

**HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR**

*Reserved On: 16<sup>th</sup> of March, 2021.  
Pronounced On: 23<sup>rd</sup> of March, 2021.*

LPAW No.14/2019 [LPA No.43/2019]  
Along-with connected matters

**(i) LPAOW No. 14/2019 [LPA No.43/2019]:**

City Cricket Club Srinagar & Ors.

***... Petitioner(s)/ Appellant(s)***

***Through:***

Mr R. A. Jan, Senior Advocate with  
Mr Aswad Attar, Advocate;

Mr Mohsin S. Qadri, Senior Advocate with  
Mr Mohammad Tahseen, Advocate;

Mr Z. A. Shah, Senior Advocate with  
Mr Salih Pirzada, Advocate for intervener(s);

Mr B. A. Bashir, Senior Advocate with  
Ms Falak Bashir, Advocate for intervener(s) and

Mr Parveen Kapahi, Advocate for intervener(s).

***Versus***

Board of Control for Cricket in India & Ors.

***... Respondent(s)***

***Through:***

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(ii) MCC No. 12/2018:**

Jammu and Kashmir Cricket Association, Srinagar & Ors.

... *Petitioner(s)/ Appellant(s)*

**Through:**

None.

**Versus**

Gurmeet Singh & Ors.

... *Respondent(s)*

**Through:**

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate.

**(iii) WP(C) No. 1815/2020:**

Nisar Ahmad Khan & Ors.

... *Petitioner(s)/ Appellant(s)*

**Through:**

Mr Z. A. Shah, Senior Advocate with  
Mr Salih Pirzada, Advocate;

**Versus**

Board of Control for Cricket in India & Ors.

... *Respondent(s)*

**Through:**

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(iv) WP(C) No. 2059/2020:**

Javed Ahmad Kitab.

... *Petitioner(s)/ Appellant(s)*

**Through:**

Mr Hilal Ahmad Wani, Advocate

**Versus**

Muslim Cricket Club & Ors.

**... Respondent(s)**

**Through:**

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates; and

Mr Nisar Ahmad Bhat, Advocate.

**(v) WP(C) No. 2070/2020:**

Ahmad Ali.

**... Petitioner(s)/ Appellant(s)**

**Through:**

Mr Z. A. Shah, Senior Advocate with  
Mr Salih Pirzada, Advocate.

**Versus**

Board of Control for Cricket in India & Ors.

**... Respondent(s)**

**Through:**

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate.

**(vi) WP(C) No. 2155/2020:**

Muzaffar Jan & Ors.

**... Petitioner(s)/ Appellant(s)**

**Through:**

Mr Hilal Ahmad Wani, Advocate.

**Versus**

Mohammad Saleem Khan & Ors.

... Respondent(s)

**Through:**

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(vii) WP(C) No. 3653/2019:**

Hilal Ahmad Zargar & Ors.

... Petitioner(s)/ Appellant(s)

**Through:**

Mr Hilal Ahmad Wani, Advocate.

**Versus**

Baramulla Cricket Club & Ors.

... Respondent(s)

**Through:**

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(viii) WP(C) No. 3738/2019:**

Iqbal Ahmad Shah Jan & Ors.

... Petitioner(s)/ Appellant(s)

**Through:**

Mr Hilal Ahmad Wani, Advocate.

**Versus**

Kashmir Gymkhana Cricket Club & Ors.

... Respondent(s)

**Through:**

Mr Syed Faisal Qadri, Senior Advocate with

M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(ix) OWP No. 2284/2018:**

Youth Cricket Club & Ors.

... *Petitioner(s)/ Appellant(s)*

***Through:***

Mr Sheikh Faraz Iqbal, Advocate.

***Versus***

Jammu and Kashmir Cricket Association & Ors.

... *Respondent(s)*

***Through:***

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(x) OWP No. 2299/2018:**

United Cricket Club & Anr.

... *Petitioner(s)/ Appellant(s)*

***Through:***

Mr Jahangir Iqbal Ganai, Senior Advocate with  
Ms Humaira Shafi, Advocate.

***Versus***

Jammu and Kashmir Cricket Association & Ors.

... *Respondent(s)*

***Through:***

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with

M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(xi) WP (C) No. 4524/2019:**

Desh Rattan Dubey.

... *Petitioner(s)/ Appellant(s)*

**Through:**

Mr Achyut Dubey, Advocate.

**Versus**

Board of Control for Cricket in India & Ors.

... *Respondent(s)*

**Through:**

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(xii) WP (C) No. 1404/2020:**

Desh Rattan Dubey.

... *Petitioner(s)/ Appellant(s)*

**Through:**

Mr Achyut Dubey, Advocate.

**Versus**

Board of Control for Cricket in India & Ors.

... *Respondent(s)*

**Through:**

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with

M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(xiii) WP (C) No. 1860/2020:**

District Kathau Cricket Association & Ors.

... *Petitioner(s)/ Appellant(s)*

***Through:***

Mr Syed Shakeel Ahmad, Advocate.

***Versus***

Board of Control for Cricket in India & Ors.

... *Respondent(s)*

***Through:***

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with  
M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**(xiv) WP (C) No. 1998/2020:**

Desh Rattan Dubey.

... *Petitioner(s)/ Appellant(s)*

***Through:***

Mr Achyut Dubey, Advocate.

***Versus***

Board of Control for Cricket in India & Ors.

... *Respondent(s)*

***Through:***

Mr Sunil Sethi, Senior Advocate with  
Mr Navyug Sethi, Advocate; and

Mr Syed Faisal Qadri, Senior Advocate with

M/s Jasiya Ali, Yasir Aijaz Tak & Shahbaz Sikandar  
Mir, Advocates.

**CORAM:**

**Hon'ble Mr Justice Ali Mohammad Magrey, Judge**  
**Hon'ble Mr Justice Puneet Gupta, Judge**

**(JUDGMENT)**

**{Per Magrey, J}:**

**I. Subject matter of the present litigation:**

01. The subject matter of challenge in the Letters Patent Appeal before us, being LPAOW No.14/2019, is the judgment dated 31<sup>st</sup> of December, 2018 passed by the learned Single Judge in two Writ petitions bearing OWP Nos. 1954/2018 and 1685/2018, whereby the said Writ petitions stand dismissed. In the aforesaid Writ petitions, the petitioners/ appellants herein had sought declaration from the learned Single Judge declaring the Memorandum of Association and the Rules and Regulations framed by the Court Appointed Administrators (hereinafter referred to as "the CAA") on 3<sup>rd</sup> of October, 2018 as null and void, with a further direction to the Jammu and Kashmir Cricket Association (for short "the JKCA") to convene the extraordinary General Council Meeting in compliance with the mandate of Rule 20 of the Rules of the JKCA and amend the Rules of the JKCA in conformity with the recommendations made by the Lodha Committee which have been accepted by the Hon'ble Supreme Court with certain modifications.

