1st respondent and a stand was taken that the Apex Council cannot assume the power of

the General Body. It was further stated that the 2nd respondent cannot be said to have brushed aside the bye-laws and that the Apex Council has made appointment of an Ombudsman-cum-and Ethics Officer in violation of the rules and regulations of the 2nd respondent.

The events in the Court below

21. Though both parties are said to have filed certain documents in I.A.No.674 of 2020, no such documents were marked by the Court below while passing the impugned order on 17-11-2020.

The impugned order of the Court below

22. The Court below allowed I.A.No.674 of 2020 and suspended the decision of the Apex Council taken on 06-06-2020 to appoint Justice Deepak Verma as Ombudsman-cum-Ethics Officer of the 2nd respondent Association till disposal of the O.P.

The stand of the petitioner

23. The petitioner has challenged the decision of Court below in I.A.No.674 of 2020 in this Revision. It sought leave in IA No.1 of 2021 to challenge the order dt.17-11-2020 in IA No.674 of 2020 in the OP 17 of 2020 .

24. Petitioner Club contends that it is also member of the 2nd respondent Association-cum-Society, that the impugned order affects its position and it has to be set aside.

25. It is pointed out that the O.P. was filed by the Secretary of the 1st respondent in collusion with the Secretary of the 2nd respondent with

a *mala fide* intention to cover up the misdeeds and illegal acts of the Secretary of the 2nd respondent, which the Supreme Court intended to put an end.

26. It is stated that the O.P. was got filed by the Secretary of the 2nd respondent through the 1st respondent by giving the residential address of the Secretary of the 2nd respondent as address of the 2nd respondent; and omitting to give the address of registered office of the 2nd respondent i.e., '*Rajiv Gandhi International Cricket Stadium, Visaka Cricket Ground, Plot Nos.1 to 5, Uppal-Road, Hyderabad* ; and not '*Plot Nos.1 to 5, Tarnaka, Uppal Road, Hyderabad*', which is the address of the 2nd respondent mentioned in the cause title in the OP by the 1st respondent.

It is stated that the address "*Plot Nos.1 to 5, Tarnaka, Uppal Road, Hyderabad – 500 039*" is the residential address of the Secretary of the 2nd respondent, and the 1st respondent, in collusion with the 2nd respondent, deliberately gave a wrong address without mentioning the Official address of the 2nd respondent at *Rajiv Gandhi International Cricket Stadium, Uppal Road, Hyderabad*.

27. It is stated that by playing fraud on the Court, the impugned order was got passed collusively, and the impugned order has to be set aside because the 1st respondent did not approach the Court with clean hands.

28. It is contended that the effect of the impugned order dt.17-11-2020 is to nullify the decision of the Supreme Court in **Board of Cricket**

Control in India Vs. State of Bihar and others¹, wherein the Supreme Court had directed that an Ombudsman should be appointed. It is contended that the appointment of Justice Deepak Verma is in tune with the decision of the Supreme Court referred to above.

29. It is also contended by petitioner that he contacted the President of the 1st respondent and was informed that the Secretary of the 2nd respondent did not inform him about the Court order and he came to know of it through news papers.

30. It is contended that the Secretary of the 2nd respondent does not want the appointment of an Ombudsman since he owns 8 Cricket clubs along with Treasurer, Surender Agarwal and Mr.Syed Moizuddin, Member, who also own separately 4 cricket clubs each, which fact attracts disqualification. The names of the Clubs are also mentioned by petitioner.

The order dt.5-3-2021 of this Court in IA No. 1 of 2021 granting leave to petitioner to file the CRP against the order dt.17-11-2020 in I.A.No.674 of 2020 in PSRP O.P.No.17 of 2020

31. Having regard to the above averments, on 05-03-2021, this Court granted leave to the petitioner to file this Revision challenging the order dt.17-11-2020 in I.A.No.674 of 2020 in PSRP O.P.No.17 of 2020.

32. On that day arguments of Sri V.Srinivas, learned counsel for petitioner, Sri Shyam S.Agarwal, learned counsel for 1st respondent and Sri B.Chandrasen Reddy, learned counsel for 2nd respondent were heard.

