

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVIL) NO. OF 2019

In

Civil Appeal 4235-4236 of 2014

IN THE MATTER OF:

Jagnath Singh, President ... Petitioners

Versus

Sri Binod Rai & Ors. ... Respondent/Contemnors

PAPER BOOK

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ADVOCATE FOR THE PETITIONER : M/S. MUKESH KUMAR SINGH & Co.

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CONTEMPT PETITION (CIVIL) NO. OF 2019

In

Civil Appeal 4235-4236 of 2014

IN THE MATTER OF:

1. Jagannath Singh, President, Bihar Contempt Cricket Association, "Ashirvaad" Petitioner No.1
Beside Surya Mandir, Anishabad,
Patna-800002.

VERSUS

1. Sri Binod Rai, Committee of Contemnor Administrator appointed by the Hon'ble Supreme Court of India, BCCI Respondent No.1
4th Floor, Cricket Centre. Wankhede stadium 'D' Road, Church Gate
Mumbai -400030
2. Mr. Rabindra Thodge, Committee of Contemnor Administrator appointed by the Hon'ble Supreme Court of India BCCI Respondent No.2
4th Floor, Cricket Centre. Wankhede stadium 'D' Road, Church Gate
Mumbai -400030
3. Diana Eduljee, Committee of Contemnor Administrator appointed by the Hon'ble Supreme Court of India BCCI Respondent No.3
4th Floor, Cricket Centre. Wankhede stadium 'D' Road, Church Gate
Mumbai -400030
4. Mr. Rahul Johri, Chief Executive Contemnor Officer, Board of Control for Cricket in India BCCI 4th Floor, Cricket Centre. Respondent No.4
Wankhede stadium 'D' Road, Church

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Gate Mumbai -400030
5. Mr.SaiyadSaba Karim, General Contemnor
Manager (Cricket Operation), Board of
Control for Cricket in India BCCI 4th Respondent No.5
Floor, Cricket Centre. Wankhede
stadium 'D' Road, Church Gate
Mumbai -400030

**PETITION FOR INITIATING CONTEMPT PROCEEDING UNDER
ARTICLE 129 OF THE CONSTITUTION READ WITH
SECTIONS, 2(b), 14 & 23 OF THE CONTEMPT OF COURT
ACT, 1971 AND RULE 3(C) TO REGULATE PROCEEDING
FOR CONTEMPT OF THE SUPREME COURT, 1975 FOR
WILLFUL AND DELIBERATE DISOBEDIENCE OF THE
JUDGMENT AND ORDER DATED 09.08.2018 PASSED BY
THIS HON'BLE COURT IN CIVIL APPEAL NO. 4235 WITH 4236
OF 2014 AND ITS ANALOGOUS CASES AND COMPLIANCE
THEREOF.**

TO, THE HON'BLE THE CHIEF JUSTICE
AND OTHER PUISNE JUDGES OF THE
HON'BLE SUPREME COURT

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED

MOST RESPECTFULLY SHOWETH THAT:

1. That the present contempt petition is being filed for initiation of a proceeding of Contempt against the opposite parties for their willful disobedience and violation of Order dated 09.08.2018 passed by this Hon'ble Court in Civil Appeal No. 4235 with 4236 of 2014 and its analogous cases (Board of Control for Cricket in India and others Vs. Cricket Association of Bihar &

Others) reported in AIR 2018 SC 4179 by a special bench presided over by Hon'ble Mr. Justice Dipak Mishra CJI (as he then was), Hon'ble Mr. Justice A.M. Khanwilkar and Hon'ble Mr. Justice Dr. D.Y. Chandrachud whereby and where under this Hon'ble Court was pleased to passed the following order in Paragraph-40 :-

"Having regard to the fact that the draft constitution submitted by the COA on 27 October, 2017 has now been approved by this Court subject to the aforesaid modifications, we issue the following directions :-

- a. 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;
- b. 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 30 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

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c. 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. True copy is marked
Amendment C-1 per (16/10/18)

2. That in view of judgment dated 09.08.2018 every State Association recognized by the BCCI have to get their respective constitution registered on similar lines within a period of 30 days thereafter as has been recorded in Paragraph 40(2) of the order dated 09.08.2018.

3. That in paragraph 40(3) it has been said that in the event that any State Association does not undertake compliance with the above said directions, the directions contained in the order of this Court dated 7 October, 2016 and 21 October, 2016 shall revive.