02. Thereafter, several Writ petitions came to be filed in both wings of this High Court, some challenging the mandate of the CAA in framing the



Memorandum of Association and Rules and Regulations so presented, viz. (i) OWP No.2284/2018 titled 'Youth Cricket Club v. BCCI & Ors.' (filed in Jammu wing); (ii) OWP No.2299/2018 titled 'United Cricket Club v. BCCI & Ors.' (filed in Jammu wing); (iii) WP(C) No.4524/2019 titled 'Desh Ratan Dubey v. BCCI & Ors.' (filed in Jammu wing); (iv) WP(C) No.1404/2020 titled 'Desh Ratan Dubey v. BCCI & Ors.' (filed in Jammu wing); and (v) WP(C) No.1998/2020 titled 'Desh Rattan Dubey v. BCCI & Ors.' (filed in Jammu wing); and some in support of the Constitution/ Memorandum of Association framed by the CAA, being (i) WP(C) No.1860/2020 titled 'District Kathua v. BCCI & Ors.' (filed in Jammu wing); (ii) WP(C) No.1815/2020 titled 'Nisar Khan & Ors. v. BCCI & Ors.' (filed in Srinagar wing); and (iii) WP(C) No.2070/2020 titled 'Ahmad Ali v. BCCI & Ors.' (filed in Srinagar wing). Besides, a review petition, MCC No.12/2018, has also been filed seeking review of judgment dated 6<sup>th</sup> of December, 2017 passed by the Division Bench of this Court. Since, the issues raised in the aforesaid petitions are akin to the ones involved in the Letters Patent appeal, as such, all these petitions stand clubbed herewith this appeal for their decision together. In this backdrop, we propose to decide the appeal as well as the aforesaid connected petitions by virtue of this common judgment.

### **II. Genesis of the present litigation:**

03. Before coming to the arguments of the learned appearing counsel for the parties, we deem it appropriate to have a glance at the precise background facts wherein the genesis of the present litigation lies, as is

brought to limelight from the perusal of the pleadings on record. It was way back in the year 1957 that on the initiative of the Kashmir Cricket Club, a process for formation of the JKCA was set in motion, resulting in constitution of a Sub-Committee consisting of six members, headed by one Qazi Ghulam Rasul. This Committee was tasked to prepare the modalities for formation of the JKCA of all the Clubs and Colleges in Jammu and Kashmir. On the basis of the report so prepared by the aforesaid Sub-Committee, the Rules of the JKCA were framed and the JKCA was registered as a Society under the Jammu and Kashmir Societies Registration Act, vide registration No. S-41 dated 29<sup>th</sup> of August, 1957. Thereafter, since then, it is the JKCA that has been running the affairs of the administration of the game of cricket in Jammu and Kashmir. Subsequently, with the passage of time, the game of cricket attained huge popularity which resulted in association of the things like money, power, glamour and fame with it. This not only affected the functioning of the Cricket Associations of other States of the country, but the JKCA also did not remain unaffected. Resultantly, it was the game of cricket that suffered immensely. Besides, the BCCI, an Apex Body to control the activities of the game of cricket in India, too came to be afflicted with all kinds of depravities. Resultantly, multiple litigations arose at various forums and the matter, subsequently, cropping up before the Hon'ble Supreme Court in case titled '*Board of Control for Cricket in India & Others v. Cricket Association of Bihar & Others; (2015) 3 SCC 251*'. The Hon'ble Supreme Court, in view of

the nature of public interest involved in the game of cricket, at Paragraphs 120.2 to 120.4, observed as under:

*“120.2. The quantum of punishment to be imposed on Mr Gurunath Meiyappan and Mr Raj Kundra as also their respective franchisees/ teams/ owners of the teams shall be determined by a committee comprising the following:*

*(i) Hon’ble Mr Justice R. M. Lodha, former Chief Justice of India – Chairman.*

*(ii) Hon’ble Mr Justice Ashok Bhan, former Judge, Supreme Court of India – Member.*

*(iii) Hon’ble Mr Justice R. V. Raveendran, former Judge, Supreme Court of India – Member.*

*The Committee shall, before taking a final view on the quantum of punishment to be awarded, issue notice to all those likely to be affected and provide to them a hearing in the matter. The order passed by the Committee shall be final and binding upon BCCI and the parties concerned subject to the right of the aggrieved party seeking redress in appropriate judicial proceedings in accordance with law.*

*120.3. The three-member Committee constituted in terms of sub-para 120.2, above, shall also examine the role of Mr Sundar Raman with or without further investigation, into his activities, and if found guilty, impose a suitable punishment upon him on behalf of BCCI. Investigating team constituted by this Court under Shri B.B. Mishra shall for that purpose be available to the newly constituted Committee to carry out all such investigations as may be considered necessary, with all such powers as were vested in it in terms of our order dated 16-5-2014.*

*120.4. The three-member Committee is also requested to examine and make suitable recommendations to BCCI for such reforms in its practices and procedures and such amendments in the memorandum of association, rules and regulations as may be considered necessary and proper on matters set out by us in para 119 of this order.”*

04. The Committee so appointed by the Hon’ble Supreme Court under the Chairmanship of the former Chief Justice of India, Justice R. M. Lodha, was tasked to recommend wholesome reforms in the administration of the game of cricket in India in keeping with the extent of public interest involved therein. The Committee, accordingly, submitted its

recommendations before the Hon'ble Supreme Court which were accepted by the Hon'ble Supreme Court subject to certain modifications/ clarifications as set out in the judgment dated 18<sup>th</sup> of July, 2016, reported as '**Board of Control for Cricket in India & Others v. Cricket Association of Bihar & Others; (2016) 8 SCC 535**'. While accepting the recommendations made by the Lodha Committee, the Supreme Court requested it to draw the appropriate timeline for implementation of the recommendations and supervise the implementation thereof.