¹ (2014) 7 SCC 388

Consideration by the Court

33. Admittedly, prior to 2014, certain allegations of sporting frauds like match fixing and betting, conflicts of interest against those who not only hold positions of influence in the Board of Control for Cricket in India (for short ‘the BCCI’) but also own franchises and teams competing in the IPL format, came up and had cast a cloud over the working of the BCCI.

34. This led to the Supreme Court passing an order in **Board of Control for Cricket v. Cricket Assn. of Bihar**² appointing a 7 member Committee headed by former Chief Justice of India Hon’ble Justice R.M.Lodha to examine and make suitable recommendations on several aspects such as making of amendments to Memorandum of Association of Board of Control for Cricket in India , rules and regulations and to prevent frauds, conflict of interests, streamlining it’s working.

35. The said Committee *inter alia* made the following recommendation in it’s report dt.18-12-2015:

“24. In Chapter Seven, the Committee has dealt with need for Ombudsman, Ethics and Electoral Officer. The Committee notes that several disputes that exist within BCCI are born out of years of apathy in governance and gross mismanagement. The Committee has found that the relationship between the associations, on the one hand, and BCCI, on the other, has rarely been equitable and balanced, with the latter exercising its hegemony over the former. The Committee has therefore recommended moderation of such relationship in an objective manner. The Committee has referred to the problems of disgruntlement and litigation in the States of Bihar, Rajasthan, Delhi and Jammu and Kashmir. The Committee has found that absence of

² (2015) 3 SCC 251

suitable dispute resolution mechanism has compounded the situation. Even the arbitration system that has hitherto existed has been found to be insufficient and palpably inappropriate when two unequals are pitted against each other, especially with the State Associations remaining beholden to the Board for matches, grants and revenues. In order to reduce the judicial role and the burdening of the courts and to expedite dispute resolution, the Committee has recommended the appointment of a retired Judge of the Supreme Court or a former Chief Justice of a High Court as the Ombudsman of BCCI, to be appointed once a year at the annual general meeting to investigate any complaint received by him/her or suo motu and to resolve any dispute between the Board and any of the above entities or among themselves by following the principles of natural justice, production of evidence and fair hearing. So also the Committee has recommended an Ethics Officer for monitoring adherence to the principles governing avoidance of conflict of interest. The Committee has recommended that Ethics Officer shall have powers inter alia of laying down of additional guidelines or bye-laws on ethics, initiation of investigation or adjudicatory proceedings and the award of warnings, fines, reprimands, suspensions or other action as may be recommended to BCCI. According to the recommendation all non-IPL ethics issues shall be administered and adjudicated by the Ethics Officer who shall be a former Judge of the High Court to be appointed by the Board....”(emphasis supplied)

36. In **Board of Control for Cricket v. Cricket Assn. of Bihar**³, the Supreme Court noted in para 37 of it's order that the Honorary Secretary of the BCCI and it's then President accepted and implemented several recommendations made by the Committee.

It then considered certain contentions raised by the BCCI, interveners etc and having dealt with them, held at para 102 as under:

“102. In the result, we accept the Report submitted by the Committee and the recommendations made therein with such modifications and

³ (2016) 8 SCC 535, at page 566

clarifications as have been set out by us in the body of this judgment. Having said that we must hasten to add that the implementation of the recommendations is equally important and ought to be achieved within a reasonable period. The transition from the old to the new system recommended by the Committee shall have to be under the watchful supervision of this Court. Constraints of time and the multiple dimensions of the recommendations made, however, make it difficult for us to take that supervisory role upon ourselves. The supervision of the transition can, in our opinion, be left to be undertaken by the Committee not only because it has a complete understanding of and insight into the nature of the problems sought to be remedied but also the ability to draw timelines for taking of steps necessary for the implementation of the proposed reforms. We are conscious of fact that the process may be time-consuming but we hope that the same should be completed within a period of four months or at best six months from today. We, therefore, request the Committee headed by Justice Lodha to draw appropriate timelines for implementation of the recommendations and supervise the implementation thereof.

