

**BEFORE SRI ASHIM KUMAR BANERJEE
ETHICS OFFICER
CRICKET ASSOCIATION OF BENGAL
CALCUTTA**

PARTHA PRATIM SANYAL & ORS.

VS.

**PRABIR CHAKRABORTY,
WARI CLUB,
CLUB OF ORIGIN**

AND

ANGSHUMAN MITRA & ORS.

VS.

**SURANJAN MUKHERJEE,
TOWN CLUB,
CLUB OF ORIGIN**

HEARD ON:

PRABIR CHAKRABORTY	SURANJAN MUKHERJEE
June 28, 2025, July 7, 2025, July 11, 2025 and August 1, 2025	July 5, 2025, July 17, 2025, July 30, 2025 and August 1, 2025.

JUDGMENT ON: September, 10, 2025.

1.0. PRELUDE

The above two complaints would raise identical question of law and similar facts and circumstances.

I heard the above two complaints on different dates. However, I, wish to dispose of the above two cases by the foregoing judgment.

2.0. CORE ISSUE

The principal issue that would be germane herein is whether holding multiple position in C.A.B. as well as Club of Origin could attract the

mischief of ***“conflict of interest”*** and if so, whether the same is tractable or intractable.

3.0. GIST OF COMPLAINT

3.0.1.

PRABIR CHAKRABORTY

Prabir Chakraborty was elected as General Secretary of Wari Club in 2017 for a period of two years that expired in 2019. He is holding the position of Treasurer in C.A.B. for a considerable point of time, appointed lastly on October 31, 2022 until, he resigned on June 16, 2025 after receipt of the copy of the subject complaint dated May 30, 2025. The complainants are all Executive Committee Members of Wari Club. According to them, holding the Post of General Secretary of Wari Club and at the same time, acting as Treasurer of C.A.B., would attract the mischief of ***“conflict of interest”*** that could not be said to be tractable as despite being aware of the Rules of C.A.B., he continued to hold both the Posts until the complaint was filed on May 30, 2025. His subsequent resignation should not be taken as recusal holding it as a tractable offence.

3.0.2.

SURANJAN MUKHERJEE

Suranjan Mukherjee is an Assistant General Secretary of Town Club, also an affiliated club under C.A.B. Being the Assistant Secretary of Town Club, he was supposed to look into the interest of Town Club only. However, he also holds the Post of Curator as an employee under C.A.B. that would attract the mischief of ***“conflict of interest”***.

4.0. RIVAL CONTENTIONS

4.0.1. PRABIR CHAKRABORTY

4.0.1.1

MR. JISHNU CHOWDHURY

Mr. Jishnu Chowdhury, learned senior Advocate, has placed his complaint. According to him, even if the precedent in the case of Sourav Ganguly in Complaint No.11 of 2019 before the Ethics Officer, BCCI, disposed of on November 15, 2019, can be set as a yardstick, the case in hand could be distinguished taking a cue from the past conduct of the respondent.

To elaborate his argument, Mr. Chowdhury would submit that as per the Apex Court decision, the rules have been framed by CAB creating the post of Ethics Officer to decide on “***conflict of interest***”, specifically prescribed in Rule 67 of the Rules of 2019. Knowing fully well the implication of the said rule, the respondent continued to act as the General Secretary of Wari Club since 2017 upto date and at the same time, accepted the post of Treasurer of CAB since 2022. He would further contend, mere resignation from the post of General Secretary of Wari Club submitted very recently that too, after filing of the complaint, his conduct could not be recused particularly when there are serious allegations of financial defalcation pending adjudication before the Criminal Court where FIR has been directed to be registered.

To support his contention, he would refer Rule 67 (i)(ii) as well as Rule 67 (4) (f) & (m). According to him, by the conduct of the respondent his role has been compromised that would definitely come within the definition “intractable conflict” and cannot be excused irrespective of his resignation from the post of the General Secretary of the Wari Club.

To support his contention, he would cite the following decisions:-

- (i) *Complaint Case No.5 of 2019 (Sanjeev Gupta Vs. Mayank Parikh), Paragraph 23 and*
- (ii) *Complaint Case No.8 of 2021 (Deepan Sunderlal Mistry Vs. Kiran Power), Paragraph 29.*

Mr. Chowdhury would refer to the decision of the Ethics Officer in Bombay Cricket Association case (Complaint No.8 of 2021) where disclosure of interest was not made that was held to be in violation of the constitution of the Association and thus held to be intractable. Mr. Chowdhury has also relied upon the Bombay High Court decision in the case of Writ Petition No.3334 of 2022 where the decision of the Learned Ethics Officer in Complaint Case No.8 of 2021 was upheld.

Relying on the said decision of the Ethics Officer of Bombay Cricket Association, so affirmed by the Hon’ble High Court at Mumbai, he would submit, once the respondent, while acting as Treasurer in CAB, continued to be in the post of General Secretary of the Wari Club for a long time and did not

disclose such conflict before the Apex Council, such offence should be held to be intractable.

He would rely upon Rule 67(2) and 68(2) and contend, anyone coming to know of such conflict, is entitled to apply before the Ethics Officer to take appropriate action against the wrongdoer. Even if he attempts to recuse himself by resigning from the post of General Secretary he must be dealt with according to the above Rules.

He would strenuously comment on the conduct of the CAB having not taken any steps as against the respondent who willfully failed and neglected to disclose his association with Wari Club as General Secretary.

Mr. Chowdhury would contend, CAB should have taken action against the respondent applying the provisions of Rule 67(2). Their conduct is deplorable.

He would distinguish the case relied on by Mr. Sen on the last occasion in the case of Complaint Case No.11 of 2019 before BCCI where the respondent therein was allowed to continue after recusing himself from the post of conflict. He would contend, in the case before BCCI the violation was for a very very brief period and that was considered as tractable.

He would also draw my attention, in this case criminal complaint has already been filed as against the respondent for defalcation of funds and other

criminal offences. Hence, subject violation should be considered as intractable.

4.0.1.2.

MR. DIPAK RANJAN MUKHERJEE

Mr. Dipak Ranjan Mukherjee, learned Advocate appearing for the respondent, would draw my attention to the decision in the case of Rahul Dravid, particularly paragraphs 10, 12, 18 and 19. Relying on the said paragraphs, he would submit, considering the fact that although Mr. Dravid was holding more than one position, such position did not attract the mischief of “*conflict of interest*” and ultimately, the Ethics Officer dismissed the application.

He would then distinguish the Bombay case in (Kiran Powar) He has distinguished the decision by referring to paragraphs 32 to 34 where the facts of that particular case was elaborately considered and the Learned Ethics Officer found that both the brothers being Mr. Kiran Powar and Mr. Ramesh Powar were not only holding different positions but also continued to do so even during pendency of the proceeding before the Learned Ethics Officer.