05. These recommendations/ guidelines of the Lodha Committee, as approved by the Hon'ble Supreme Court vide its decision dated 18<sup>th</sup> of July, 2016 (*supra*), became the basis for effecting necessary reforms in the administration of the game of cricket in the entire country. The guidelines formulated by the Lodha Committee also mandated the affiliate State Associations of the BCCI to effect necessary amendments in their Rules/Memorandum of Association/Constitutions so as to bring them in tune with the recommendations made by the Lodha Committee as approved by the Hon'ble Supreme Court. Consequently, like other affiliated State Associations of the BCCI, the JKCA also came under an obligation to incorporate the recommendations of the Lodha Committee in its Rules/Constitution. The JKCA was, however, in total disarray, as a result of the infighting between rival groups striving to gain control of the affairs of the Association, thereby making it impossible for the existing body of the JKCA

to implement the recommendations/ guidelines of the Supreme Court appointed Committee. Given this position, a number of Writ petitions came to be filed in both wings of this High Court. Finally, on 13<sup>th</sup> of October, 2017, all these clubbed petitions, with lead case titled '**Gurmeet Singh v. State of JK & Others**', were decided by a learned Single Judge of this Court. The learned Single Judge, in its decision, after taking note of the sorry state of affairs that was prevailing in the management of the JKCA and having found that the terms of office of the officer bearers of the Association had expired, disposed of the petitions on the following terms:

“ ...

*16. In view of preceding analysis I deem it appropriate to issue the following directions:*

*I. That Mr Justice C. K. Prasad, retired Judge of the Supreme Court and Mr Justice Syed Rafat Alam, Chief Justice of M.P. and Allahabad High Courts shall act as Administrators of the J&K Cricket Association to ensure free and fair elections.*

*II. The Administrators shall ensure that the rules of the J&K Cricket Association are amended inconformity with the recommendations made by the Lodha Committee which has already been accepted by the Supreme Court.*

*III. The BCCI and the Association shall render all assistance to the Administrators, to effectively perform their duties.*

*IV. The expenditure to be incurred for travelling expenses and for stay of Administrators shall be borne by the Association. In addition the Administrators shall be entitled to remuneration of Rs.75000/- each per working day.*

*V. The Administrators shall ensure that elections of office bearers of Association are held after amendment of the rules for electing office bearers of the Association.*

*VI. The Administrators shall also be at liberty to appoint an Ombudsman who shall decide the disputes between the members affiliated to the Association.*

*VII. The police authorities are directed to deposit the amount seized by it in favour of the Association. The treasurer shall not expend the amount so received in the account of the Association without approval of the Administrators. The Administrators may also appoint a financial advisor, who shall maintain proper accounts. The Administrators shall also be at liberty to appoint Ombudsman if so advised. After elections are held the newly elected body shall be entitled to expend the amount as per norms of BCCI.*

*VIII. Let the aforesaid exercise be completed within a period of 2 months.”*

06. The order aforesaid passed by the learned Single Judge was assailed before the learned Division Bench of this Court in five Letters Patent Appeals. All these Appeals, too, were clubbed together and disposed of on 6<sup>th</sup> of December, 2017. The Division Bench of this Court, of which one of us (Magrey; J was a member) upheld the judgment of the learned Single Judge with certain modifications to the effect that the disputes *inter se* different clubs affiliated to JKCA shall be resolved by an Ombudsman to be appointed by the Court and not by the CAA and, accordingly, appointed Mr Justice Syed Bashir-ud-din (retired) as the Ombudsman to settle the disputes of different affiliated members of the Association. Besides, the Division Bench was also of the view that there shall be a Chief Executive Officer to assist the CAA to manage the affairs of the Association and, consequently, appointed Mr Ashiq Hussain Bukhari, IPS, DIG (retired), to be the Chief Executive Officer of the Association. Thereafter, the CAA took over the charge of the Association and

embarked upon the exercise to carry out the mandate of the directions so passed by this Court.

07. During the interregnum, the draft Constitution of the BCCI and the suggestions received with respect thereto from the State Cricket Associations and other parties together with the comments of the Committee of Administrators of the BCCI on the proposed suggestions came to be submitted before the Hon'ble Supreme Court in the status report dated 12<sup>th</sup> of January 2018. Thereafter, the Hon'ble Supreme Court considered the suggestions so made by all the stakeholders in regard to the draft Constitution and accepted the said draft Constitution, subject to certain modifications as detailed out in the judgment dated 9<sup>th</sup> of August 2018, paragraph No. 45 whereof, being of great relevance, is reproduced hereunder *verbatim*:

*“45. Having regard to the fact that the draft Constitution submitted by the CoA on 27-10-2017 has now been approved by this Court subject to the aforesaid modifications, we issue the following directions:*

*45.1. The Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 shall upon the presentation of the said Constitution by the CEO, register the documents forthwith and report compliance by way of a report to the Secretary General of this Court within four weeks;*

*45.2. Upon the registration of the said Constitution of BCCI, each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 18. days thereafter. A compliance certificate must be furnished to the CoA, which shall file a status report before this Court with reference to the compliance undertaken by the State Associations; and*

*45.3. In the event that any State Association does not undertake compliance with the above said directions, the directions contained in the orders of this Court dated 7 October 2016 and 21 October 2016 shall revive.”*

08. The upshot of the above factual discourse is that the draft Constitution, having been approved by the Hon'ble Supreme Court subject to certain modifications vide judgment dated 9<sup>th</sup> of August 2018, has been taken to be the final Constitution of the BCCI. Apart from this, the directions of the Supreme Court also required each of the members of the BCCI, which would include JKCA as well, to undertake registration of their respective Constitutions on similar lines in accordance with the recommendations of the Lodha Committee as approved by the Hon'ble Supreme Court. In other words, the affiliated Associations, including the JKCA, are obliged in law to bring their respective Constitutions in line with the Constitution of BCCI approved by the Supreme Court subject to the modifications made by the Supreme Court in terms of the order dated 9<sup>th</sup> August 2018. Accordingly, the CAA of the JKCA framed the Memorandum of Association and Rules and Regulations and got it registered from the competent authority on 3<sup>rd</sup> of October, 2018. The petitioners/ appellants in LPAOW No.14/2019 contend that the CAA of the JKCA went beyond its given mandate of amending the earlier constitution of the JKCA, registered in the year 1957, in line with the recommendations of the Lodha Committee as approved by the Supreme Court by framing a completely new Constitution of the JKCA and got the same registered with



the registering authority. It is averred that this whole exercised, as undertaken by the CAA, is against the mandate of the CAA of the JKCA given by the learned Single Judge of this Court and upheld by the Division Bench of this Court with certain modifications, as detailed hereinabove. The learned Single Judge, after considering the rival contentions, dismissed the Writ petitions of the petitioners/ appellants by holding that the issue as to whether the Constitution of JKCA is in line with the constitution of the BCCI and the recommendations of the Lodha Committee as approved by the Supreme Court lies within the domain of the Supreme Court appointed Administrators in light of the directions issued by the Supreme Court in its order dated 9<sup>th</sup> of August, 2018 which, as per the learned Single Judge, obviated the necessity of going into the rival claims on the issue articulated by the parties. This judgment of the learned Single Judge is assailed by the appellants before this Court.