103. Needless to say that BCCI and all concerned shall cooperate and act in aid of the Committee and its directives. Should any impediments arise, the Committee shall be free to seek appropriate directions from this Court by filing a status report in that regard.

37. Thus the recommendations of the Committee to set up Ombudsman and Ethics officer came to be accepted by the Supreme Court and directions were also given by the BCCI to its various members such as 2nd respondent, which is also affiliated to the BCCI, to do the same.

38. Thereafter similar amendments to the Memorandum of Association of the 2nd respondent and the Rules and Regulations of the 2nd respondent, which is affiliated to the BCCI, have been admittedly made as per the above decision and registered on 26.9.2018.

39. Clauses 39 and 40 of the Rules and Regulations of the 2nd respondent specifically deal with the appointment of the Ethics Officer and Ombudsman.

40. Though these two clauses require the appointment to be made by at the Annual General Meeting, Clause 15(2) thereof states that *the Apex Council shall have all the powers of the General Body and authority and discretion to do all acts and things* except such acts as by these rules are expressly directed or required to be done by the General Body; and exercise of such powers, authorities and discretion shall be subject to the control and regulation of the General Body.

41. Thus the need of having an Ombudsman and Ethics Officer, as recommended by the Committee headed by Hon'ble Justice R.M.Lodha and accepted by the Supreme Court in it's above judgment, having been incorporated in the Rules and Regulations governing the functioning of the 2nd respondent, their importance is obvious and the urgency of their appointment, cannot be ignored.

42. Now I shall consider the challenge to the order passed by the court below.

43. The most striking thing to note from the order passed by the Court below was that the minutes of the Apex Council held on 06-06-2020 where a decision was taken to recommend the nomination of Justice Deepak Verma as Ombudsman-cum-Ethics Officer of the 2nd respondent Association was not filed before it. This is noted in para 11 by the Court below stating "*Minutes of the Apex Council meeting*

held on 6-6-2020 are not before this Court as none chose to file them”.

How the Court below could have come to the decision in the IA without even seeing the said Minutes, I am not able to understand.

44. Learned counsel for petitioner pointed out that though the decision of the Apex Council of the 2nd respondent was taken on 06-06-2020 regarding appointment of Ombudsman and Ethics Officer, the O.P. came to be filed 5 months later, on 02-11-2020 by the 1st respondent, and on 07-11-2020, a resolution was passed by the Vice President, Secretary, Treasurer, Joint Secretary and Councilor, who are members of the Apex Council authorizing the Secretary of the 2nd respondent Association Mr.R.Vijayanand to represent the Association in all legal proceedings, litigation and Court cases including the subject O.P.No.17 of 2020 against appointing Justice Deepak Verma as Ombudsman and Ethics Officer of the 2nd respondent.

45. In this meeting dt.7.11.2020, admittedly, the President Mohammad Azharuddin, the C.A.G. nominee and the nominees of the Men Cricket Players and Women Cricket Players did not participate and the counsel for the 2nd respondent is unable to explain why this is so. It appears that they were not aware of this meeting at all and it was held behind their back.

46. Learned counsel for petitioner pointed out that the very passing of this resolution dt.7.11.2020 clandestinely excluding the President and other nominees by 5 members of the Apex Council out of 9 members indicates *mala fides* of the Secretary Mr.R.Vijayanand.

I find considerable force in this contention.

47. Attention of the Court is also drawn to para-8 and 11 of the counter-affidavit filed by the Secretary of the 2nd respondent in the I.A stating that the Apex Council had no powers to approve the appointment of Ombudsman and Ethics Officer, and only the General Body meeting can do so.

48. Learned counsel for petitioner pointed out that the Minutes of the Apex Council meeting held on 06-06-2020, *filed before this Court by the 2nd respondent*, indicates that all the members including the Vice President, **Secretary R.Vijayanand**, Treasurer and Counselors participated and opined that the Ombudsman and Ethics Officer has to be appointed at the earliest and it would not be proper to wait for the Annual General Meeting to appoint an Ombudsman and Ethics Officer; that the Apex Council can appoint an Ombudsman and Ethics Officer and later the same can be ratified by the Annual General Meeting as the Annual General Meeting cannot be conducted in the near future on account of Covid-19 pandemic.

