

ITEM NO.303

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 impleadment and directions and intervention and modification of Court's order and permission to implead the name of applicant and recalling the Court's order )

WITH C.A. No.4236/2014

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

W.P.(C) No.46/2017

(With appln.(s) for permission to file synopsis and list of dates and office report)

S.L.P.(C)...CC 4762/2017

(With appln.(s) for permission to file SLP and office report)

S.L.P.(C)...CC 4759/2017

(With appln.(s) for permission to file SLP and office report)

Date : 24/03/2017 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

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Mr. R. Balasubramanian, Adv.  
Mr. Prabhas Bajaj, Adv.  
Mr. Ananya Mishra, Adv.  
Mr. Akshay Amritanshu, Adv.

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

The present interlocutory applications have been filed with manifold prayers, which includes certain modification in the judgment and order passed by this Court on 18<sup>th</sup> July, 2016, reported in Board of Control for Cricket vs. Cricket Association of Bihar and Others (2016) 8 SCC 535, as well as certain modifications in the order dated 2<sup>nd</sup> January, 2017. We think it appropriate that the prayers made in respect of many aspects can wait and be considered

after some time. The emergent prayer which is required to be considered today is for extension of the financial benefits for the test match, regard being had to the contract entered by the State Association with the Board of Control for Cricket in India (B.C.C.I.).

It is submitted by Mr. Tushar Mehta, learned senior counsel appearing for the H.P. State Cricket Association that there is a test match which is going to be played between India and Australia tomorrow i.e. 25<sup>th</sup> March, 2017, at Dharamsala Cricket Stadium and, therefore, the B.C.C.I. is under obligation to honour its contractual obligation with the State Association.

Having heard Mr. Mehta for the applicant in I.A. No.42 of 2017 and Mr. Parag P. Tripathi, learned senior counsel for the Committee of Administrators of the B.C.C.I., it is directed that the B.C.C.I. shall honour the terms and conditions postulated in the contracts with the State Associations in letter and spirit so that there is no impediment in holding the test matches and ODIs.

Another aspect that has been highlighted before this Court is with regard to the holding of matches of Indian Premier League (I.P.L.). We have been apprised that the matches are going to commence from 5<sup>th</sup> April, 2017, and there are ten venues in India. There have to be tripartite contracts and some have been entered into while some shall be entered into in due course. After the contracts are executed, following the principle of parity, the B.C.C.I. shall also honour the contractual terms. Needless to say, when we say that B.C.C.I. shall honour its commitment, there has to be sincere commitment of honouring the terms and conditions of the contract by all the parties to the contract.

Having said this, we would have adjourned the matter for some other date for consideration of other reliefs sought in the interlocutory applications, but Mr. Mukul Rohatgi, learned Attorney General would submit that cricket which is a game of glorious uncertainties, possibly has entered into the marrows of the certain authorities, as a consequence of which doubts are created as regards the eligibility. Certain communications have been shown to us, but as we understand the real concern is the question that relates to disqualification.

To us, the direction and order passed by this Court was absolutely clear and if we permit ourselves to say so, it was clear as a cloudless sky. However, to dispel any kind of doubt, we proceed to re-state the clarification in the exercise that was undertaken vide order dated 20<sup>th</sup> January, 2017. It may be noted that on 3<sup>rd</sup> January, 2017, clause (f) which deals with disqualification was modified to the following extent:-

"25(i) (f) Has been an Office Bearer of the BCCI or a State Association for a cumulative period of 9 years."

When the matter was taken up on 20<sup>th</sup> January, 2017, a submission was advanced that that clause is likely to create some kind of ambiguity and, accordingly, this Court further stated as follows:-

"has been an office bearer of the B.C.C.I. for nine years or a State Association for the same period."

In the principal judgment, the controversy and the dispute in respect of this disqualification pertains to the office bearers with regard to the period. What has been meant by the clarificatory order is that, if an office bearer has completed nine years in any post in the B.C.C.I., he

shall stand disqualified to become an office bearer of the B.C.C.I. Similarly, if a person holds the post of office bearer in any capacity for any State Association for nine years, he shall stand disqualified for contesting or holding any post or office of the State Association. To avoid any kind of maze, we proceed to state by giving an example. If a person has held the post of office bearer in respect of a State Association for a period of nine years, he will not be disqualified to contest for the post of office bearer of the B.C.C.I.

As far as the Pondicherry Cricket Association is concerned, we grant liberty to submit a representation to the Committee of Administrators. The representation shall be decided by the Committee of Administrators within four weeks therefrom.

Let all the connected matters be listed at 2.00 p.m. on 14<sup>th</sup> July, 2017.

(Chetan Kumar)  
Court Master

(Madhu Narula)  
Court Master