

Mumbai Cricket Association

From: Committee of Administrators <coa@bccitv>
Sent: 26 September 2019 00:35
To: Mumbai Cricket Association
Cc: Rahul Johri
Subject: Re: Ref: Order dated 20th September 2019
Attachments: COA Advisory -24.09.2019.pdf

Dear Sir(s),

The Committee of Administrators ("COA") is in receipt of your email dated September 23, 2019 addressed to the Ld. Amicus Curiae, with a copy to the COA. We are addressing this email with the limited purpose of responding to (i) your request to hold elections of Apex Council on or before 15th October 2019 and (ii) request that pending the election of Apex Council of MCA, the Adhoc Committee be authorised to nominate any eligible person as representative to BCCI on or before 30th September or in the alternative allow Apex Council to send name of the representative till 15th October, 2019.

In pursuance of the Order of the Hon'ble Supreme Court dated 20th September, 2019 and in furtherance of the Judgment of the Hon'ble Supreme Court dated 9th August, 2018, the COA has issued an Advisory dated 24th September, 2019 (attached for your reference) according to which Member Associations have been directed to conduct the elections in accordance with the constitution approved by the COA in terms of the order of the Hon'ble Supreme Court dated 9th August, 2018 and the relaxation granted by the Hon'ble Supreme Court in its order dated 20th September, 2019 (as detailed in the Advisory). Please note that as per the Advisory the deadline for completion of elections of state associations is extended from 28th September 2019 to 4th October, 2019. The State Associations who have not brought their constitutions in line with the BCCI Constitution run the risk of their election results not being recognised. You are accordingly requested to adhere to the Advisory failing which Mumbai Cricket Association runs the risk of its election results not being recognized by the BCCI.

Further, please note that the representative of the state association to BCCI has to be nominated by the duly elected Apex Council and/or the General Body as the case may be, and thus a person nominated by the Adhoc Committee will not be recognized as the representative of the Mumbai Cricket Association to BCCI.

In view thereof, we request you to adhere to the timelines provided in the attached advisory, and conduct elections on or before 4th October, 2019 following which the Apex Council and/or General Body, as the case may be, can send the name of the representative of Mumbai Cricket Association to participate in BCCI election process.

Thanking you.

Yours faithfully,

The Supreme Court Appointed Committee of Administrators

Advisory

1. This advisory is being issued in light of the order passed by the Hon'ble Supreme Court on 20th September, 2019 wherein the Hon'ble Supreme Court has *inter alia* directed that, 'disqualification shall be confined only to those who had held the post of "Office Bearers" of the Cricket Associations'.

It is the respectful understanding of the Committee of Administrators ("COA") that the said direction relaxes the disqualification in Rule 6(5)(f) and Rule 14 (3)(f) of the BCCI Constitution and the *pari materia* provisions in the constitutions of the member State Associations. The relaxation is that the 9 year period mentioned in the said rules is to be computed by taking into account only the period served by individuals as "Office Bearers" cumulatively [without adding or taking into account the period served in any other position such as Member of a Governing Council or Managing Committee, etc.].

All other disqualifications remain in full force viz. those contained in Rule 6(5) (a) to (e) and (g) and Rule 14 (3)(a) to (e) and (g).

2. The COA is duly implementing the reforms as approved by the Hon'ble Supreme Court vide its judgments dated 18th July, 2016 and 9th August, 2018, as well as the order dated 20th September, 2019.
3. The member State Associations and their respective electoral officers are directed not to re-amend their constitutions as already approved by the COA in light of the judgment dated 9th August, 2018. The member State Associations are also directed to conduct the elections in accordance with the constitution approved by the COA in terms of the order of the Hon'ble Supreme Court dated 9th August, 2018 and the relaxation granted by the Hon'ble Supreme Court in its order dated 20th September, 2019, as explained in paragraph 1 above. The State Associations who have not brought their constitutions in line with the BCCI Constitution run the risk of their election results not being recognised.
4. Further, in order to facilitate and secure compliance by various State Associations and for conduct of elections in the member State Associations

in accordance with the judgment dated 18th July 2016 and 9th August, 2018 and any further order and judgement that the Hon'ble Supreme Court may be pleased to pass, the COA hereby extends the date for completion of election by member State Associations to 4th October, 2019. Further, the date of BCCI election is extended by one day in view of the voting in the Legislative Assembly elections in the states of Maharashtra and Haryana on 21st October, 2019. Accordingly, the election date for BCCI stands postponed to 23rd October, 2019.

The Advisory dated 16th September 2019 issued by the COA stands modified accordingly.

Dated this 24th September 2019.

Issued by:

Supreme Court Appointed Committee of Administrators