4. That the Opposite Parties, the Committee of Administrators, appointed by this Hon'ble Court has updated the status of the full members of the BCCI in three categories in which 18 full members of BCCI in category A have been shown with their registered constitution as approved by the Committee of Administrators ("COA"), in accordance with the judgment dated 09th August, 2018 ("Judgement") passed by the Hon'ble Supreme Court in Civil Appeal No. 4235/2014. In category B, Ten full members of BCCI have been shown who have not submitted their registered constitution as

approved by COA by diluting the judgment dated 09.08.2018 though this Hon'ble Court in Paragraph 40(3) of the Judgment in specific term have said that the member association who would not get their constitution registered with the Society Registration Department, then judgment dated 07 October, 2016 and 21 October, 2016 shall revive, but the opposite parties, the members of the COA by uploading unregistered constitution of its 10 State Associations have directed to conduct the election by the concerned State Associations including Bihar that too with the office bearers who have been continuing for more than 6 years as office bearer of their respective association in contravention to the judgment dated 09.08.2018 as laid down in Paragraph 34 of the judgment which is not only willful disobedience and contravention of the judgment dated 09.08.2018 passed by this Hon'ble Court but it is gross violation and over reaching the majesty of this Hon'ble Court in diluting the spirit of the Judgment.

5. That so far the Bihar Cricket Association is concerned, the office bearers are continuing as office bearer from the year 2008, when the Election was directed to be held by an order of this Hon'ble Court dated 11.08.2015 passed in Civil Appeal No. 35160/2013 and a Committee of Management was constituted on 23.09.2015 which was again dissolved by virtue of so-called meeting of

Committee of Management scheduled on 13.01.2017 and a New Committee was constituted on 17.01.2017 which was held to be an illegally constituted Committee by order dated 30.01.2018 passed by the Ombudsman of Bihar Cricket Association Hon'ble Mr. Justice Dharnidhar Jha (Retd.), but the order dated 30.01.2018 was not given effect too by the COA of the BCCI or the BCCI for the reasons best known to it, and it was allowed to continue when the successor Ombudsman Hon'ble Mr. Justice Jayanandan Singh declared the action of the Committee of Management of Bihar Cricket Association to be illegal and in contravention to the Rules and Regulations of Bihar Cricket Association by order dated 13.04.2019, 08.05.2019 and 12.05.2019. A copy of order dated 11.08.2015, Election result dated 23.09.2015, the notice for a meeting of Committee of management dated 13.01.2017, Constitution of Committee dated 17.01.2017, order dated 30.01.2018, 13.04.2019, 08.05.2019 and 12.05.2019 are being annexed herewith and Marked as Annexure-C2 pg (51-65)

6. That when the members of Bihar Cricket Association called a requisitioned Meeting/Special General Meeting on 14.05.2019 in which the date and Agenda of Special General Meeting and Annual General Meeting was fixed to be scheduled on 23.06.2019 and after Annual General Meeting, a Committee of Management/Steering

Committee/Apex Council was constituted to run the Bihar Cricket Association after the Committee of Management constituted on 17.01.2017 was held to be illegally constituted by the Ombudsman of Bihar Cricket Association.

7. That after the Committee of Management led by the petitioner was constituted on 23.06.2019, the I.G. Societies Registration Department was informed by filing a copy of the Constitution and the list of the office bearers for approval and the COA was also informed by sending a copy of Constitution, the list of Office Bearers of Committee of Management of Bihar Cricket Association along with the proceeding of Special General Meeting and Annual General Meeting held for the purpose of Constitution of Committee of Management on 28.06.2019 itself through email and on 29.06.2019 through hard copy.

8. That the Committee of Administrators appointed by the Hon'ble Supreme Court sent an email on 11.07.2019 to the petitioner to explain as to whether the Constitution submitted is replacement to the earlier Constitution as the earlier constitution has already approved by the Committee of Administrator on 04.11.2018 which was replied by the petitioner on 12.07.2018 stating the entire situation under which the present Committee of Management has been constituted by conducting a

Special General Meeting and Annual General Meeting by the members of Bihar Cricket Association on 23.06.2019. A copy of email dated 11.07.2019 of the COA, BCCI is being annexed herewith and Marked as **Annexure- E-3 Pg. (66-68)**

9. That again by an email dated 02.08.2019, the Committee of Administrator informed the petitioner which reads as follows :-

"This has reference to the various emails received by the Committee of Administrators seemingly from the two factions of Bihar Cricket Association ("BCA") inter alia claiming that they are associated with the BCA and that the constitution submitted by them respectively should be considered by the Committee of Administrators.

In light of the aforesaid, it is not possible for the Committee of Administrators to prefer the requests/ statements seemingly made by one faction over the other. Accordingly, the Committee of Administrators hereby requests both factions to submit the order of the appropriate Court in relation to the same for the Committee of Administrators to proceed further.