A perusal of the minutes of the said Apex Council meeting corroborates this submission.

49. Learned counsel for petitioner also referred to the Minutes of the meeting of the Apex Council held on 13-08-2020 wherein the Apex Council confirmed the Minutes of the earlier meeting held on 06-06-2020. He contended that in that meeting, there was a discussion about whether letter was addressed to Justice Deepak Verma to obtain

his consent, and the Mr.R.Vijayanand, the Secretary of the 2nd respondent stated that letter dt.05-11-2019 had been addressed to Justice Deepak Verma requesting his consent, that Justice Deepak Verma had given his consent on 07-11-2019, and on 09-11-2019, Justice Deepak Verma was informed that his consent for being appointed as Ombudsman and Ethics Officer would be placed in the General Body Meeting for its approval.

50. Learned counsel for petitioner contended that in the counter-affidavit dt.17-11-2020 filed on behalf of 2nd respondent by the Secretary there is no mention about the Apex Council meeting on 13-08-2020.

This allegation is correct. No reason is assigned by counsel for 2nd respondent why this fact was suppressed in the counter affidavit of the Secretary of 2nd respondent in the O.P.

51. There appears to be another Apex Council Meeting held on 06-11-2020 in which all the members of the Apex Council participated. Cl.No.19 of the minutes of the said meeting, *also filed by the 2nd respondent before this Court*, records as under:

“19. Ombudsman and Ethics Officer-Monthly Remuneration:

Under the category of any other matter before the Council:- The President asked_ for the immediate release of ‘Monthly Remuneration’ to the Ombudsman and Ethics Officer. Majority of the Members have felt that the issue of Appointment of Ombudsman and Ethics Officer in the Earlier Meeting of the Council was rejected straight away

and the proposal for release of Monthly Remuneration was not agreeable and acceptable. When the Secretary raised a query for the way out – Majority of the Members categorically expressed that it be 'Referred' to the AGM for its Guidance and Approval as the AGM is the only Competent Authority to decide the issue of Ombudsman and the Ethics Officer.”

Thus, a decision was taken by majority of the members of the Apex Council that the issue of monthly remuneration of Ombudsman and Ethics Officer be referred to the Annual General Meeting for its guidance and approval as the Annual General Meeting was only the competent authority to decide the issue of Ombudsman and Ethics Officer.

52. Learned counsel for petitioner pointed out that on 07-11-2020, the very next day, clandestinely, behind the back of President of the Association and 3 other members, as pointed out above, the Secretary of the 2nd respondent R.Vijayanand got a resolution passed authorizing himself to appear in this O.P. relating to appointment of Ombudsman and Ethics Officer.

53. He pointed out that there is no reference in the counter-affidavit filed on 17-11-2020 by the Secretary of the 2nd respondent Association to the Minutes of the Apex Council meeting held on 07-11-2020 and they were deliberately suppressed.

This allegation is correct. No reason is assigned by counsel for 2nd respondent why this fact was suppressed in the counter affidavit of the Secretary of 2nd respondent in the O.P.

54. When a specific question was put to learned counsel for respondent Nos.1 and 2 as to why, behind the back of the President and 3 other members, the Secretary got passed the resolution dt.07-11-2020 from the Apex Council and why the Secretary suppressed the subsequent Apex Council meetings dt.13-08-2020 and 06-11-2020, there was no satisfactory answer from the said counsel.

55. They also did not dispute that the address of the 2nd respondent is *Rajiv Gandhi International Cricket Stadium, Uppal Road, Hyderabad* and not *plot Nos.1 to 5, Tarnaka, Uppal Road, Hyderabad*, shown in the OP by the 1st respondent as the postal address of the 2nd respondent. They also did not deny that the address given by the 1st respondent in the O.P. is not the official/actual address of the 2nd respondent.

56. How notice was served on 2nd respondent in spite of correct address of 1st respondent not being shown in the O.P., and how appearance was entered on behalf of 2nd respondent through its Secretary, are also not answered by learned counsel for respondent Nos.1 and 2.

