

Case No. 7 (OMB) of 2025.

Sub: Complaint for Misconduct arising from impersonation of identity of Affiliate Member Club "Mohunlal Club" of 57C, Bagbazar Street, Kolkata-700003, and by collusive actions allowing grants, privilege, facilities to people associated to "Mohunlal Club" of 40, Gouribari Lane, Bagbazar Street, Kolkata - 700003.

Present:-

For Complainant

Mr. Dipak Ranjan Mukherjee, Senior Advocate.

Mr. Manish Sarkar, Advocate.

For Opposite Party

Mr. Sandip Kumar De, Advocate.

Mr. Rudranil Mitra, Advocate,

Mr. Souradipta Banerjee, Advocate.

For CAB

Mr. Samrat Sen, Senior Advocate.

Order No. 5 Dated 30th August, 2025.

Two rival groups are fighting with each other to establish their claims for membership in Mohunlal Club. Initially Mohunlal Club was an unregistered Association. It was registered under West Bengal Societies Registration Act 1961, on 25th November, 2011, by the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal. Prior to its registration, the said Club did not have any fixed address. As such, the address of the prime Office Bearers used to be shown as the address of the said Mohunlal Club.

During the period 1960-1961, 12 B, Shyamlal Street, Calcutta -700004 was shown as the address of Mohunlal Club. In 1999, the address of the Club was shown as 57C, Bagbazar Street, Kolkata- 700003.

At the time of registration of the said Mohunlal Club in 2011, its registered address was shown as 57C, Bagbazar Street, Kolkata- 700003.

Regulation of the Mohunlal Club provides that the Memorandum and Regulations may be altered, modified, rescinded, or added to by special resolution passed by the three fourth members in a General Meeting called for the purpose. The Governing body shall have power to make alter, modify or recede such regulation as may be considered necessary in the interest of smooth functioning of the society.

Problem started, when one group of persons claiming to be the members of Mohunlal Club, wrote a letter dated 1st February, 2021 informing the then Hony. Secretary of CAB about the change of address of Mohunlal Club. The changed address was shown as 40 Gouribari Lane, Kolkata-700004, in the said letter. By the said letter the Hony. Secretary of CAB was requested to correspond with the club at its changed address henceforth.

CAB, started corresponding with the Mohunlal Club at the changed address at 40 Gouribari Lane, Kolkata-700004. Not only correspondences were exchanged between the CAB and the said Club at the said changed address but also grants were also extended to the said Club mentioning the changed address 40 Gouribari Lane, Kolkata-700004.

The complainant being the other rival group claimed that they are the members and/or Office Bearers of Mohunlal Club having its registered address in 57C, Bagbazar Street, Kolkata- 700003. They felt aggrieved as they were not getting the grants from CAB, though their club viz. Mohunlal Club having its registered address at 57C, Bagbazar Street, Kolkata- 700003 is the Club which is affiliated with CAB.

Both the rival groups involved themselves in several litigations for establishing their right, concerning their Club, which is commonly known as Mohunlal Club. Suffice it to mention here that in a suit filed by the group of persons claiming to be the members of Mohunlal Club having its registered address at 40 Gouribari Lane, Kolkata-700004, filed a suit being Title Suit No. 72 of 2021 in the Court of the Learned Civil Judge, Jr. Division (2nd Court) at

Sealdah, seeking various reliefs by a permanent injunction. In the said suit an ad interim injunction was passed on 9th February, 2021, restraining the defendant no. 1 to 13 viz. Mr. Saikat Goswami and twelve others from claiming and representing themselves as the member of the plaintiff no. 1 society and/or from interfering in the matter of participation of the players of the plaintiff no. 1 society in Cricket Tournaments to be held and/or conducted by the defendant no. 15 viz. the Cricket Association of Bengal for the session of 2020-2021 till the disposal of the suit. It may be mentioned herein that in the appeal filed by those defendants before the learned Appeal Court, the appellants became unsuccessful as their prayer for ad interim relief was refused. They tried their luck before the Hon'ble High Court at Calcutta, in its civil revisional jurisdiction. Though the said revision was entertained but no interim order was passed.

That apart the undersigned is informed that, there is another litigation which was initiated at the instance of those persons who are claiming to be members of the Mohunlal Club having its registered address at 57C, Bagbazar Street, Kolkata - 700003, and said suit is still pending.