It is also made clear that no further funds would be released by the BCCI to the Bihar Cricket Association till the time these internal issued are sorted out." A copy of email dated

02.08.2019 by COA is being annexed herewith and Marked as Annexure- E4 pg. (69)

10. That the petitioner again wrote the COA, BCCI through email dated 03.08.2019 bringing to the notice about the disqualification and illegal continuance of the Committee of Management led by Mr.GopalBohra but no action was taken by the COA for the reasons best known to them. A copy of email dated 03.08.2019 is being annexed herewith and Marked as Annexure- E5 pg. (70-71)

11. That the respondent BCCI updated the status of the members of having voting rights in BCCI as on 13.08.2019 in which "serial No. 19, Bihar Cricket Association confirmed by COA awaiting submission of the registered constitution and subject to email dated 2nd August, 2019 sent to BCA requesting the conflicting factions to submit the order of an appropriate court." At the same time they notified the name of Electoral Officer Mr. H.C. Sirohi of one faction led by Mr.GopalBohra in most illegal and arbitrary manner. A copy of status report dated 13.08.2019 is being annexed herewith and Marked as Annexure- E6 pg. (80-81)

12. That when the petitioner strongly opposed the action of the BCCI by allowing one faction to conduct the domestic events of BCCI then through email dated 19.08.2019, the petitioner along with other complainants were called to participate in a meeting conducted by

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representatives of the COA of the BCCI on 21.08.2019 at BCCI Headquarter, Wankhere Stadium, Church Gate, D Road, Mumbai where the petitioner participated and placed all the relevant documents about allowing a disqualified committee led by Mr.GopalBohra for 11 years without getting their constitution registered and in view of the tenure of office bearer decided by the Hon'ble Supreme Court i.e. of maximum of 6 years and after cooling off period maximum 9 years. A copy of the email dated 19.08.2019 is being annexed herewith and Marked as Annexure-*C-7 pg.(82)*

13. That lastly, the BCCI sent a Three Men Supervisory Committee to conduct the affairs of Bihar Cricket by an order dated 06.09.2019 passed by the COA of BCCI and at the same time the Opposite Parties, BCCI in their wisdom uploaded the unregistered constitution of Bihar Cricket Association led by GopalBohra (disqualified Committee) in violation to their own emails dated 02.08.2019, 13.08.2019, 19.08.2019 and 06.09.2019 on 09.09.2019. A copy of order dated 06.09.2019 and status report dated 06.09.2019 are being annexed herewith and Marked as Annexure-*C-8 pg.(83-88)*

14. That the petitioner wrote to the COA of BCCI by email dated 11.09.2019 about illegal updation of the website of one Committee led by GopalBohra leaving the petitioner's Committee Constitution and it was also

intimated that if they would not correct their updation of website, the petitioner would take appropriate steps for violation of their emails dated 02.08.2019, 13.08.2019, 19.08.2019 and 06.09.2019.

15. That the petitioner after having the firm opinion about the General Manager (Operation) Opposite Party No. 6 allowing a complete disqualified committee to continue in violation to the judgment dated 09.08.2018 passed by this Hon'ble Court sent a legal notice dated 01.09.2019 asking him to explain as to why not an appropriate legal recourse may be taken for violating the order passed by this Hon'ble Court dated 09.08.2018 but no response has yet received, in other words he has accepted all the allegations to be true for allowing a disqualified committee to continue for 11 years by now. A copy of legal notice dated 01.09.2019 is being annexed herewith and Marked as **Annexure-C9 pg. (89-96)**

16. That from the facts stated hereinabove and the Annexures appended with the contempt petition amply goes to show that the opposite parties are bent upon to disobey, violate and over reach the majesty of this Hon'ble Court by flouting the judgment and order dated 09.08.2018 passed in Civil Appeal No. 4235/2014 reported in AIR 2018 SC 4179.

17. That the Petitioner herein have no other option but to bring to the notice of this Hon'ble Court the acts of the

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Contemnors which amount wilful disobedience of this Hon'ble Court's order.

18. That the Petitioners have not filed any contempt petition before any other court or before this Hon'ble Court.

19. That this Petition has been filed *ex debitojustitiae*.

PRAYER

In light of the facts and circumstances mentioned hereinabove, it is most humbly prayed that this Hon'ble Court may be pleased to:

1. Initiate contempt proceeding against the Respondents/Contemnors herein for having wilfully deliberately disobeyed and disregarded the directions passed by the Hon'ble Supreme Court of India in *Judgment and order dated 09.08.2018* passed by this Hon'ble Court in Civil Appeal No. 4235 with 4236 of 2014.
2. Direct the Respondents
3. Pass such other and further orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

Filed on: 18-09-2019

Drawn and Filed By:

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