57. From the facts mentioned above and the events which are narrated above, it is clear that the Secretary of the 2nd respondent, having agreed to the appointment of Justice Deepak Verma as Ombudsman and Ethics Officer in the meeting of the Apex Council held on 06-06-2020, which was ratified in the subsequent meeting of the Apex Council held on 13-08-2020, tried to sabotage the said appointment by setting up the 1st respondent to file the O.P. giving incorrect address of

2nd respondent, and then himself filing a counter agreeing with the contentions of the 1st respondent on all respects, by suppressing his own conduct in the Apex Council meetings held on 06-06-2020, 13-08-2020 and 06-11-2020.

58. By utilizing the services of 1st respondent, the Secretary of the 2nd respondent has affectively sabotaged the decision of the Supreme Court to have an Ombudsman and Ethics Officer and the mandate of the amendment to the rules and regulations of the 2nd respondent (clauses 39 and 40), and by misleading the Court below, secured an interim order by colluding with the 1st respondent.

I may also state that there is a reference in para-13 in the impugned order dt.17-11-2020 passed by the Court below in I.A.No.746 of 2020 to the resolution dt.06-11-2020 of the Apex Council held on 06-11-2020, and contents of the alleged minutes of the said meeting are also set out.

But the actual resolution dt.06-11-2020, filed by the 2nd respondent, which is extracted above in para-51 in fact does not have the same contents. There is substantial variation between the two.

Also as per para 14 of the impugned order, even this resolution was apparently passed by (i) Secretary, (ii) Surender Kumar, the Treasurer, (iii) K.John Manoj, the Vice President, (iv) Naresh Sharma, Joint Secretary and (v) Councillor Anuradha, without the presence of President and the nominees of the members.

59. It is therefore clear that Sri R.Vijayanand, Secretary of the 2nd respondent, having agreed to a particular decision in the Apex council meeting held on 6.11.2020 in the presence of all Members of the Apex Council, clandestinely arranged another meeting on the same day with (i) himself, (ii) Surender Kumar, the Treasurer, (iii) K.John Manoj, the Vice President, (iv) Naresh Sharma, Joint Secretary and (v) Councillor Anuradha, behind the back of the President Mohammed Azharuddin, got passed another resolution, and passed it off as the Apex Council Meeting Resolution dt.6.11.2020, and deliberately misled the Court below to help the 1st respondent get the impugned interim order.

60. In this view of the matter, I am of the opinion that the O.P.No.17 of 2020 is a collusive proceeding intended to undo/delay the appointment of Ombudsman and Ethics Officer for the 2nd respondent and is an abuse of process of Court.

61. For the aforesaid reasons, the impugned order dt.17-11-2020 in I.A.No.674 of 2020 in PSROP No.17 of 2020 of the XXV Additional Chief Judge, City Civil Court, Hyderabad cannot be sustained.

62. Consequently, the Civil Revision Petition is allowed; the order dt.17-11-2020 in I.A.No.674 of 2020 in PSROP No.17 of 2020 of the XXV Additional Chief Judge, City Civil Court, Hyderabad is set aside; and the said I.A.No.674 of 2020 is dismissed with costs of Rs.25,000/- each (Rupees Twenty five thousand only) to be paid to the petitioner in this Revision by the 1st respondent and R.Vijayanand, the Secretary of the 2nd respondent from his personal funds.

63. In my opinion,

- (i) the filing of the O.P. itself is an abuse of process of Court;
- (ii) there is clear collusion between the 1st respondent and the R.Vijayanand, Secretary of the 2nd respondent;
- (iii) both of them did not come to the Court with clean hands and suppressed true facts;
- (iv) the respondent No.s 1 and 2 wanted to delay the appointment of the Ombudsman and Ethics Officer and to embarrass Justice Deepak Verma, former Judge of the Supreme Court.

So the PSROP No.17 of 2020 itself is dismissed as it's continuance might lead to commission of further fraud and mischief by the 1st respondent and R.Vijayanand, the Secretary of the 2nd respondent and others supporting them.

64. Pending miscellaneous petitions, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

Date: 06-04-2021

Vsv