He would also refer to the case of Sourav Ganguly. Upon coming to know of the complaint, Mr. Ganguly resigned on June 16, 2025 from one post to save the other. He would submit, that in this particular case, the complaint

was filed on May 30 2025. Once he has resigned from the post of General Secretary of the club from which he has come to CAB, he should not have been considered to be in “**conflict of interest**”.

Mr. Mukherjee has drawn my attention to paragraph 37 of the High Court judgment in Bombay Cricket Association case where the High Court affirmed the decision of the Bombay Cricket Association holding the person guilty of “**conflict of interest**” and further held, such conflict was “**intractable**” and as such, the respondent was removed from the post.

He would refer to Rule 67(2) where it is provided, within a period of 15 days of taking any office under the association, every individual was bound to disclose his any other existing or potential event that may be deemed to cause any “**conflict of interest**”. If it is so, he would be open to disciplinary proceeding.

He would submit, 15 days period would not ipso facto make anyone vulnerable for any punitive measure taken against him. According to him, 15 days period is an enabling provision to the person concerned to make a disclosure. In case, he does not do so, he would open to the disciplinary proceeding before the Learned Ethics Officer.

In this case, admittedly, the respondent did not disclose his other assignment within the stipulated period. Hence, the complainant is entitled to

make the complaint and has already made the complaint that has to be decided by me. In the facts and circumstances if I hold it “*intractable*”, then only he would be dealt with appropriately by using penal measure stipulated in the rules.

Apropos, the criminal complaint alleged by the complainant, he would submit that even if such criminal complaint is taken as sacrosanct, it would be between him and his own club and CAB has no role to play. Pertinent to mention, the complainant also filed complaint against the respondent for defalcation of money that the Club got it through him from CAB and allegedly transferred to other accounts for his own benefit. Such proceeding, I am told, is now pending before the appropriate forum.

He would also contend, the Bombay High Court judgment is based on “bias”. In the instant case, no case of bias has been made out by the complainant.

The complainant has alleged violation of Rule 9(2), 53(d) and 63(4). Rule 9(2) would relate to an offence that would be between the affiliated member and the CAB. Affiliated member is guided by the committee constituted therefor and he being an individual could not be held solely responsible. In any event, in this regard, he would submit, the complainants are also members of the Executive committee of the affiliated club. Rule 53(d) would, inter alia,

provide, each affiliated club would be bound to prescribe the names of the office bearers and statement of accounts showing satisfactory and proper utilization. The same is also an onerous duty of the club qua CAB. He, being an individual, could not be held solely responsible for the same. Rule 63(4) would relate to the duties of the auditors where he has no role to play.

Lastly, Mr. Mukherjee would contend, the Learned Ethics Officer should take a holistic view of the entire issue and once he has already resigned from the post soon after the filing of the complaint, he should not be held to be violative of “*conflict of interest*”.

On a query made by me, he has informed, the last committee was constituted in 2017 for a period of two years that expired in 2019. For some reason or the other, no AGM was held and recently the constitution of the committee has been made a subject matter of a litigation before civil Court.

4.0.1.3.

MR. SAMRAT SEN

Mr. Samrat Sen representing CAB, would inform me, the complainant no.1, Partha Pratim Sanyal and five others have filed the application on the ground of “*conflict of interest*”. They have also filed another application for alleged financial irregularities in Wari Club by the respondent before the

Ombudsman. By a letter dated 19th July, 2015 the said complaint was sent to Apex Council for its consideration.

Assisting me to come to a logical conclusion, Mr. Sen would refer to the definition of “**tractable**” and “**intractable**” in the context of Rule 67(3) of the rules. “**Tractable**” conflicts are resolvable or permissible or excusable through recusal whereas “**intractable**” conflicts are those that cannot be resolved through disclosure and recusal and would necessitate removal.

Relying on the definition in “**tractable**” and “**intractable**”, Mr. Sen would contend, once it is recused, it cannot come within the meaning of “**intractable**” conflicts. In this case, soon after the complaint was filed, the respondent recused himself by resigning from the post of General Secretary of his own club being Wari Club. Once he has done so, he cannot come within the mischief of “**intractable**” conflicts.

Mr. Sen would elaborately discuss the Power judgment in Bombay Cricket Association case. He would refer to paragraphs 5 and 16 where it was clearly recorded that on 9th December, 2021, he was the coach as well as mentor and that period came to and end on the said date. The Learned Ethics Officer came to conclusion that it was quite doubtful when he was coach and then became a mentor. He has also drawn my attention to paragraph 16 where the Learned Ethics Officer observed “even today” Mr. Ramesh Power,

the brother of the respondent, was a member of Apex Council. Referring to paragraph 19, he would draw my attention to the financial involvement that both the brothers were enjoying even when the matter was heard by the Learned Ethics Officer. On a combined appreciation of facts, the learned Ethics Officer in paragraph 33 held that “till today” he is a member of the Apex Council. Hence, he is liable to be removed from the post as a member of the Apex Council as such conflict is intractable in nature.

4.0.1.4.

MR. RISHAB DUTTA IN REPLY

In reply, Mr. Dutt would refer to paragraph 29 of the judgment in the case of Kiran Power where on facts the Learned Ethics Officer came to conclusion that it was a clear case of “*conflict of interest*” and that is not tractable and falls under Rule 39(3) of constitution of MCA. This is so, because relying on the issue of his brother Mr. Ramesh Power, there is no full disclosure involved by the respondent in October, 2019 when he became Apex Council member.

He would also refer to Rule 45(C)(c) where the duties and responsibilities of the treasurer have been clearly mentioned. Sub-Clause (f) would, inter alia, provide, he was to check and verify bills and vouchers or cause them to check by scrutinizer and / or to appoint an internal auditor as

and when necessary subject to the approval of the Apex Council. A complaint has already been filed before the Ombudsman on such financial irregularities that the respondent is involved violating the duties and responsibilities specified in sub-Clause (f). He would also submit that once such financial irregularities are alleged, his mere resignation cannot be an act within the meaning of “***tractable***” and as such still vulnerable within the mischief of “***conflict of interest***”.

Mr. Dutt would rely paragraph 20 and 29 of Ramesh Power (supra).

Mr. Dutt would also seriously criticize the conduct of the CAB in the instant case, particularly when Mr. Samrat Sen has argued on behalf of CAB supporting the respondent.

4.2.0. SURANJAN MUKHERJEE

4.0.2.1.