**III. Arguments of the counsel for the Parties:**

09. Mr R. A. Jan, the learned Senior Counsel, appearing on behalf of the appellants, submits that the judgment of the learned Single Judge dismissing the petition filed by the appellants on the ground of maintainability is against the facts of the case inasmuch as the appellants are the basic members of the JKCA who have brought the Association in existence and have been running its affairs for last more than 50 years along-with other members of the Association. It is further submitted that none of the orders/ judgments passed, either by the Hon'ble Supreme Court or by this Court, gave an absolute authority to the CAA to completely repeal the earlier Constitution

of the JKCA and frame a new one in the shape of the impugned ‘Memorandum of Association and Rules and Regulations’ without consulting the General Council of the Association which was in place and existing at that point of time. It is contended that the learned Single Judge was well within its powers to examine the question framed by the appellants in their petition as to whether the Memorandum of Association and Rules and Regulations drafted by the CAA were in conformity with the recommendations/ guidelines of the Lodha Committee as approved by the Hon’ble Supreme Court while exercising jurisdiction under Article 226 of the Constitution of India. Mr Jan further proceeded to state that the directions passed by the Hon’ble Supreme Court on the subject, from time to time, did not put any restriction on the powers of this Court or any other High Court of the country to examine the issue as to whether the Rules/ Constitution of any Association/affiliate member is consistent with the Constitution of the BCCI nor does any law, for the time being in force, put such restriction on this Court which is well within its powers to go into the question of determining as to whether the Rules/Memorandum of Association/ Constitution of the JKCA drafted by the CAA were in agreement with the Constitution of BCCI, as approved by the Hon’ble Supreme Court. It is next contended by the learned Senior counsel that a bare perusal of the Memorandum of Association/ Rules and Regulations drafted by the CAA makes it clearly axiomatic that the same has changed the basic structure/ Constitution of the JKCA inasmuch as the basic members who founded the Association have been ousted from the Association and kept out

of the purview of the membership of the Association by giving a new concept of District Members and District Recognized Associations. It is argued that this change in the original composition of the JKCA is not only beyond the scope of the mandate given to the CAA, but it also runs contrary to the findings of the Hon'ble Supreme Court rendered in its judgment dated 18<sup>th</sup> of July, 2016. The learned Senior Counsel has pleaded that the CAA, who have no experience in the game of Cricket, were required to follow the procedure as provided under Rule 20 of the Rules of the Association prevailing at the relevant point of time for making amendment in the Rules of the Association so as to bring these Rules in line with the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court, but, the CAA, as per the learned Senior counsel, acted in an illegal and arbitrary manner in replacing the original Rules of the JKCA with a new set of the Rules which are not only inconsistent to the original Rules, but also beyond their mandate and jurisdiction. The next argument put forth by the learned Senior Counsel is that the CAA have been appointed by the Court only as an interim measure in place of such elected office bearers who faced disqualification in view of the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court, to conduct free and fair elections of the Association after amending the Rules of the Association in conformity with the BCCI rules and registering the same with the Registrar of Societies, but they, while usurping the powers of the General Council of the JKCA, amended/repealed the existing rules of the Association on their own with a completely new set of

Rules. In the light of these submissions, Mr Jan seeks setting aside of the judgment of the learned Single Judge and, consequently, grant of such relief as was prayed for by the appellants in their Writ petitions.

10. Mr Z. A. Shah, the learned Senior Counsel representing the interveners/ petitioners in WP(C) Nos. 1815/2020 and 2070/2020, submitted that in order to accomplish the requirements of the Lodha Committee, as approved by the Hon'ble Court, which seek to decentralize and democratize the cricketing institutions, both at the National as well as the State level, necessary amendments with the approval of the BCCI were made in the earlier constitution of the JKCA. It is submitted that the object of ending the monopoly of a few Clubs and replacing them with District Associations was to adopt the policy of 'territorial representation' for the formation of the Association and ending the earlier practice of denial of representation to each and every territory of Jammu and Kashmir in the JKCA. Mr Shah contends that the formation of District Associations at this stage cannot be unsettled at all, that too in absence of any regulatory authority over the JKCA. It is argued that the respondent-BCCI has become '*functus officio*', both for the expiry of mandate of office as well by discharge of undertaking, as such, is devoid of authority to take any progressive or regressive action. The action of respondent-BCCI, as stated, is manifestly motivated and cannot be permitted to camouflage the functioning of valid District Associations with the object of destabilizing the existence of the petitioners attained in a systematic manner

in furtherance to the directions passed by the Hon'ble Supreme Court. It is also pleaded that the concept of 'Territorial Representation' formulated by the JKCA does suffer from any *vice* and that the same is, in fact, aimed at improving the game of Cricket in Jammu and Kashmir at grass root levels. The learned senior counsel averred that in case the affairs of the JKCA are permitted to be handed over to the respondent-BCCI, the very functioning of the JKCA is likely to decimate which would correspondingly eliminate the very object of the recommendations of the Lodha Committee.

