

Subject: Reference of dispute under Rule 70 (1)(a) of the CAB Rules submitted by Uttar Palli Milan Sangha an affiliated Member of the Cricket Association of Bengal.

Order dated 17th May, 2025.

On 6th March, 2025 some Members of Uttar Palli Milan Sangha wrote a letter to the Hony. Secretary, the Cricket Association of Bengal drawing his attention that no AGM was convened by the Secretary, President and Treasurer for the financial year 2023-2024. It was also mentioned in the said letter that the Office Bearers, acting in complete disregard of procedural propriety, have unlawfully bypass the executive committee and engaged in direct transaction with the Cricket Association of Bengal (CAB) including nominating representative of the Club to the CAB, without any legal authority to do so. Such acts on the part of those Office Bearers, according to those complainants, constitute a serious offence under the guise of legal representation.

On receipt of the said letter from those complainants, the Hony. Secretary of CAB, by his letter dated 8th April, 2025 requested Uttar Palli Milan Sangha to immediately submit its response to the allegations made against it by the aforesaid complainants, with appropriate documents in support of its reply within a period of 7 days from the date of the said letter. As it appears from the said letter, the following seven points were formulated on which the Clubs response was invited by the Hony. Secretary, CAB:-

- i. No AGM of the said affiliated member has been held after the last AGM held on 18.06.2023 i.e. no AGM has been held in respect of the financial year 2023-2024;
- ii. By virtue of no AGM having been held, the term of the Executive Committee of the said affiliated member, including the terms of the President and Secretary of the said affiliated member, have expired by efflux of time and its executive committee members/office bearers have become functus officio;
- iii. In the circumstances, there is no properly or legally constituted Executive Committee in charge of the said affiliated member; if the above are correct, there is vacuum in the governance and administration of the said affiliated member;
- iv. Accounts of the said affiliated member have not been audited in respect of the financial year 2023-2024;
- v. The person nominated by the said affiliated member as 'Representative' by submission of the form as per 'Appendix A' for the

- purpose of attending the last scheduled AGM and SGM of CAB was not appropriately authorized to do so;
- vi. The representation made by the affiliated member that an executive committee meeting of the affiliated member was purportedly convened on 13.09.2024 to, interalia, nominate its 'representative' to attend the concerned meeting(s) of CAB as per the said Rules was incorrect as no such meeting was, in fact, convened;
 - vii. If the above be true, the credential submitted by the person intending to be 'representative' of the said affiliated member was false and the person had thereby unauthorizedly and fraudulently gained entry into the previously held AGM and SGM of CAB.

In addition the above seven points, the said club was also requested to forthwith furnished the names of the present office bearers, committee members and statement of accounts in respect of the financial year 2023-2024 and 2024-2025 (till date) showing satisfactory and proper utilization aid made by CAB, within 7 days from the date of receipt of the said letter.

In response to the aforesaid letter of the Hony. Secretary, Uttar Palli Milan Sangha (the Club) gave its reply vide its letter dtd. 24th April, 2025 indicating therein that such reply was being submitted without prejudice to its right to challenge the jurisdiction of the Hony. Secretary to issue such notice and thereby entering into 'intra-club' dispute of the said club.

On 24th April, 2025 the Club submitted a complaint supported by an affidavit affirmed by one Niladri Kumar Dutta claiming to be the Secretary of the said club before the undersigned praying for quashing of the Hony. Secretary CAB letter dtd 8th April, 2025 and his subsequent letter dtd. 17th April, 2025 and also for restraining the Hony. Secretary, CAB from further proceeding with and/or acting in terms of the aforesaid letters written by the Hony. Secretary. An order was also prayed for restraining the CAB from interfering in the internal affairs of Uttar Palli Milan Sangha and/or review the orders passed by the Electoral Officer. Interim reliefs in similar form was also prayed for, in the said application.

Notice was served upon both the above mentioned set of complainants intimating them to appear before the undersigned to participate in the hearing which is fixed today.