MR. SARBAPRIYA MUKHERJEE

Mr. Mukherjee would support his case for “***conflict of interest***” on the five grounds, which are as follows:-

- i) *The respondent might influence the relationship of Town Club qua CAB as also the ultimate result of the matches that the Town Club would be playing;*
- ii) *It is customary that the players playing for Town Club or any other affiliated club of CAB can also participate in other*

matches on behalf of other clubs and in such event, there is every possibility of influence by the respondent while preparing the pitch in the ground where those players would be playing;

- iii) In women cricket, there is no division. Town Club has a team of women players and the apprehension in the case of item (ii) above would also squarely apply in case of women cricket;*
- iv) So is case of school and college group where some players playing for Town Club would participate in the cricket between educational institutions and apprehension in clause (ii) above, would also squarely apply in such case; and*
- v) As an affiliated body of CAB, Town Club has a voting right. Being Assistant General Secretary of Town Club, he would be having dominant role in influencing the voting that the Town Club would be doing in case of formation of the Governing Body of the CAB.*

Elaborating his contentions, Mr. Mukherjee would rely upon Rule 3A(k), 67 (i)(v), 67(4)(m) & (l) and 43 and submit, on a combined reading of the said rules, the instant case would fall either under Rule 67(4)(m) or (l) and once that is proved, the respondent would come within the mischief of Rule 67 and 68 being vulnerable to punitive action.

He would rely upon the decision in the case of Mayank Parikh (Complaint No.5 and 7 of 2019) dated July 21, 2020. He would rely upon

paragraphs 21 to 25 to support his contention, once the respondent is an employee of CAB, he is a part of the Management. There is apprehension that he would influence the play that the Town Club would be involved or the players playing for them.

To support his contention, he would refer to a match held between Town Club and Aryan Club at the Town Club ground curated by the respondent when the Town Club scored 419 whereas Aryan Club lost the match scoring 281.

Lastly he would submit, the respondent must be held for “***conflict of interest***” and necessary action must be taken by the CAB.

4.0.2.

MS. MANALI ALI

Ms. Manali Ali representing Mr. Suranjan Mukherjee while commencing her argument, would rely upon Rule 3 A (k) to distinguish, it would have no application in the present case. Rule 3(A)(k) has defined “***conflict of interest***” where an individual associated with the association in any capacity acts or commits or is **perceived** to bring interest of individual in conflict with the interest of game that may give rise to apprehension of actual favouritism, lack of objectivity, bias, benefits, etc.

Elaborating her submission, she would submit that “**perceived**” or “**perception**” should not be remote to come within the mischief of “**conflict of interest**” as argued by the applicant.

The applicant relied upon Rule 67(4)(l) & (m). Distinguishing such argument, she would contend, no individual was entitled to occupy more than one of the posts mentioned therein that would include (m) CEO and Managers and (l) any office bearer of a club. Admittedly, the respondent is not the CEO of the CAB. He might be an office bearer of a member of the CAB as per (m).

“**Manager**” has not been defined in the rule. She would refer to the Black’s Law Dictionary relying on the definition of “**manage**”, “**manager**” and “**administration**”. She would contend, a “**Manager**” is someone, who can administer or supervise the affairs of an organization. “**Manage**” means, to exercise executive, administrative or supervisory power or to conduct, control and carry one.

“**Administration**” has been defined as performance of the executive duties that would involve in managing the work of an organization.

On a combined reading of the three meanings from Black’s Law Dictionary, she would contend, the duty of a curator is to prepare the ground. He would at best supervise the ground men who would actually prepare the pitch. He is answerable to the Chief Curator. Supervising any work would mean, discharge

of the administrative functions of an organization. Preparing the pitch may not come within such purview.

She would then rely upon Rule 43 where duties and responsibilities of “**CEO**” and “**Managers**” have been specified. Sub-clause (I) would, inter alia, provide, CEO would be assisted by managers (full time professional) appointed by the Apex Council in consultation with the CEO. She would crave leave to refer to the letter of appointment given to the respondent by the CAB signed by the Secretary and not by the Apex Council or in consultation with the CEO. Hence, he could not be said to be “**manager**” within the definition of Rule 43. She would elaborate her argument by contending, no managerial function is performed by the respondent. Neither he has any role to play in the affairs of the organization nor does he involved in any way with the administrative function of the CAB. Curating a pitch would hardly have any remote possibility of “**conflict of interest**”.

On a question made by me, she would inform me, the respondent is not the nominee of the club having voting right since 1978. He might be an office bearer of his club. However, he has no voting right in any manner whatsoever.

The complainant has apprehension of his influence with regard to choice of players. Since Mr. Mukherjee did not seriously argue on this issue, she does not deliberate elaborately on the issue. She would however, contend, Rule

67(1)(v) could not have any remote application as the respondent is neither in any post nor governance or management or selection of players. He has no voting right or no friend or relative involved in the game of cricket. Hence, the respondent could not come within the mischief of “**conflict of interest**”.

In Mayank Parikh being Complaint No.5 and 7 of 2019 dated July 21, 2020 the Hon’ble Justice D. K. Jain clearly held, mere holding of a post by an individual may not per se be sufficient for arriving at a conclusion of an existence of “**conflict of interest**”. Whether holding of such post gives rise to “**conflict of interest**” or not, must also be tested on the anvil of reasonable apprehension of, or actual favouritism, lack of objectivity, bias, benefits, etc. Hon’ble Justice D. K. Jain said so while revisiting his earlier decision in the case of Rahul Dravid (Complaint No. 6 of 2019) and Sourav Ganguly (Complaint No 182 of 2019). In the case of Sourav Ganguly and Rahul Dravid, while interpreting rule 38 of BCCI rules (pari materia with rule 67 of CAB rules) His Lordship observed, “actual” or “potential consequences” of the instances illustrated in extensor in sub-rule (1) or other possibilities of potential / actual conflicts similar to those coming under sub-Rule (1) have to be kept in view.

While summing up, she would contend, while acting as curator, appointed by the Secretary of CAB discharging his executive function, he could not come within the mischief of “**manager**”. He is not supervisor for any

administrative work. He is only answerable to Chief Curator. Hence, he would not come within the Rule 43, 67(4) or Rule 67(1)(v). Mere apprehension to have remote possibility of “**conflict of interest**” per se must not hold him guilty of such offence. She would also dispute that the instances given by Mr. Mukherjee with regard to players of Town Club playing in the ground curated by the respondent, would not fall within the mischief of the above provisions as it would hardly have any remote possibility of “**conflict of interest**”.

4.0.2.3.

MR. SAMRAT SEN

Mr. Sen representing CAB, has taken a complete impartial presentation only to assist the Ethics Officer of CAB.

To his understanding, Rule 67 is exhaustive in nature. Interpreting “**conflict of interest**” as per Rule 3(A) (k), he would rely upon the last part of the clause where it is provided, “*as set out in Rule 67*”. “**Conflict of interest**” would only come within the mischief in case of the incidence coming squarely within Rule 67. Rule 67(4)(i) would provide, “**manager**” would be assisting CEO that could not per se include duty to curate a ground which is purely a technical job. Moreover, “**manager**” can only be appointed by the Apex Council in consultation with CEO.

In this case, the respondent is appointed by Honorary Secretary. All his renewals and pay revisions were signed by the Hon'ble Secretary discharging his executive function.