11. Mr B. A. Bashir, learned Senior counsel appearing for the interveners submitted that he has filed two applications on behalf of Mr Niyaz Ahmad Bhat S/o Abdul Khaliq Bhat R/o Buchpora, Srinagar, Elected General Secretary of Kashmir Gymkhana Cricket Club, Safa Kadal, Srinagar, one for seeking intervention in the appeal (CM No.3537/2020) and the other for preventing appellant No.3 to represent Kashmir Gymkhana Cricket Club (CM No.4369/2020), besides one on behalf of Mr Showkat Ahmed Bhat S/o Ali Mohammad Bhat R/o Drangbal, Baramulla, seeking substituting/ impleading as Secretary of Baramulla Cricket Club to prosecute as appellant No.2 in the appeal in place of Mr Hilal Ahmed Zargar (CM No.1313/2021). When apprised that disputes *inter se* the clubs affiliated with the JKCA have been decided by the then Ombudsman of the JKCA, which decisions have been subsequently assailed in appropriate proceedings by the aggrieved parties, and that same do not fall within the ambit of the subject matter of the proceedings

before this Court, as rightly pointed out by learned counsel for the appellants, Mr Bashir fairly submitted that notwithstanding such position, he be permitted to put forth his arguments in regard to the decision of the CAA in framing the new Memorandum of Association and Rules of Regulations of the JKCA as intervener. This submission of the learned Senior counsel was acceded to and he was heard on the aforesaid issue of the exercise undertaken by the CAA. In this behalf, Mr Bashir while supporting the argument of Mr Jan, learned Senior counsel representing the appellants, contended that the mandate of the CAA was only to ensure conduct of free and fair elections of the positions in the JKCA after incorporating necessary amendments in the existing rules of the JKCA in tune with the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court, but the CAA went beyond the said mandate by completely repealing the earlier constitution of the Association and framing the new one styled as 'Memorandum of Association and Rules of Regulations'.

12. Mr Jahangir Iqbal Ganai, learned Senior counsel appearing for the petitioners in WP(C) 2299/2018, while adopting the arguments of Mr Jan, learned senior counsel for the appellants in *toto*, submitted that the CAA was appointed only as an interim measure in place of such office bearers who were disqualified from holding the office and did not, in any manner, replace the General House/ Council of the JKCA. It is contended that the mandate of the CAA was only restricted to holding of free and fair elections of the JKCA

after bringing the earlier Rules of 1957 of the Association in tune with the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court, which they exceeded by framing a completely new constitution in the shape of Memorandum of Association and Rules and Regulations.

13. Mr Sunil Sethi, learned Senior Counsel representing the BCCI, submitted that the learned Single Bench of this Court in OWP No. 787/17 titled Gurmeet Singh & Ors. v. State of JK & Ors., along with 4 other clubbed matters, after hearing all the parties and on the request of the BCCI, in terms of judgment dated 13<sup>th</sup> of October, 2017, appointed Administrators to amend the constitution of the JKCA as per the recommendations of the Lodha Committee within two months in view of the bar put by the said recommendations on the then office bearers of the JKCA. It is stated that, at the said moment, there were two factions in the JKCA who were claiming to be its office bearers, with one group headed by Dr Farooq Abdullah; and the other by Mr Imran Raza Ansari. The dispute between these two factions of JKCA, each claiming to be office bearers, led to filing of number of litigations in different Courts of Jammu and Kashmir, thereby hampering the object of promoting the activities of cricket in Jammu and Kashmir. Thereafter, the judgment aforesaid came to be assailed by as many as five appeals before the Division Bench of this Court. All these appeals were, subsequently, heard by the Division Bench and disposed of vide judgment dated 6<sup>th</sup> of December,

2017 by upholding the judgment of the learned Single Judge, subject to certain modifications, including appointment of Chief Executive Officer as well as Ombudsman to assist the CAA. It is contended that in the light of the aforesaid position, the CAA of the JKCA were thus required to take up the exercise of incorporating necessary amendments in the JKCA Constitution/ Memorandum of Association/ Rules on similar lines to that of the draft Constitution of the BCCI as approved by the Hon'ble Supreme Court, meaning thereby that such amendments had to be restricted and limited to the extent of bringing the constitution of JKCA in conformity with the constitution of BCCI keeping in view the recommendations of the Lodha Committee, however, the CAA of the JKCA completely repealed the constitution of the JKCA resulting in withdrawal of memberships as well as voting rights of the cricketing clubs who were members of JKCA. It is argued that on the basis of the directions dated 13<sup>th</sup> of August, 2019 of the Committee of Administrators appointed by the Hon'ble Supreme Court, an *e-mail* was sent to the CAA of the JKCA on 10<sup>th</sup> of September, 2019, thereby directing them to immediately amend the membership structure and induct the excluded cricket Clubs as members of JKCA with voting rights and other associated rights of cricketing Clubs affiliated to the JKCA, but the CAA, in response through its e-mail dated 19<sup>th</sup> of September, 2019, expressed its inability to induct the Clubs by referring to the concept of District Associations created by it. In this context, it is contended that CAA of the JKCA travelled beyond the scope of the recommendations of the Lodha Committee while excluding



the cricketing Clubs who were the basic members of the JKCA and introduced the concept of District Associations in all Districts of Jammu and Kashmir. It is next contended that the BCCI has been receiving multiple complaints against the conduct of the CAA of the JKCA and since the BCCI is entrusted with the responsibility of ensuring that cricketing activities throughout the country, including the Union Territory of Jammu and Kashmir, are not affected, the BCCI, in its Apex Council meeting held on 17<sup>th</sup> of July, 2020, has taken a decision to put the JKCA under the supervision and control of an *ad hoc* Committee for proper administration and management of the game of cricket in Jammu and Kashmir and to streamline the functioning, affairs and management of JKCA, subject to requisite permission and/or directions from this Court.

14. Mr Syed Faisal Qadri, learned Senior counsel, representing the JKCA, submitted that the CAA of the JKCA are working under the command of this Court and, have been not only discharging their obligations to the best of their satisfaction, but also in tune with the directions of this Hon'ble Court as well as the Hon'ble Supreme Court. It is contended that right from the date of taking over the affairs of the JKCA on the directions of this Court, the CAA has streamlined the otherwise derailed and scam-ridden JKCA in all respects, resulting in nourishing of cricketing activities in the far-flung areas of Jammu and Kashmir, including Ladakh, Kupwara, Baderwah, Rajouri, etc. It is pleaded that the JKCA was earlier being run by a total 32 Cricketing Clubs;