Suffice it to mention herein that, the only interim order which still binds the parties is the interim order which was passed by the learned Civil Judge, Jr. Division (2nd Court) at Sealdah. As such the details of the other litigations need not be elaborated herein. Only important aspect which is required to be taken note of, is that there is no injunction restraining CAB from taking any step concerning such dispute between those two rival groups of persons.

Since, there was a complaint by the persons claiming to be the members of the Mohunlal Club having its registered address at 57C, Bagbazar Street, Kolkata - 700003, that they are not getting the grants from CAB, CAB held an independent enquiry to ascertain which Mohunlal Club is actually affiliated with the CAB. CAB wrote a letter on 16th June, 2025 to the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal, requesting him to provide

the CAB, the registration no. of the Mohunlal Club and also to confirm whether 40 Gouribari Lane Police Station Manicktala, Kolkata is the registered address of Mohunlal Club as per the entry made in the Registrar of Firms, Societies & Non-Trading Corporations, Government of West Bengal.

In reply to the said letter of the CAB, the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal vide letter dated 19th July, 2025 intimated the CAB that the Registered office of the concern society viz. Mohunlal Club vide registration no. S/IL/85422 of 2011-2012 is 57C, Bagbazar Street Kolkata - 700003, as per its memorandum of association available in its records.

It is an undisputed fact that Mohunlal Club is a registered Club and it was registered under the West Societies Registration Act, 1961 on 25th November, 2021 by the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal. At the time of its registration, registered address of the said Club was mentioned as 57C, Bagbazar Street, Kolkata- 700003. The said registered address of the Club remains unaltered as per the records of the Registrar of Firms, Societies & Non-Trading Corporations, Government of West Bengal, till now. No official document could be produced by the Group of persons claiming to be the members of Mohunlal Club having its address at 40, Gouribari Lane, Bagbazar Street, Kolkata - 700004, that the registered address of the said club as of 40 Gouribari Lane, Kolkata-700004, was ever recorded in the records of the Registrar of Firms, Societies & Non-Trading Corporations, West Bengal. CAB claims, that in their official records, the registered address of Mohunlal Club which is affiliated with CAB is recorded as 57C, Bagbazar Street, Kolkata-700003. The registered address of the said Club as of 40 Gouribari Lane, Kolkata-700004, was never recorded in the official record of CAB. As such, CAB cannot recognize Mohunlal Club having its address at 40 Gouribari Lane, Kolkata-700004, as a Club which is affiliated with CAB. However, certain confusion was created by the letter dated 1st February, 2021 issued by one group of persons claiming to be members of the Mohunlal Club informing the

Hony. Secretary of CAB about the change of address of Mohunlal Club. As a result of such misleading communication given to CAB, certain correspondences were exchanged between them at the said address i.e. 40 Gouribari Lane, Kolkata-700004, In view of the aforesaid communication made by the Registrar of Firms, Societies & Non-Trading Corporations, Government of West Bengal, CAB has now decided to recognize Mohunlal Club having its registered office at 57C, Bagbazar Street, Kolkata- 700003, is a club which is affiliated with CAB and as such CAB will recognize the said club and extend all the benefits to the said Mohunlal club having its registered office at 57C, Bagbazar Street, Kolkata- 700003.

Such decision of CAB, in the background of the correspondences exchanged between the CAB and Registrar of Firms Societies & Non-Trading Corporations, Government of West Bengal and also as per the official records maintained in usual course in the register of CAB, cannot be held to be unreasonable as it appears that the group of persons claiming to be the members of Mohunlal Club having its address at 40 Gouribari Lane, Kolkata-700004, is unable to produce any authentic document before the undersigned that the Mohunlal Club which had its registered address at 57C, Bagbazar Street, Kolkata-700003, has shifted its registered address at 40 Gouribari Lane, Kolkata-700004, by following due process of law and they got their changed address recorded before the Government Departments and/or the CAB in their respective records.

With the above observations the complaint is disposed of.

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

CORRIGENDUM

Date: 7th September, 2025

On the request of Mr. Dipak Ranjan Mukherjee, appearance noted in the order sheet being order no. 5 dated 30th August, 2025 is corrected in the following manner.

For the complainant

Mr. Dipak Ranjan Mukherjee, Advocate appears.

Mr. Manish Sarkar appears as General Secretary of Mohunlal Club.

The appearance and the designations of the learned Advocate and the representative of the Club as mentioned in the order no. 5 dated 30th August, 2025 is corrected accordingly.

Let such correction be incorporated in the order no. 5 dated 30th August, 2025.

Remaining portion of the said order remains altered.

Jyotirmay Bhattacharya

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