Mr. Sen would draw my attention to Rule 45 where Apex Council is assisted by different committees. In Rule 45, it is provided for constitution of "Standing Committee" whereas sub-Rule (2)(C) would have various sub-committees including (e) Ground sub committee, who is the supreme authority in preparation of the ground. Any curator including the respondent would be answerable to Chief Curator who is in turn answerable to the Ground sub-committee. Ground sub committee would ultimately be responsible for preparation of the ground and answerable to the Apex Council.

Distinguishing such hierarchy, he would submit, there would be a remote possibility of "**conflict of interest**" in the instant case. The "**conflict of interest**", according to Mr. Sen, would be when X could influence Y to benefit his friend or relative or affiliate. Such case has not been made out by the complainant before us.

He would lastly submit, the respondent is a trained professional and technician curating the pitch. It would hardly have any remote possibility in interfering with the affairs of CAB and the alleged apprehension would have no basis whatsoever.

4.0.2.4.

MR. SARBAPRIYA MUKHERJEE-IN-REPLY

While distinguishing the submissions of Ms. Ali on remote possibility, Mr. Mukherjee would submit, the decision in the case of Mayank Parikh being Complaint No.5 and 7 of 2019 dated July 21, 2020 would also deal with such situation and held, even if there is a remote possibility, the past records must be taken into consideration. In this regard, he would refer the incidence of players playing for Town Club in a ground which was curated by the respondent.

With regard to voting right, Mr. Mukherjee would contend, it is true, the respondent has no voting right. However, he was appointed by Sri Debabrata Das, Honourary Secretary vide letter dated December 9, 2019, who is also a member of the Town Club and incidentally the father of Mr. Debanik Das, who had voting right on behalf of the Town Club.

Mr. Mukherjee would also contend, Mr. Debanik Das was nominated by Town Club on the resignation of the respondent. Hence, the ***“conflict of interest”*** is apparent.

On the issue of “Manager”, he would rely upon paragraph 25 of the decision in the case of Mayank Parikh and submit, he should be called as “Manager” within the definition of Rule 67(4)(l) and (m).

5.0. LAW ON THE SUBJECT

To decide on the issue, various Rules have been referred to by the learned Counsel appearing for the parties. However, to me to decide on the issue, three provisions would be germane that are reproduced below:-

5.0.1.

Rule 3(A)(k)

(k) "CONFLICT OF INTEREST" refers to situation where an individual associated with the Association in any capacity acts or omits to act in a manner that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of cricket and that may give rise to apprehensions of, or actual favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 67.

5.0.2.

Rule 67

67. CONFLICT OF INTEREST

(1) A Conflict of interest may take any of the following forms as far as any individual associated with the Association is concerned:

(i) Direct or indirect interest: When the BCCI or the Association, a member or a Franchisee enter into contractual arrangements with entities in which the individual concerned or his/her relative, partner or close associate has an interest. This is to include cases where family members, partners or close associates are in positions that may, or may be seen to compromise an individual's participation, performance and discharge of roles.

Illustration 1: A is an Office Bearer of the BCCI or the Association when it enters into a broadcast contract with a company where A's son B is employed. A is hit by Direct Conflict of Interest.

Illustration 2: C is a Member of the IPL Governing Council. The IPL enters into a contract with a new franchisee, the Managing Director of which is C's partner in an independent commercial venture. C is hit by indirect Conflict of interest.

Illustration 3: D is the Office Bearer of a State Association. D's wife E has shares in an IPL Franchisee which enters into a stadium contract with the State Association. D is hit by Indirect Conflict of Interest.

Illustration 4: F is President of the BCCI or the Association. His son-in-law is a Team Official of a Franchisee. F is hit by Conflict of Interest.

Illustration 5: G is an employee of the BCCI or the Association. His wife runs a catering agency that is engaged by the BCCI or the Association. G is hit by Conflict of Interest.

(ii) Roles compromised: When the individual holds two separate or distinct posts or positions under BCCI or the Association, a Member or the Franchisee, the functions of which would require the one to be beholden to the other, or in opposition thereof.

Illustration 1: A is the Coach of a team. He is also Coach of an IPL Franchisee. A is hit by Conflict of Interest.

Illustration 2: B is Secretary of the BCCI. He is also President of a State Association. B is hit by Conflict of Interest.

Illustration 3: C is the Vice-President of the BCCI. He is also President of a State Association and member of a Standing Committee. C is hit by Conflict of Interest.

Illustration 4: D is a Selector. He is also coach of an IPL franchisee. D is hit by Conflict of Interest.

(iii) Commercial conflicts: When the individual enters into endorsement contracts or other professional engagements with third parties, the discharge of which would compromise the individual's primary obligation to the game or allow for a perception that the purity of the game stands compromised.

Illustration 1: A runs a cricket academy. He is appointed as a selector. A is hit by Conflict of Interest.

Illustration 2: B is a BCCI commentator. He also runs a sports management company which contracts members of the team. B is hit by Conflict of Interest.

Illustration 3: C is a selector. He is contracted to write a column on a tour that the national team is on. C is hit by Conflict of Interest.

Illustration 4: D is a team captain. He is also co-owner of a sports management agency which is contracted to manage other team members. D is hit by Conflict of Interest.

Illustration 5: E is a member of IPL Governing Council. He is engaged by a cricket broadcaster to act as an IPL commentator. E is hit by Conflict of Interest.

(iv) Prior relationship: When the individual has a direct or indirect independent commercial engagement with a vendor or service provider in the past, which is now to be engaged by or on behalf of BCCI or the Association, its Member or the Franchisee.

Illustration 1: A is President of BCCI or the Association. Prior to his taking office, he has been engaged professionally for his services by a firm B. After A becomes President, B is appointed as the official consultants of the BCCI or the Association. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. Prior to his election, he ran a firm C, specializing in electronic boundary hoardings. Upon becoming Secretary, the contract for the Association's stadium hoardings is granted to C. B is hit by Conflict of Interest.

Illustration 3: D is the Commissioner of the IPL. Before he came into this office, he used to engage E as his auditor for his business. After becoming Commissioner, E is appointed as auditor to the IPL. D is hit by Conflict of Interest.

Illustration 4: F is the Captain of an IPL team, and G is the team's manager. When F is made Captain of the national team, G is appointed as the national team's manager. F is hit by Conflict of Interest.

(v) Position of influence: When the individual occupies a post that calls for decisions of governance, management or selection to be made, and where a

friend, relative or close affiliate is in the zone of consideration or subject to such decision-making, control or management. Also, when the individual holds any stake, voting rights or power to influence the decisions of a franchisee / club / team that participates in the commercial league(s) under the Association;

Illustration 1: A is a selector. His son is in the zone of consideration for selection. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. He also runs a cricket academy in the State. B is hit by Conflict of Interest.

Illustration 3: C is an umpire. His daughter D is a member of a team which is playing a match in which C officiates. C is hit by Conflict of Interest.

Illustration 4: E is the President of a State Association and his company F owns 12 cricket clubs in the State from which probables are selected for the State team. E is hit by Conflict of Interest.