which were based either in Jammu City or Srinagar City, with no club from any other District being part of the JKCA. The result of this, as stated, was that if any cricketer, who wanted to play cricket and dreamt of opting it as his career, was required to migrate from his parent District and travel to either Jammu or Srinagar for the same which required lot of financial support and, eventually, many talented sportsmen chose otherwise. It is stated that all these years the command, including voting rights for the JKCA, was restricted only to these 32 Clubs creating hegemony and monopoly and that the concept of 'District Associations' was brought in to remove these difficulties being faced by cricketers of other Districts. Besides, it is contended that the team selections, at in all levels, are undertaken fairly including members of squads from all across Jammu and Kashmir. It is argued that the responsibilities assigned to the answering respondents were to ensure that the rules of JKCA are amended in conformity with recommendations made by Lodha Committee having been accepted by the Hon'ble Supreme Court; to ensure that elections of officer bearers of the JKCA are held after amendment of the rules; and to run the affairs of the JKCA till rules are amended and elections are held. Accordingly, as stated, the CAA took charge of the assignment in December, 2017 and the process of amendment of rules, after due deliberation with all stakeholders, concluded on 3<sup>rd</sup> of October, 2018, by way of registering the amended Constitution, i.e., within a period of 09 months from taking over as CAA. Thereafter, the amended Constitution was challenged by the appellants herein by medium of Writ petitions before the learned Single Bench, which

petitions came to be dismissed on 31<sup>st</sup> of December, 2018 and this judgment of the learned Single Judge is, now, under challenge herein the instant appeal. Therefore, it is pleaded that the primary task of amending the Constitution was concluded in October 2018, whereafter the aforesaid litigation(s) have been initiated before various Courts, including this Court, thereby protracting the culmination of the role of the CAA.

15. Mr Syed Shakeel Ahmad, learned counsel, appearing in WP(C) No.1860/2020, supported the arguments advanced by Mr Z. A. Shah, learned Senior counsel, while defending the exercise undertaken by the CAA of the JKCA in framing the new constitution/ rules. The learned counsel submitted that the Memorandum of Association and Rules and Regulations framed by the CAA is in accordance with the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court.

16. Mr Syed Faraz Iqbal, learned counsel, appearing for the petitioners in WP(C) No.2284/2018, as well as Mr Aychut Dubey, learned counsel appearing for the petitioners in WP(C) Nos. 4524/2019; 1404/2020; and 1998/2020, supported the arguments put forth by Mr Jan, learned Senior Counsel, against the framing of the new Memorandum of Association and Rules and Regulations by the CAA of the JKCA. Both the learned counsel vehemently argued that the mandate exercised by the CAA while completing repealing/ replacing the earlier rules of the JKCA with the new Memorandum

of Association and Rules and Regulations was not, at all, available to the CAA who were only tasked with conducting free and fair elections of the JKCA after incorporating necessary amendments in the earlier rules as per the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court.

**IV. Discussion:**

17. We have heard learned counsel for the parties, perused the pleadings on record and have considered the matter.

18. At the outset, what requires to be stated is that the game of cricket assumes manic proportions in India and is not viewed as being merely a sport or an ordinary amusement activity. It is a national sport that connects the people of India in a unique way. The ground realities of the popularity and reach of the game of cricket in India make for a compelling argument that there is a patent public element involved in the same. However, it surfaced that the BCCI which administers the game of cricket in the country was mired in various controversies, including serious inaction regarding betting and match fixing; frequent amendments to the rules to enable persons in power to perpetuate their control and promote their financial interests; permitting or enabling its office bearers, employees and players to do acts which clearly give rise to conflicts of interest having no resolution mechanism; lack of transparency and accountability; failure to provide effective grievance redressal mechanisms; a general apathy towards wrongdoings, etc.

Subsequently, the issue landed before Hon'ble the Supreme Court which, in no uncertain terms, expressed its grave concern about the place at which Indian cricket found itself. It was noticed by the Hon'ble Supreme Court that the cloud over the working of the BCCI has left the followers of the game worried and deeply suspicious about what goes on in the name of the game. It was accordingly observed that the way forward for a sport that is not only a passion, but a great unifying force was to adopt a zero-tolerance approach which can alone satisfy the cry for cleansing. Subsequently, a Committee, comprising of Justice R. M. Lodha, former Chief Justice of India; Justice Ashok Bhan, former Judge of the Supreme Court; and Justice R.V. Raveendran, former Judge of the Supreme Court, was mandated to examine and make suitable recommendations to the BCCI for reforms in its practices and procedures and necessary amendments in the Memorandum of Association and Rules and Regulations. This was done keeping in view the sacrosanct object of furthering the interest of public at large in the sport of cricket; improving the ethical standards and discipline in the game; streamlining and creating efficiency in the management of the BCCI; providing accessibility and transparency; preventing conflicts of interest situations; eradicating political interference and abuse and creating mechanisms for resolution of disputes and grievances. The Committee so appointed by the Hon'ble Supreme Court, after holding discussions/interactions with key stakeholders, aficionados and patrons of the game; including former Captains, International and First-Class players, Coaches,

Managers, Administrators, Journalists, Talent Scouts, Authors, Lawyers, Club owners, Selectors, etc., found that many ills had become endemic due to the apathy or involvement of those who were at the helm of the BCCI; several incumbents had remained in charge of State associations for several decades; many officials of various State associations hold power without adhering to the basic principles of accountability and transparency by converting them into regional fiefdoms, etc. The Committee appointed by the Supreme Court, accordingly, while observing that the need of the hour was not of making cosmetic changes, but those that are fundamental for laying proper foundations on which the BCCI could function in a professional and transparent manner bringing cricket back to its pristine form and restoring the confidence of the cricketers and lovers of the game alike, made a series of recommendations, including to the effect that individual interest will have to be sacrificed for the sake of the institution and that no exigency of convenience or convention shall stand in the way of a whole scale structural overhaul; the current governance system of the BCCI and its member associations was far from satisfactory and it needed to be suitably restructured; strict terms and tenures had to be imposed on administrators; oversight and audit of member associations was needed to be carried out; professional management deserved to be introduced in the administration of the game; all States will have to be given equal say in the affairs of BCCI; financial prudence had to be exercised; independent views in governance were imperative; cricketers had to be protected and given a free hand in cricketing

