

Case No. 10 (OMB) of 2025.

Re: "Taking your attention in regard to Mr. Niraj Kajaria, presently Apex Council Member of CAB and Mr. Vivek Dalmiya (committee member – Stadium , CAB)" complaint submitted by Mr. Shiv Bahadur Singh.

Present:-

For the Complainant

Mr. Shiv Bahadur Singh assisted by
Mr. Prabhat Jhawar.

For the Opposite party.

Mr. Amitesh Banerjee, Advocate
appears for Mr. Niraj Kajaria.

Mr. Sandip Kumar De, Advocate
appears for Mr. Vivek Dalmiya.

For CAB.

Mr. Samrat Sen, Senior Advocate.

Order No. 3 dated 30th August, 2025.

The complainant Mr. Shiv Bahadur Singh submitted a complaint before the undersigned, complaining that, Mr. Niraj Kajaria ought not to have been inducted as a Member of the Apex Council in CAB during the period from 31st October, 2022 to 10th July, 2025, without completing a cooling off period of three years, after serving as Office Bearer being Secretary, in National Cricket Club being an associate member of BCCI for two consecutive terms for a continuous period of six years ten months and sixteen days (between January 2016 and 16th November, 2022).

He also makes an identical complaint against Mr. Vivek Dalmiya, who according to the complainant, ought not to have been inducted either as a Member of the Stadium Committee of CAB for one year and even thereafter, as a Member of a Committee of CAB till 10th July, 2025 i.e. for a period of two years eight months ten days (between 31st October, 2022 and 10th July, 2025) without completing a cooling off period of three years after serving as Office Bearer being President in National Cricket Club being an Associate Member of BCCI for two consecutive terms for a continuous period of six years one month two days between 7th October, 2016 and 8th November, 2022.

According to him, Rule 22 (4) (A) of the Memorandum of Rules of the Cricket Association of Bengal does not permit a person, who served two consecutive terms each in the BCCI or in any of its Members being a full

Member or an Associate Member, continuously for as period of two full consecutive terms, without any break, to become eligible to contest any further election in CAB, without completing a cooling off period of three years.

He thus claimed that, both Mr. Niraj Kajaria and Mr. Vivek Dalmiya being ineligible to contest any further Election in CAB, ought not to have been allowed by CAB to contest the Election for the post which they occupied in the Council and/or Committee of CAB till 10th July, 2025.

Mr. Niraj Kajaria was represented by his Advocate Mr. Amitesh Banerjee, learned Senior Counsel.

Mr. Vivek Dalmiya was represented by his Advocate Mr. Sandip Kumar De, learned Advocate.

Learned Counsel of both the parties viz. Mr. Niraj Kajaria and Mr. Vivek Dalmiya raised a preliminary objection regarding maintainability of this complaint before the undersigned under Rule 70 of the Memorandum and Rules of CAB as the complainant being neither a Member nor an Association and/or franchisee nor an Administrator can maintain such a complaint before the undersigned either under Rule 70 (1) (a) or (b) of the said Rules.

The undersigned agrees with such submission of Mr. Banerjee and Mr. De and holds that such a complaint is not maintainable before the undersigned at the instance of the complainant. However, the undersigned holds that such a complaint may be entertained from any person coming from any quarter when it concerns violation of any of the Rules and Regulations by any person associated with the Association, firstly, by the Apex Council which may ultimately come to the undersigned after following the procedure prescribed under the said Rules. The complainant, however, has not channelized his complaint through the authority as prescribed under the said Rules.

The undersigned is informed by the representative of the complainant that, he has also submitted a complaint before the Apex Council but the said complaint has not been dealt with the by the Council till date.

Mr. Sen, learned Senior Counsel appearing for the CAB informs the undersigned that already an election notice has been issued by the Election Officer and the Election in CAB is scheduled to be held on 22nd September, 2025, he further informs the undersigned that since the election notice has already been issued, notifying the election schedule, Apex Council cannot hold any further meeting.

Under such circumstances, with the consent of the parities, the undersigned being the ultimate authority, has decided to consider the complaint of the complainant.

Let me now consider, the merit of the complaint of the complainant. Since the complaint is basically against CAB for permitting those two persons to contest the Election in breach of the provision contained in Rule 22 (4) (A) of the Memorandum and Rules of CAB, the said provision is set out hereunder:

"22. ELECTION & TERM OF OFFICE BEARERS

4(A). If a person has served two consecutive terms each, in the Association and in the BCCI (or *vice versa*) continuously without any break, such person shall not be eligible to contest any further election in the Association, without completing a cooling off period of three years.

During this cooling off period, such an Office Bearer shall not be a member of any committee whatsoever of the Association. The expression 'Office Bearer' should not be permitted to be circumvented by being a member of any other committee of the Association."

Association has been defined in Section 3 (f) of the said Rules which rules as follows:

"Association" shall mean "The Cricket Association of Bengal".

BCCI has also been defined in Section 3 (h) of the said Rule which runs as follows:

"BCCI" is the Board of Control of Cricket in India initially registered under Act XXI of 1860 at Chennai (Madras) on 28th November, 1940 and subsequently registered under the Tamil Nadu Societies Registration Act, 1975.

In Rule 22 (4) (a), it is provided that if a person has served two consecutive terms each, in the Association and in the BCCI, (or *vice versa*) continuously without any break, such persons shall not be eligible who contest any further election in the Association, without completing a cooling off period of three years.

The said provisions makes it clear that one has to complete a cooling off period of three years only when he or she has served two consecutive terms each, in the association or in the BCCI (or *vice versa*) continuously without any break.

In the present complaint, the complainant has not stated that any of the above mentioned two persons has served for two consecutive terms each either in CAB or in BCCI or the vice versa continuously without any break. His complaint is that, those two persons served NCC either as the Secretary of National Cricket Club (NCC) or as President of National Cricket Club (NCC) for a continuous period of more than six years without any break. The said Rule does not prohibit any Office Bearer of any affiliated Member of BCCI who served, two consecutive terms, without any break, from contesting the election in CAB.

Now, let me consider as to who is this NCC. NCC i.e. National Cricket Club is an Associate Member of BCCI without any right to vote. NCC can neither be equated with CAB nor can be equated with BCCI. As such, if somebody has served the NCC either in the capacity of its Secretary or its President, he cannot be debarred from contesting the Election in CAB in terms of Rule 22 (4) (A) of the said Rules. The said Rule restricts the right to contest the election in CAB only when he has served two consecutive terms each in CAB or BCCI or vice versa continuously without any break. Only those persons who served two consecutive terms each in CAB or in BCCI or *vice versa* continuously without any break, are debarred from contesting the election in CAB without completion a cooling off period of three years.

Since, neither Mr. Kajaria nor Mr. Dalmiya served either CAB or BCCI for two consecutive terms each continuously without any break, they were eligible to contest the election in CAB and as such, CAB, in my view, did not commit any illegality by allowing them to contest the election and to hold any office in any of its committee and /or council, as alleged by the complainant.

The complaint of the complainant is devoid of any merit and as such the complaint is rejected.

CAB is directed to communicate this order to all concerned, at the earliest.

Jyotirmay Bhattacharya

Justice Jyotirmay Bhattacharya
Former Chief Justice, High Court at Calcutta,
Presently, Ombudsman, Cricket Association of Bengal.