EXPLANATION: The illustrations which refer to a President / Secretary / Vice-President may be read as illustrations referring to any other Office Bearer, and also to the members of the Apex Council and the Committees.

(2) Within a period of 15 days of taking any office under the Association, every individual shall disclose in writing to the Apex Council any existing or potential event that may be deemed to cause a Conflict of Interest, and the same shall be uploaded on the website of the Association. The failure to issue a complete disclosure, or any partial or total suppression thereof would render the individual open to disciplinary action which may include termination and removal without benefits. It is clarified that a declaration does not lead to a presumption that in fact a questionable situation exists, but is merely for information and transparency.

3) A Conflict of Interest may be either Tractable or Intractable:

(a) Tractable conflicts are those that are resolvable or permissible or excusable through recusal of the individual concerned and/or with full disclosure of the interest involved.

(b) Intractable conflicts are those that cannot be resolved through disclosure and refusal, and would necessitate the removal of the individual from a post or position occupied so that the conflict can cease to exist.

Explanation: In illustration 3 to Rule 67(1)(i), if the wife held 51% shares, the conflict will be treated as intractable. If the wife holds 3% shares, whether the conflict is tractable or intractable will have to be decided by the Ethics Officer on the facts of the case. If the wife holds only 100 shares out of 1 crore shares, a disclosure of the same may be sufficient.

(4) It is clarified that no individual may occupy more than one of the following posts at a single point of time except where prescribed under these Rules:

(a) Player (Current)

(b) Selector / Member of Cricket Committee

(c) Team Official

(d) Commentator

(e) Match Official

(f) Administrator / Office-Bearer

(g) Electoral Officer

(h) Ombudsman & Ethics Officer

(i) Auditor

(j) Any person who is in governance, management or employment of a Franchisee

(k) Member of a Standing Committee

(l) CEO & Managers

(m) Office Bearer of a Member

(n) Service Provider (Legal, Financial, etc.)

(o) Contractual entity (Broadcast, Security Contractor, etc.)

(p) Owner of a Cricket Academy

(5) As far as incumbents are concerned, every disclosure mandated under Sub-Rule (3) may be made within 90 days of the Effective Date.

5.0.3.

Rule 68 (3)

(3) After considering the relevant factors and following the principles of natural justice, the Ethics Officer may do any of the following:

(a) Declare the conflict as Tractable and direct that:

(i) the person declare the Conflict of Interest as per Rule 67(3)(a); or

(ii) the interest that causes the conflict be relinquished; or

(iii) the person recuse from discharging the obligation or duty so vested in him or her.

(b) Declare the conflict as intractable and direct that:

(i) the person be suspended or removed from his or her post; and

(ii) any suitable monetary or other penalty be imposed; and

(iii) the person be barred for a specified period or for life from involvement with the game of cricket.

The Ethics Officer is wholly empowered to also direct any additional measures or restitution as is deemed fit in the circumstances

6.0. PRECEDENTS AND THEIR ANALYSIS

To my knowledge there are nine cases of **“conflict of interest”** decided by various Ethics Officers out of which eight cases were referred to before me. The 9th one referred to in one of the decisions, was shared by C.A.B. on my request. To me, the lead judgments having diverse view, would be the decision in the case of case of Rahul Dravid and decision in the

case of Power Brothers (Kiron & Ramesh) and those two lead judgments thereafter.

Let me discuss the other seven judgments in seriatim.

6.0.1.

SOURAV GANGULY

Two complaints were filed as against Mr. Ganguly, the first one would relate to his re-election as President of C.A.B. and representative in B.C.C.I.

Mr. Ganguly was re-elected as a President of C.A.B. on September 26, 2019. Subsequently, on October 23, 2019 he took over as President of B.C.C.I. After taking over charge of the said Post of President of B.C.C.I., Mr. Ganguly by his letter dated November 5, 2019 resigned from the Post of President, C.A.B. Considering such fact, the learned Ethics Officer held that the said complaint was rendered infructuous and was disposed of accordingly.

6.0.1.2.

The second complaint would allege holding of three positions at the same time, being Member of Cricket Advisory Committee, Advisor in I.P.L. franchisee, Delhi Capitals as well as Office Bearer of C.A.B. This complaint was considered in detail by the learned Ethics Officer by his judgment and order dated June 16, 2019. The Learned Ethics Officer considered the fact that the B.C.C.I., the parent body also took the stand before him, such situation would attract the mischief of mischief of **“conflict of interest”**, however, it was tractable. The learned Ethics Officer also considered the

reply of Mr. Ganguly filed in response to the complaint where he categorically contended that in case she was found by the Ethics Officer that his position in the past complained of, would attract **“conflict of interest”** he would be ready to recuse his post in CCA. The learned Ethics Officer considered his reply as a resignation from the Post of Cricket Advisory Committee. The learned Ethics Officer also considered that his involvement in I.P.L. franchisee came to an end in May, 2019 and, as such, even if it was **“conflict of interest”** it should be held as tractable. He gave benefit of doubt to Mr. Ganguly and complaint was disposed of accordingly.

6.0.2. JAYDEV SHAH

Mr. Shah was the President of Saurashtra Cricket Association and as a President, he was nominated as representative of Saurashtra Cricket Association in B.C.C.I. The learned Ethics Officer held, such situation would not attract the mischief of **“conflict of interest”**. In paragraph 17, the learned Ethics Officer held that by virtue of the respondent’s nomination as the representative of S.C.A. to the B.C.C.I. and by holding the Post of President of S.C.A., case of **“conflict of interest”** as enshrined in the B.C.C.I. Rules is not made out against him. The learned Ethics Officer dismissed the complaint being bereft of any merit.

6.0.3.

MAYANK PARIKH

Mayank Parikh was the Manager of B.C.C.I. At the same time, he was the owner/authorized signatory/Secretary of six clubs and/or academies.

The complainant contended that it was a case of **“conflict of interest”**. In this case, B.C.C.I. submitted a report that would, *inter alia*, contend “Mr. Parikh was found only to own Cricket Club and do not impart training/coaching to Cricketers and merely fields teams in local tournaments. B.C.C.I. took a stand that there would not be any **“conflict of interest”** in the present case.

In paragraph 22, the learned Ethics Officer considered the judgment in case of V.V.S. Laxman as well as Mr. Rahul Dravid and ultimately held that Mr. Parikh continues to be the alter ego of six clubs despite his alleged snapping of links with the six clubs on papers. The percentage of voting right of the six clubs in M.C.A. was immaterial as the fact remains that the six clubs, through their functionaries, who mostly happen to be the family members do have the right to influence the decision-making process of M.C.A.

The learned Ethics Officer held that case of **“conflict of interest”** was made out. However, he granted an opportunity to Mr. Parikh to either resign from the Post of Manager or wind up all the clubs in question. On the failure of Mr. Parikh to take adequate steps in this regard, the B.C.C.I. may take appropriate action to ensure that the **“conflict of interest”** ceases to exist.