affairs; etc. Upon receipt of these recommendations, the Hon'ble Supreme Court accepted the same with certain modifications/ clarifications and declared that the implementation of the recommendations was equally important and ought to be achieved within a reasonable period under the supervision of the Committee itself. The Hon'ble Supreme Court also directed the BCCI and all concerned to cooperate and act in aid of the Committee and its directives. Subsequently, a draft constitution of the BCCI was submitted to the Hon'ble Supreme Court on 27<sup>th</sup> of October, 2017 which was accordingly approved with certain modifications, while the State member Associations were directed to undertake registration of their respective constitutions on similar lines. Thereafter, on 14<sup>th</sup> of March, 2019, in the aforesaid proceedings before the Hon'ble Supreme Court, it was directed that till report was filed by Mr Narsimha, learned Amicus Curiae, no Court/ Tribunal shall entertain or proceed with any matter pertaining to the BCCI or any State Cricket Association, however, subsequently, on 9<sup>th</sup> of December, 2020, the Hon'ble Supreme Court directed that the appeals which pending before the Jammu and Kashmir High Court shall be adjudicated by the High Court on merits. Needless to mention that on 22<sup>nd</sup> of October, 2019, having regard to the fact that elections for electing the office bearers of the BCCI were scheduled to be held on 23<sup>rd</sup> of October, 2019, the Apex Court opined that the purpose and objection for appointing a Committee of Administrators will end upon the assumption of charge by the newly elected office bearers of the BCCI and, accordingly, directed that the Committee of Administrators

shall demit office upon the assumption of office by the elected office bearers of the BCCI. Consequently, the office bearers of the BCCI are in position as of now.

19. Risking repetition, it needs to be said that the position of the JKCA was not much different from that of the BCCI, as detailed out hereinabove, which, too, was marred by controversies, financial irregularities, infighting, etc., resulting in multiple litigation before various Courts. Finally, the learned Single Judge of this High Court constituted the CAA to make appropriate amendments to the existing rules of the JKCA so as to bring it in tune with the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court. Thereafter, the matter landed before the Division Bench of this Court which upheld the judgment of the learned Single Judge with the modification of appointing the Chief Executive Officer (CEO) for running the affairs of the JKCA under the supervision and control of the CAA, coupled with an Ombudsman for settling the disputes of clubs and other disputes prevalent in the JKCA. It is, thus clear that the CAA, right from the date of it taking over the affairs of the JKCA on the directions of this Court, was primarily tasked with amending the existing rules of the JKCA so as to bring them in line with the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court and, thereafter, conducting elections of the office bearers of the JKCA in accordance with the amended rules. After the judgment of the Division Bench (*supra*), the CAA framed the



Memorandum of Association and Rules and Regulations by repealing the rules of 1957 which governed the affairs of the JKCA earlier in point of time. The CAA of the JKCA, in terms of the newly framed Memorandum of Association and Rules and Regulations, was of the opinion that for the purpose of ending the monopoly of a few Clubs, it was imperative to adopt the policy of 'territorial representation' for the formation of the JKCA by replacing the prevailing Club structure with District Associations, thereby giving representation to every nook and corner of the Jammu and Kashmir in the Association. This act of the CAA has become the bone of contention between the two parties, one favouring the earlier club system to remain in operation in the composition of the JKCA, whileas the other in support of the view of the CAA in the formation of the JKCA comprising of District Associations. The learned Single Judge dismissed the petitions filed on behalf of the affected clubs/ appellants herein on the ground that since the matter is already pending consideration of the Supreme Court appointed Administrators, therefore, it was not appropriate for the Court to comment on the issue. The learned Single Judge also observed that the dismissal of the Writ petitions shall not preclude the petitioners/ appellants herein to voice their grievance before the Supreme Court appointed Administrators. This view of the learned Single Judge, in our opinion, at the given point of time when the Supreme Court appointed Administrators were in position monitoring the implementation of the directions passed by the Supreme Court from time to time, cannot be said to be erroneous in any manner whatsoever,

however, much water has flown since the date this judgment was passed by the learned Single Judge on 31<sup>st</sup> of December, 2018 and the position at this point in time may not be the same. The draft Constitution of the BCCI submitted by the Supreme Court appointed Administrators before the Hon'ble Supreme Court has been approved and the elections for the office bearers of the BCCI held in accordance with the newly approved Constitution of the BCCI. Given this position, the Supreme Court, on 22<sup>nd</sup> of October, 2019, directed the Committee of Administrators appointed by it to demit office upon the assumption of office by the elected office bearers of the BCCI. Having said so, there is a dire need of issuing some fresh directions from this Court on the subject matter in the light of the aforesaid changed circumstances so as to enable the otherwise controversy-marred JKCA to run smoothly for achieving the ultimate object of promoting the game of cricket in Jammu and Kashmir in every nook and corner.

20. Apart from the above perspective, it has to be kept in mind that the only purpose of the Hon'ble Supreme Court taking it upon itself to monitor the entire issue of managing the affairs of the game of cricket in the country through its appointed Administrators was undoubtedly to set the house of the BCCI, the apex governing body of the game of cricket in India, in order which was mired in one controversy after another. Subsequently, the Hon'ble Supreme Court, on being satisfied with the amended constitution of the BCCI as framed by the Committee of Administrators constituted by it, approved the

same, paving the way for conduct of the election of the office bearers of the BCCI under the supervision of the Committee of Administrators in accordance with the new constitution and culmination of the role of the Committee appointed by the Supreme Court accordingly. Taking a cue from this line of action evolved by the Hon'ble Supreme Court, this Court, having regard to the sorry state of affairs prevailing in the JKCA leading to multiple litigations, also appointed a Committee to make necessary amendments in the existing rules of the JKCA so as to bring them in conformity with the constitution of the BCCI as approved by the Hon'ble Supreme Court, besides conducting of elections of the office bearers of the JKCA in tune with the amended rules. However, despite lapse of considerable period of time, the situation of the JKCA has not changed to any good, as expected by this Court. There is still infighting between rival factions in the JKCA, each struggling to gain control of the affairs of the Association. This has not only hampered the promotion of cricketing activities in the Jammu and Kashmir, but has also left the followers of the game in Jammu and Kashmir worried and deeply suspicious about what goes on in the name of the game. The CAA of the JKCA appointed by this Court, on its part, has undertaken an exercise by framing the Memorandum of Association and Rules and Regulations for the JKCA purportedly in tune with the recommendations of the Lodha Committee and approved by the Hon'ble Supreme Court. In the process, the CAA has recommended replacement of the membership of the clubs with the District associations so as to give representation to every region of Jammu and

Kashmir, which action is challenged by the appellants. The BCCI-the apex body governing the game of cricket in India, which is now in position with the newly drafted and approved Constitution, in their stand adopted before us, has also not found favour with the aforesaid concept of District associations replacing the existing clubs in the JKCA. The BCCI has even deprecated the continuance of the CAA of JKCA for such a long time, which, in their opinion, has resulted in the game of cricket not flourishing in Jammu and Kashmir to the extent it should have for lack of requisite knowledge of the game. It is the case of the BCCI that the disputes *inter se* the original members of the existing clubs, rivalry between groups, besides other vices, has made the game of cricket to suffer in Jammu and Kashmir even with the CAA being in office. However, we feel that the continuation of the CAA as well as the CEO of the JKCA, as appointed by this Court, beyond the fixed timeframe has only occasioned due to the factum of many reasons as supplied by the CAA, including the outbreak of the COVID-19 Pandemic, the rival factions in the JKCA being entangled in multiple litigation, etc.

