

ITEM NO.301

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4235/2014

BOARD OF CONTROL FOR CRICKET

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

(With appln. (s) for directions and intervention and modification of Court's order and permission to implead the name of applicant and recalling the Court's order and office report for direction)

WITH C.A. No.4236/2014

(With interim relief and office report)

C.A. No.1155/2015

(With office report for direction)

Conmt. Pet.(C) No.46/2017 in C.A. No.4235/2014

Conmt. Pet.(C) No.47/2017 in C.A. No.4235/2014

Date : 24/01/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. Gopal Subramaniam, Sr. Adv. (A.C.)
Mr. Santosh Krishnan, Adv.
Mr. Ankur Kashyap, Adv.
Mr. Pavan Bhushan, Adv.

Mr. Anil B. Divan, Sr. Adv. (A.C.)

For Appellant(s) Mr. Arvind P. Datar, Sr. Adv.
Mr. Radha Rangaswamy, AOR
Ms. Ranjeeta Mukerji, Adv.
Mr. Abhinav Mukerji, Adv.

CA 4236/14

Mr. Vibas Muth, Adv.
Mr. Rajat Sehgal, Adv.
Mr. Chandrashekher Verma, Adv.
Ms. Anushree, Adv.

Mr. Gagan Gupta, AOR

CA 1155/15 Mr. Vikas Mehta, AOR

CP(C) 46/17 Mr. Ashish Mohan, Adv.
Mr. K.K. Mohan, AOR

CP(C) 47/17 Mr. M.P. Vinod, AOR

For Respondent(s) Mr. Mukul Rohatgi, AG
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Mr. Snehasish Mukherjee, Adv.

Mr. R. Balasubramonian, Adv.
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Mr. Prabhas Bajaj, Adv.
Mr. Raj Bahadur, Adv.
Mr. Mukesh Kumar Maroria, AOR

Mr. Senthil Jagadeesan, AOR

Mr. Kapil Sibal, Sr. Adv.
Mr. P.R. Raman, Adv.
Mr. Gautam Raman, Adv.
Mr. Amol Chitale, Adv.
Mr. Nirnimesh Dube, AOR

Mr. Santosh Krishnan, AOR

Mr. Gagan Gupta, AOR

Mr. A. S. Bhasme, AOR

Mr. E. C. Agrawala, AOR

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Mr. Shree Pal Singh, AOR

Mr. Shreekant N. Terdal, AOR

Ms. Manju Sharma, AOR

Mr. Praveen Swarup, AOR

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Ms. Neela Gokhale, Adv.

Mr. Devanshu Sharma, Adv.
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Ms. Sonia Mathur, AOR

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Mr. B.K. Sampath Kumar, Adv.
Mr. Balaji Srinivasan, AOR
Mr. Abhishek Bharti, Adv.
Ms. Srishti Govil, Adv.
Ms. Vaishnavi Subrahmanyam, Adv.
Ms. Pratiksha Mishra, Adv.
Mr. Arunava Mukherjee, Adv.
Mr. Mayank Kshisagar, Adv.

Mr. Raghavendra S. Srivatsa, AOR

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Mr. Nitesh Ranjan, Adv.

Mr. Gaurav Sharma, AOR

Mr. V. K. Biju, AOR

Ms. Rashmi Singh, AOR
Mr. Anish R. Shah, AOR
Mr. Anshuman Ashok, AOR
Mr. Radha Rangaswamy, AOR
Mr. Hari Shankar K., AOR
Mr. Vipin Nair, AOR
Mr. Rahul Pratap, AOR
Mr. Mishra Saurabh, AOR
Mr. Deeptakirti Verma, AOR
Mr. M. Yogesh Kana, AOR
Ms. Nithya, Adv.
Mr. Vikas Singh Jangra, AOR
Ms. Tamali Wad, AOR
Ms. Pooja Dhar, AOR
Mr. Sangram Patnaik, Adv.
Ms. Sonal Bhalla, Adv.
Mr. Gautam Dass, Adv.

UPON hearing the counsel the Court made the following
O R D E R

When the matter was called today, as per the order dated 20th January, 2017, Mr. Kapil Sibal, learned senior counsel appearing for some of the State Associations has submitted that due to inadvertence, he could not suggest the names to be included in the Committee of Administrators, when such liberty was granted in paragraph 25(vi) of the order dated 2nd January, 2017. For the sake of convenience, the said paragraph is reproduced below:-

"25(vi) This Court shall by a separate order nominate the persons who shall form part of the Committee of administrators. In order to enable

the Court to have the benefit of objective assistance in making the nominations, we request Mr Fali S Nariman, learned Senior Counsel and Mr Gopal Subramaniam, the learned Amicus Curiae to assist the Court by suggesting names of persons with integrity and experience in managing a similar enterprise. We request the learned Counsel appearing on behalf of the parties to also place their suggestions before the Court so as to facilitate a considered decision."

Be it noted, earlier on the learned Amicus Curiae and Mr. Anil B. Divan, learned senior counsel had suggested certain names for the Committee of Administrators for the BCCI. We had opened the sealed cover on the last occasion and, thereafter, got it sealed again so that we can choose the names for nomination of the Committee of Administrators. However, as leave was granted to the learned senior counsel, we do not intend to curtail the said right.

At this juncture, Mr. Mukul Rohatgi, learned Attorney General for India has submitted that the Central Government may be permitted to suggest certain names so that a Committee having a holistic approach can be constituted.

Having heard Mr. Rohatgi, learned Attorney General and Mr. Sibal, learned senior counsel for some of the State Associations, we permit them to suggest names for Committee of Administrators for the BCCI in a sealed cover. However, it is hereby made absolutely clear that the names that will be suggested should be in consonance with the principal judgment and the subsequent orders passed thereafter. If any one suffers from any kind of disqualification, that shall not be suggested to and considered by this Court. After the names are submitted in a sealed cover, this Court, keeping in view, the names given by Mr. Anil B. Divan and Mr. Gopal Subramaniam, learned Amicus Curiae and the names to be given by Mr. Mukul Rohatgi and Mr. Kapil Sibal, shall constitute a

Committee of appropriate number of members to do the needful.

At this juncture, Mr. Arvind P. Datar, learned senior counsel appearing for the BCCI has submitted that there is a meeting of the Executive Committee of the ICC in the first week of February, 2017. According to Mr. Datar, the said meeting is to be attended by one nominee from the BCCI. The said position is not disputed by Mr. Gopal Subramaniam, learned Amicus Curiae assisting the Court.

In view of the aforesaid, we permit Mr. Datar to give three names in a sealed cover after following the due process and, needless to say, the names that will be given should not be disqualified under the principal judgment or any of the orders of this Court.

Let the names by Mr. Mukul Rohatgi, learned Attorney General and Mr. Kapil Sibal, learned senior counsel for the Committee of Administrators for the BCCI and Mr. Arvind P. Datar, learned senior counsel for the BCCI for a nominee to attend the meeting of the ICC, be given by 27th January, 2017.

The documents that have been filed by the learned Amicus Curiae be kept in a sealed cover.

Let the matter be listed at 3.00 p.m. on 30th January, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master