6.0.4.**ROGER BINNY**

Roger Binny was appointed as President of BCCI on October 18, 1922. At the same time, his daughter-in-law, Ms. Mayanti Langer, was acting as anchor on behalf of Star Sports, the official media partner of BCCI.

The allegation of **“conflict of interest”** was gone into by the Learned Ethics Officer, who ultimately held on facts, the allegation was bereft of merit.

The Learned Ethics Officer considered the fact that Ms. Langer had been hosting live broadcast for Star Sports since 2014 and holding a current contract for one year with effect from March 20, 2022 whereas Mr. Roger Binny was appointed as President on October 18, 2022. In paragraph 11, the Learned Ethics Officer considered the fact that Ms. Langer was acting on behalf of Star Sports for last 16 years since 2014 and currently engaged for one year contract in March, 2022 and that ended in March, 2023. The media rights of BCCI and IPL were awarded to Star Sports on April 5, 2018 and June 27, 2022 respectively. Ms. Langer was not an employee of Star Sports. She was working on contract as an anchor that would have a remote possibility of **“conflict of interest”**.

On a liberal interpretation of Rule 38(1) and 38(2) of the BCCI Rules, *pari materia*, with Rules 67 and 68 of CAB Rules, the complaint was dismissed being devoid of merit.

6.0.5.**CHANDRAKANT PANDIT**

Mr. Pandit was a team coach for Madhya Pradesh Cricket Association (MCA) that ended on March 5, 2023. He was engaged as Team coach of KKR (Kolkata Knight Riders) on March 15, 2023, hence, there had been no overlap of any dual function.

The complaint would also allege that prior to the formal engagement of KKR, Mr. Pandit participated in the auction on behalf of KKR. To that, the Learned Ethics Officer considered the fact that no MCA player was selected in KKR during the auction. The complaint was rejected on merits.

6.0.6.**VVS LAXMAN**

VVS Laxman was a member of Cricket Advisory Committee. At the same time, he was holding the post of Mentor in IPL for Sunrisers Hyderabad as well as a commentator in Indian Cricket Matches. Holding such three positions were objected to by the complainant in his complaint asking for action against him for ***“conflict of interest”***.

The Learned Ethics Officer considered all the three posts in paragraph 13 of the said decision. The Learned Ethics Officer held that CAC, unlike other standing committees, is not an ongoing functional committee, which meets regularly but is constituted from time to time only to meet specific objective. Mr. VVS Laxman was requested to join the meeting for CAC for

selection of head coach in women team. His post falls within the mischief of Clause (b) of Sub-rule (4) of Rule 38.

Mr. Laxman was not a BCCI commentator. He was doing commentary under a private agreement with a private sports company hence, such position is not covered by the aforesaid Clause.

With regard to his association with Sunrisers Hyderabad, the Learned Ethics Officer observed that Mr. Laxman was associated with the team for over 7 years in the capacity of Mentor that would include offering to the players incites and guidance on cricket. Furthermore, he takes part in the bidding of players. He sits in the team “dug out” and as such, should be held as a team official in governance and management of the franchisee and squarely covered by the said Clause. Hence, out of the three positions, Mr. Laxman was held to be in **“conflict of interest”** in respect of two positions – (i) as a member of the Cricket Advisory committee and (ii) team official of Sunrisers Hyderabad.

Even after holding as such, the Learned Ethics Officer gave him the benefit of doubt observing that “perhaps he might not have realized that occupying multiple posts, did involve **conflict of interest**”. BCCI was directed to ensure that Mr. Laxman does not continue to occupy more than one post.

6.0.7.

That would leave us with the two lead judgments referred to above in case of Rahul Dravid and Powar brothers.

6.0.7.1.

In case of Rahul Dravid, the complainant would object to his multiple positions being the head coach of BCCI Junior Team, head cricket coach of National Cricket Academy and Vice President of India Cement Limited, the owner of IPL franchisee of Chennai Super Kings.

In paragraph 3 of the decision, we find, Mr. Dravid filed an affidavit in response to the complaint where he contended that he took over head cricket coach of National Academy set up by BCCI at Bengaluru on July 8, 2019 only after complying with all formalities that was specified and required by BCCI including the provision of Rule 38(2) of the BCCI rules. To avoid any kind of **“conflict of interest”**, on the advice of BCCI, he took “leave of absence without pay” from his employer, India Cement Limited for the entire term of his engagement with BCCI in the capacity of Head Cricket Coach.

Pertinent to note, Mr. Dravid was an employee of India Cement Limited for over two decades when he did not have any relationship or obligation towards Chennai Super Kings, a franchisee of IPL owned by a limited company, namely, Chennai Super Kings Cricket Ltd., a wholly owned subsidiary of India Cement Limited. The complainant emphasized that CSK being a wholly owned subsidiary, had common directors with India Cement Limited. Hence, Mr. Dravid’s connection with the said IPL franchisee was apparent and as such, he would be in “governance, management or

employment of a franchisee” within the meaning of Rule 38(4) (j) of the Rules.

The Learned Ethics Officer in paragraph 10 wanted to revisit his own decisions in case of Sourav Ganguly (supra) and VVS Laxman (supra) and accordingly, gave notice to the parties.

Paragraph 12, 14 and 15 deal with the issue of Ganguly (supra) and Laxman (supra). Those paragraphs being relevant herein are reproduced below:-

“12. The concept of "conflict of interest", is not necessarily a question about something one does or intends to do but a question of what one can possibly or potentially do. However, in so far as the Rules of BCCI are concerned, the said principle has been codified in Rule 1(A)(g) read with Rule 38 of the Rules. Rule 1(A)(g) of the Rules refers to the situations, where an individual associated with the BCCI in any capacity acts, or omits to act, in a manner that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of Cricket and that may give rise to apprehensions of, or actual favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 38 of the Rules. Hence, the question of "conflict of interest" has to be considered on the touchstone of the definition, which clearly brings within its ambit all situations, which have even the potential or perception of giving rise to apprehension of any kind of favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages by or to a person associated with the BCCI, in any capacity.”

14. It was thus held that the provisions contained in Sub-rule (4) of Rule 38 of the Rules could not be held as merely directory. Accordingly, it was opined that Sub-rule (4) of Rule 38 of the Rules is a stand-alone Rule and not dependent on the applicability of various forms of "conflict of interest" some of which are illustrated in the said Sub-rule. Nevertheless, while noting that Mr. Ganguly was, in fact holding three posts, viz (i) member of Cricket Advisory Committee; (ii) Advisor to an IPL franchisee; and (iii) An office bearer of one of the members of the BCCI, no specific finding on the question of actual or potential consequences of his holding the stated multi-posts was given but his role in each of the three posts was indeed examined. Therefore, adopting a literal interpretation of Sub-rule (4) of Rule 38 of the Rules, the Ethics Officer had expressed the view that if an individual occupies more than one post, as enumerated in Clauses (a) to (p) of Sub-rule (4) of Rule 38 of the Rules and nothing further is required to be considered. The ratio of the said decision was subsequently also applied in the case of Mr. V.V.S. Laxman.