21. In the light of the above circumstances, this Court, in essence, through this litigation is called upon to determine as to whether the newly drafted Memorandum of Association and Rules and Regulations by the CAA of the JKCA is in accordance with the mandate of the Lodha Committee, as approved by the Hon'ble Supreme Court. Having gone through the rival stands adopted by the learned appearing counsel for the parties concerned;

coupled with the aforesaid facts giving rise to the instant litigation; as also keeping in view the directions passed by the Hon'ble Supreme Court from time to time; and the overall object of promoting the game of cricket in Jammu and Kashmir, we are of the view that it shall not be appropriate for this Court to go into the aforesaid question of ascertaining whether the Memorandum of Association and Rules of Regulations so framed by the CAA of the JKCA are in tune with the recommendations of the Lodha Committee, as approved by the Hon'ble Supreme Court. Instead, in our opinion, now that the BCCI, which is tasked with the overall governing/ controlling of the activities of the game of cricket in India and of which the JKCA is an affiliate member, is in position with its newly approved Constitution, it is the said body which shall be the appropriate authority to answer the above-formulated question in the light of its newly approved Constitution. The BCCI is expected to have all expertise required for answering this question, being the apex body for managing and controlling the activities of the game of cricket in India, including the Jammu and Kashmir. Besides, the BCCI has also filed an application for handing over the affairs of the JKCA to it till such time the elections of the office bearers of the JKCA are conducted under its supervision.

**V. Result:**

22. In the result, we dispose of this appeal, as well as all connected Writ petitions, with the following directions:

- I. In view of the challenge thrown to the amended Constitution/ Memorandum of Association and Rules and Regulations framed by the*

- CAA of the JKCA, coupled with the contentions raised about the mandate exercised by the CAA as well as the role played by the Chief Executive Officer (CEO) nominated by this Court, we, while appreciating the effort and endeavour made by the CAA as well as the CEO, feel that there is no further need of their continuation, as such, the CAA and the CEO of the JKCA appointed by this Court shall stand discontinued;
- II. The BCCI shall, as an interim measure and till a new body of the JKCA is elected under its supervision, run the management, control and administration of the JKCA immediately upon being handed over the same by the CAA;
- III. The BCCI shall, while finalizing the amendment, if any, in the Constitution of the JKCA, in conformity with the recommendations made by the Lodha Committee as approved by the Hon'ble Supreme Court, consult all the stakeholders, including the parties litigating before this Court, i.e., the representatives of the erstwhile clubs of the JKCA as also of the District Cricket Associations now formed by the CAA;
- IV. The BCCI shall ensure promoting of cricketing activities in Jammu and Kashmir as well as in Ladakh in tune with its approved Constitution and at par with other affiliated Associations from various States and Union Territories of the country;
- V. The BCCI shall ensure that the required infrastructure on ground is improved and made available to the cricketers of Jammu and Kashmir and Ladakh without waiting for any audit report;

- VI. *The BCCI shall make every endeavour to ensure that the boys and girls playing the game of cricket in Jammu and Kashmir and Ladakh, from different age groups, are provided all facilities to excel in the game of cricket not only on national, but also at international level;*
- VII. *The BCCI, given the task assigned to it as indicated above, shall be authorized to appoint Committee/ sub-Committee to run, administer, control and supervise the affairs of the JKCA till the elections are held and a body of the JKCA is elected under its supervision, whereafter the administration, control and supervision of the JKCA shall be handed over to the newly elected office bearers of the Association; and*
- VIII. *Deputy Commissioner of Jammu as well of Srinagar shall cooperate with the BCCI for ensuring implementation of the aforesaid directions passed in this judgment for any requisitioned assistance. They shall ensure preparation of inventory of movable and immovable property of the JKCA and furnishing the same, alongwith the list of assets and liabilities of JKCA as existing on the date of this judgment, to the BCCI during the course of this week.*

23. We hope and trust that the aforesaid exercise, assigned to the BCCI, is concluded by the BCCI as expeditiously as possible.

24. Before parting, it needs to be mentioned here that while going through the pleadings on record, we also came across some clubbed petitions, being WP(C) Nos. 2059/2020; 2155/2020; 3653/2019; and 3738/2019 filed in this wing of the High Court, wherein the decisions of the then Ombudsman of the JKCA, as appointed by this Court at the relevant point of time, have been

assailed. Since, we did not hear the parties on this issue, we feel that the said petitions are required to be segregated and listed separately before the roster Bench. We order accordingly.

25. The learned Registrar (Judicial) of this wing of the High Court to ensure that copy of this judgment is placed on each of the connected files pertaining to both wings of the High Court, after sending a copy thereof to the learned Registrar (Judicial) of the Jammu wing. Besides, the learned Registrar (Judicial) of this wing of the High Court shall also send a copy of this judgment to the office of the BCCI today itself, copy whereof shall also be provided to all the learned appearing counsel for the parties during the course of the day through any available mode.

26. Bench Secretary of this Court to provide a copy of this judgment, under his seal and signatures, to Mr B. A. Dar, learned Senior Additional Advocate General, for making the same available in the offices of the Deputy Commissioner, Jammu; Deputy Commissioner, Srinagar by today so as to ensure implementation of the directions passed in the judgment hereinabove.

**(Puneet Gupta)**  
**Judge**

**(Ali Mohammad Magrey)**  
**Judge**

**SRINAGAR**

March 23<sup>rd</sup>, 2021

*"TAHIR"*

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|-----|--|-----------------|
| i.  | <i>Whether the Judgment is reportable?</i> | <i>Yes/ No.</i> |
| ii. | <i>Whether the Judgment is speaking?</i>   | <i>Yes/ No.</i> |