Both the above mentioned set of complainants were represented by their respective members and their learned Advocates. Cricket Association of Bengal is also represented by Mr. Samrat Sen, learned Senior Counsel.

Heard the learned Counsel of the parties.

In course of hearing Mr. Sarvapriya Mukherjee, learned Advocate appearing for the Uttar Palli Milan Sangha Club (second set of complainant) challenged the jurisdiction of the Hony. Secretary of CAB to initiate such an enquiry by issuance of the notices dtd. 6th March, 2025 and 17th April, 2025 by inviting the attention of the undersigned various provisions of the rules of the Cricket Association of Bengal including Rule 23 (3), Rule 35 (4) (v) etc. He contended that the jurisdiction of the Hony. Secretary to discharge his functions is limited to the functions as specified in Rule 23(3) of the said Rules and since issuance of such notices was not within the jurisdiction of the Hony. Secretary, the notices issued by the Hony. Secretary should be quashed. He further submitted that jurisdiction to initiate any such proceeding vests with the Apex Council under Rule 70 (1) (b) of the said Rules. He further contended that Apex Council, having not taking any decision for initiation of such a proceeding against the Club, the Hony. Secretary over stepped his authority by issuing such notice, without any prior approval of the Apex Council.

He thus invited the undersigned to quash the impugned notices issued by the Hony. Secretary of CAB.

Mr. Samrat Sen, learned Senior Counsel appearing for the CAB submits that the Hony. Secretary did not initiate any proceeding against the Club by issuance of those notices. According to him, the Hony. Secretary after receiving the information about the affairs of the said Club wrote a letter to the said Club

requesting it to give its response which were necessary for the purpose of collection of materials so that the ultimate decision can be taken by the appropriate authority after the collected materials are all placed before the appropriate authority. He contended that no proceeding in fact was initiated by the said Hony. Secretary of CAB. Simply notice was served for collection of materials for formation of opinion as regards the present affairs of the said Club by the competent authority of CAB at a pre-enquiry stage. Mr. Sen, however, has drawn the attention of the undersigned to the provision contained in Rule 23 (3) (b) and Rule 23 (3) (p) of the Cricket Association of Bengal, memorandum and rules which according to him, empowers the Hony. Secretary to collect materials from the clubs which are necessary to discharge his function in compliance of the provision contained in Rule 23(3)(b) of the said Rules. Mr. Sen further submits that the Hony. Secretary is authorized to sign on behalf of CAB by virtue of the provision contained in Rule 23 (3) (p) of the CAB Rules. As such, according to Mr. Sen, the Hony. Secretary did not commit any illegality in writing those letters to the Club under his signature. Mr. Sen, however, submits that the ultimate decision making authority is the Apex Council.

Since it is accepted by both the parties that the ultimate decision making authority lies with the Apex Council, the undersigned, in stead of entering into the dispute as to the jurisdiction of the Hony. Secretary to initiate any proceeding by serving the impugned orders upon the club, disposes of the complaint submitted by the Club before the undersigned, with the consent of parties, by referring the entire set of documents namely, No. 1. the Complaint dated 6th March, 2025 submitted by the Members of the Club to the Hony. Secretary, No. 2. Letters dtd. 8th April, 2025 and 17th April, 2025 both written by the Hony. Secretary CAB, addressed to the Uttar Palli Milan Sangha, No. 3. Response dtd. 24th April, 2025, submitted by Uttar Palli Milan Sangha to the Hony. Secretary CAB, to the Apex Council for taking the ultimate decision in this regard, after giving opportunity of being heard to the first set of complainants which wrote letter to the Hony. Secretary on 6th March, 2025, the second set of complainants being the club which submitted its complaint to the undersigned on 24th April, 2025 and the representative of the CAB and also after giving them an opportunity to submit documents on which they want to rely upon, in course of hearing, as early as possible.

The proceeding before the undersigned initiated on the basis of the complaint submitted by Uttar Palli Milan Sangha seeking reference of dispute under Rule 70 (1) (a) of the CAB Rules, is thus disposed of from the end of the undersigned.

Jyotirmoy Bhattacharya

17.05.2025

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