15. Incidentally, the stand of the BCCI in the cases of both Mr. Sourav Ganguly and Mr. V.V.S. Laxman was that both Mr. Ganguly and Mr. Laxman were holding more than one post, which were covered under Sub-rule (4) of Rule 38 of the Rules and hence instance of "conflict of interest" had, in fact arisen. However, BCCI had also taken a stand in both the cases that the "conflict of interest in those cases was a tractable "conflict of interest", which could be resolved by directing the individuals concerned to declare the "conflict of interest" in a fair and transparent manner and by adhering to directions, which may be issued by the Ethics Officer on the lines, indicated in the reply."

While revisiting his own decisions, in paragraph 18, he observed, in order to avoid any of the provisions or the rules being rendered meaningless or ineffective, two earlier opinions expressed by him in the aforementioned cases in paragraph 20 and 21, the issue of effect of leave of absence, without pay, obtained and granted to Mr. Dravid, is of little relevance herein as he was unable to fathom that such circumstance would come in the way of Mr. Dravid in fairly discharging his duty as team official without being influenced or influencing in any manner, as a person, who is in governance, management or employment of a franchisee or vice versa.

The categoric stand of BCCI that since 2015, India Cement Limited was not an IPL franchisee in respect of CSK (Chennai Super Kings). BCCI requested Mr. Dravid to take the responsibility of Head Cricket coach of MCA.

It is unnecessary to go into the question of relationship between India Cement Limited and CSK and holding two posts by Mr. Dravid is of “too remote” to even warrant an examination of the merits of the argument advanced by the complainant. He ultimately held that he was convinced, the case of **“Conflict of Interest”** as enshrined in the rules, was not made out.

In this case, the Learned Ethics Officer distinguished his earlier decision in the case of Sourav Ganguly (supra) and VVS Laxman (supra).

In case of Ganguly, BCCI conceded that there had been a **“Conflict of Interest”**, however, that could be held as tractable. Considering such stand of BCCI, he permitted Ganguly to recuse by taking his response to complaint as his resignation from the post of CCA as also considering the fact that he had already resigned from the post of President of CAB.

Similarly, in case of Laxman, he gave a benefit of doubt even after observing that there had been a **“Conflict of Interest”**.

However, in case of Dravid, he held that merely holding of two posts would not be sufficient unless and until it is proved that holding of such two posts would have a potential threat and apprehension to have conflict.

6.0.7.2

In case of Powar brothers, the Learned Ethics Officer held the respondent responsible for the **“Conflict of Interest”** and directed punitive measures to be taken against him.

To me, it is the solitary instance where the Learned Ethics Officer held it to be “intractable offence” considering the facts and circumstances involved therein. Such decision of the Learned Ethics Officer was affirmed by the Hon’ble Bombay High Court in Writ Petition No.3334 of 2012.

The complainant objected holding of post by Mr. Kiran Powar (hereinafter referred to as “Kiran”), the brother of former Indian Cricketer, Mr. Ramesh Powar (hereinafter referred to as “Ramesh”). Ramesh was appointed on February 9, 2021 by MCA as coach of Mumbai Senior Team for the season 2020-2021 when Kiran was the Member of the Apex council of MCA. Moreover, Kiran was appointed as Head Cricket Coach of Goregaon Sports Club, an affiliated club of MCA that would come within the mischief of **“Conflict of Interest”**.

The respondent contended, Ramesh was appointed as coach by the Cricket Improvement Committee, which is a separate committee as he was a renowned cricketer and Kiran had nothing to do with the appointment of his brother, Ramesh. In any event, if there is any **“Conflict of Interest”** that should be held as tractable which could be resolved through recusal of individual concerned. On the issue of Kiran’s appointment as Head Cricket Coach of Goregaon Sports Club and later on as Mentor therein in lieu of remuneration, Kiran contended that he resigned from the post of Head Cricket Coach and thereafter he came to be appointed as Mentor and as such, there is no conflict.

The complainant, on the other hand, contended that the resignation from the post of Head Cricket Coach and thereafter assuming the post of Mentor was nothing but a hoax. Once he had resigned from the post of Head Cricket coach he was appointed as Mentor on the same remuneration and the same period. Kiran was

appointed as Head Cricket Coach from December 10, 2020 to December 9, 2021 whereas the Learned Advocate for Kiran was not able to give the date of resignation. The facts would make it clear that Ramesh was entrusted to act as Coach when Kiran was a member of the Apex Council. His resignation as a post of Coach in Goregaon Sports Club and his re-assignment on the same remuneration as Mentor was also in doubt in absence of particulars being provided therefor.

In paragraph 19, the Learned Ethics Officer observed that Kiran's engagement in Goregaon Sports Club was signed on December 3, 2020. It was a professional engagement in exchange of remuneration of Rs. 70,000/- per month and ultimately enhanced to Rs.1 lakh per month. As a coach of Goregaon Sports Club, Kiran would be the one with whom CIC at MCA would make queries or ask advice as to the players in Goregaon Sports Club. In such case ***“the purity of the game is compromised”***.

In paragraph 20 of the said decision, the Learned Ethics Officer observed that it is a clear case of ***“Conflict of Interest”*** that is not tractable because there was no full disclosure of the interest involved by the respondent in October 2019 when he became an Apex Council Member. In fact, there was not even a partial disclosure at that time or any time thereafter.

In paragraph 29, the Learned Ethics Officer observed, a person cannot violate the constitution and after the issue regarding the violation is over, thereafter say that now as the conflict does not exist, there is no question of taking any action against him or that even if there was a conflict, it is tractable.

The Learned Ethics Officer in paragraph 33 of the decision held, Kiran was in **“Conflict of Interest”** with MCA as his brother Ramesh was appointed on February 9, 2021 when Kiran was and is already a member of the Apex Council of MCA from October 19, 2019 **till today** his **“Conflict of Interest”** is intractable and Kiran is liable to be removed from his post.

This decision was affirmed by the Hon’ble High Court vide judgment and order dated November 25, 2022.

6.0.8.

From the above discussions, it is clear that apart from Powar brothers, the Learned Ethics Officer, interpreting the relevant provisions, in all the other eight cases, either dismissed the complaint or allowed the respondent to recuse himself holding the conflict as tractable.

7.0. CASE IN HAND

7.0.1.

PRABIR CHAKRABORTY

Prabir Chakraborty was the General Secretary of Wari Club appointed in 2017 for a period of two years. His term expired in 2019. Since then, there had been no further formation of the committee. Since no new committee is set up, the earlier committee is presumed to be in control of the administration of the Wari Club. The complainants claim to be the Executive Members of the Wari Club where Mr. Chakraborty is the General Secretary.

On receipt of the complaint dated May 30, 2025, Mr. Chakraborty submitted his resignation on June 16, 2025 considering the fact that the **“Conflict of Interest”** is apparent on the face of the record.

Question would then be whether it is tractable or intractable. As per Oxford dictionary *“tractable”* means, *“easy to deal with or control”* whereas *“intractable”* would mean, *“(of a problem or a person) very difficult to deal with”*.

Out of the said nine cases discussed above, the Learned Ethics Officer held VVS Laxman, Sourav Ganguly and Mayank Parikh to be responsible for **“Conflict of Interest”**. However, in all those cases, the Learned Ethics Officer permitted them to recuse themselves from dual position as according to the Ethics Officer, on a liberal construction, those could be held as tractable offence.

In this case, Mr. Chakraborty was holding the position of General Secretary of Wari Club as well as Treasurer of CAB.

In case of Dravid, the Learned Ethics Officer held, merely because the dual position attracting **“Conflict of Interest”** would not per se be held, as intractable unless and until it is proved that there is a potential threat and that threat would have to be established by the complainant.

Mr. Chakraborty is functioning as treasurer since 2022. The complainants, being the executive Members of the Wari Club, in which Mr. Chakraborty is the General Secretary, did not make any complaint. Once the complaint was made on May 30, 2025, on the 17th day he resigned from the post to come out from the mischief of **“Conflict of Interest”**.

The complainants would contend, he was charged for defalcation of funds that is pending before the appropriate forum. That would be outside the scope of my reference. From the complaint, it appears that Mr. Chakraborty misused the funds of CAB by transferring the same to Wari Club and ultimately re-transferred to third party to his benefit.

On a combined reading of the precedents discussed above, I feel, it is not such a case compared to Powar brothers where it should held as intractable.

In case of Sourav Ganguly, BCCI took a stand that even if it was a **“Conflict of Interest”** that should be held as tractable. The learned Ethics Officer proceeded on that basis giving emphasis on the fact that upon the

complaint being received, Ganguly resigned from the post of President of CAB. In response to the complaint, he also observed that if his position as a member of CCA would attract ***“Conflict of Interest”***, he should be allowed to recuse himself from the said post. The Learned Ethics Officer accepted such stand of Mr. Ganguly and permitted him to recuse himself from such conflict.

Similarly, in case of Laxman, the Learned Ethics Officer took a liberal approach.

Those two decisions were reconsidered by the same Ethics Officer in case of Rahul Dravid. He held that mere proof of conflict would not be sufficient to hold it as intractable unless and until the complainant could prove that the conflict was such it could not be avoided by recusal.

The only decision in case of Powar brothers, the Learned Ethics Officer, considering the facts and circumstances, held that conflict was such and particularly because of non-disclosure of relevant fact even before the Ethics Officer, would inspire his confidence to hold it as intractable.

Such off beat decision could not be applied in case of Prabir Chakraborty. His recusal, by way of resignation from the post of General Secretary soon after the complaint being filed, should be held as tractable.

7.0.2.

SURANJAN MUKHERJEE

Suranjan Mukherjee is admittedly an Assistant Secretary of Town Club. At the same time, he was appointed as a curator by dint of his

technical expertise. It appears that he was appointed by the Secretary of CAB discharging his executive function. He was neither appointed by the Apex Council nor in consultation with the Apex Council. He is neither “CEO” or “manager” within the meaning of Section 67(4)(m)&(l).

Ms. Manali Ali, representing him, has relied upon the dictionary meaning of the word “manager”, that was someone who could administer or supervise the affairs of the organization.

The curator is to supervise preparation of pitch by the grounds men. He is answerable to his Chief Curator who, in turn, would be answerable to the Ground Sub Committee constituted by the Apex Council. The Ground Sub committee would be answerable to the Apex Council. Considering the hierarchy, there would be a remote possibility of potential threat to do individual favouritism or bias, lack of objectivity, benefits (monetary or otherwise) or linkage as set out in Rule 67. His duty to perform the function of a curator would have a remote connection with the governance of CAB, that is done through Apex council, the supreme body, through CEO and manager or office bearer within the meaning of Rule 67(4)(m)&(l). Admittedly, he is not the CEO. He cannot be called as “manager” as observed above. There is a remote possibility to have any **“Conflict of Interest”**.

Mr. Sarbapriya Mukherjee, learned counsel in support of his contention that there is a potential threat, referred to an instance where a field curated by Mr. Suranjan Mukherjee was used to host a cricket match

between Town Club and Arian Club where the Town Club won the match scoring 419 whereas the Arian Club lost the same scoring 281.

I fail to appreciate, how this could be to the detriment of Town Club where the complainants being the executive Members of the Town Club could complain the ***“Conflict of Interest”***.

To avoid any controversy, in course of hearing, Mr. Snehasish Ganguly, the President of CAB assured, Mr. Mukherjee would henceforth be not allotted any field where First Division Team would be playing involving Town Club or otherwise, during his tenure as President.

I do not find any ***“Conflict of Interest”*** in case of Suranjan Mukherjee.

8.0. COMING TO A CONCLUSION

Suranjan worked as a curator at a much lower level of hierarchy. Even if he would try to extend unethical favour to any of the players playing in the Town club in a pitch curated by him, his work as a curator would be under constant surveillance of the upper tiers; firstly by the Chief Curator and then Ground Sub Committee and thereafter by the Apex Council. Hence, even if his work is considered to be a potential threat of favouritism, such threat would have hardly any consequence in view of his position at a much below tier at the hierarchy.

In case of Prabir, the chance of potential threat was always there as was held in case of Sourav Ganguly, VVS Laxman and Mayank Parikh and

in all those cases, the learned Ethics Officer, considering the facts and circumstances involved therein, held it to be tractable and with a liberal construction of the subject rule allowed them to recuse themselves from such position, except in the case of Powar brothers.

In case of Powar brothers, one brother was at the Apex Council while the other brother was acting as a Head Coach of the said Association. Similarly one of them was appointed as a Head Coach in one of the affiliated Clubs of the said association during the same period. In that case, not only there was a potential threat but also actual favouritism that was apparent on the face of the record that continued till the final date of disposal of the complaint as found out by the learned Ethics Officer.

The learned Ethics Officer made a departure in case of Powar brothers invoking his power under Rule 68(3), and in my view, rightly so, that cannot be equated in case of Prabir. I do not intend to make a departure of the stand of the Ethics Officer in all the other past precedents referred to above.

9.0. RESILT

9.0.1.

In case of Prabir Chakraborty, although the ***“Conflict of Interest”*** was there on the date of filing of the complaint, it is held to be tractable and he is recused from such office on his resignation from the post on June 16, 2025 soon after filing of the complaint dated May 30, 2025.

9.0.2.

*In case of Suranjan Mukherjee, since there is no “**Conflict of Interest**”, the complaint is devoid of merit.*

9.0.3.

Both the complaints fail and are disposed off as above.

Dated: September 10, 2025.

Justice Ashim Kumar Banerjee (Retd.)

Senior Advocate.

Ethics Officer, CAB.