

ANNEXURE IV
OFFICE OF THE ELECTORAL OFFICER, BOARD OF CONTROL FOR CRICKET
IN INDIA (BCCI)
BCCI GENERAL ELECTION 29 SEPTEMBER 2024
SUMMARY OF FINDINGS

The following are the summary of findings of Electoral Officer in respect of objections filed against Representatives of Eligible Members:

Date: 22nd September, 2024

Shri A. K Joti, Electoral Officer,

BCCI General Election 2024

Email: electoral.officer@bcci.tv

Sr. No.	MEMBER ASSOCIATION	SUMMARY FINDINGS
1.	BIHAR CRICKET ASSOCIATION (BCA)	<p>1. Mr. Aditya Prakash Verma, Hon. Secretary of Bihar Cricket Association has filed Objections regarding Eligibility of Mr. Rakesh Kumar Tiwary to Represent BCA in the BCCI Elections' 2024 on the ground that Mr. Rakesh Tiwary has lost its legal as well as moral mandate to represent BCA in the BCCI Elections.</p> <p>2. It is alleged by Mr. Verma that the Hon'ble High Court of Patna in its Order dated 05.08.2024 in Civil Writ Jurisdiction Case No. 13405 of 2021 has addressed unethical, corrupt practices within Bihar Cricket Association (BCA), and vide the same Order the legal eligibility and ethical correctness of Mr. Rakesh Kumar Tiwary was questioned. It is alleged that Hon'ble High Court of Patna had appointed Hon'ble Shailesh Kumar Sinha, J.</p>

		<p>(Retired) as Ombudsman to oversee BCA due to alleged illegal appointment of current Ombudsman.</p> <p>3. It is alleged that Mr. Rakesh Kumar Tiwary's actions as President have been inconsistent with the Rules and Regulations of BCA and centralization of power is undermining BCA's domestic governance framework, moreover, he lacks legal and ethical standing to represent the organisation.</p> <p>4. It is alleged that as the Hon'ble High Court of Patna in its aforementioned Order has left the question of eligibility open and given liberty to the petitioner to contest the same, thus it is alleged that the concerns of ineligibility of Mr. Tiwary are not without merits.</p> <p>5. A reply has been filed by Mr. Manish Raj, CEO of BCA, against the Objections raised by Mr. Verma. It has been stated that the said objections raised were merely interpretation of the Order dated 05.08.2024 by the Hon'ble High Court of Patna. Further, the appointment of Hon'ble Ombudsman of BCA vide aforesaid Order is under challenge vide LPA No. 840/2024 in the High Court of Patna by the then Hon'ble Ombudsman Nawal Kishor Singh. It is further submitted that the aforesaid Order dated 05.08.2024 is also challenged by BCA vide LPA No. 906/2024.</p> <p>Further, with regards to the ineligibility of Mr. Rakesh Tiwary there has been no final determination by the Hon'ble High Court in the aforesaid Order and therefore, there has not been any Order/ruling against the eligibility of Mr.</p>
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		<p>Tiwary for being the Representative of BCA in BCCI Elections' 2024. That there is no adverse Order against the existence of Committee of Management/Apex Council of BCA.</p> <p>6. Considering the Objections raised as well as the Reply against the same it is to be noted that the allegations posed against Mr. Tiwary have no bearing as the Hon'ble High Court of Patna, in the aforementioned Order, has not given any ruling on ineligibility of Mr. Tiwary to contest BCA elections, and as the Issue is sub judice as admitted by Mr. Verma it will not have implications on Mr. Tiwary to be the representative of BCA in BCCI Elections 2024. Moreover, the said Order has not stated anything about removal of Mr. Tiwary from the Post of President, BCA.</p> <p>7. On Verification it is found that Mr. Verma's objections merely consist of extracts, interpretations and opinions w.r.t. the Order dated 05.08.2024, and no Judicial Order has been provided which Debars/Restrains Mr. Tiwary from discharging his duties as per law as far as President of BCA is concerned.</p> <p>8. Moreover, Electoral Officer of BCCI General Elections' 2024 does not have the Legal Jurisdiction to decide Issues related to legal and ethical stand of Mr. Tiwary, as President of BCA.</p> <p>9. Further, on Verification of the Nomination Application filed on behalf of Bihar Cricket</p>
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		<p>Association nominating Mr. Rakesh Kumar Tiwary as the Representative of BCA is found to be Complete in all aspects. The allegations posed against Mr. Tiwary are not legally tenable.</p> <p>10. Taking into account the facts stated above, the Objection stands Rejected.</p>
<p>2.</p>	<p>KARNATAKA STATE CRICKET ASSOCIATION (KSCA)</p>	<p>1. Mr. Marilinga Gowda Maari Patil, has filed Objections regarding Eligibility of Mr. Shankar Arunachalam to Represent KSCA in the BCCI Elections' 2024.</p> <p>2. It is alleged by Mr. Marilinga that Mr. Shankar Arunachalam has completed Two terms of the Managing Committee as a Nominated Member from 2001 to 2007 (1st Term) and as a Member of the Managing Committee from 2007 to 2010 (as 2nd Term) and therefore, has already completed 9 years at a stretch; moreover, He has been a Secretary of KSCA since 2022, which is allegedly the 11th year, thus, it is allegedly in violation of BCCI and KSCA Constitution/Bylaws.</p> <p>3. It is alleged that Mr. Arunachalam is in violation of Memorandum & Byelaws of KSCA which states <i>“No nominated member shall have more than one term of three years in office”</i>. On Verification it is found that Mr. Marilinga has not provided any documentary evidence with regards to the existence of any such Rule in the Bylaws/Constitution of KSCA.</p>

		<p>4. It is also alleged that the Nomination of Mr. Arunachalam is in violation of section h, i and j of Representative Nomination Form.</p> <p>5. On Verification with the KSCA, Mr. Shubhendu Ghosh, CEO of KSCA, has brought to the notice of this Office that the Memorandum of Association and By-laws of the KSCA had been amended in accordance with the Hon'ble Supreme Court's judgement dated 14.09.2022 as per the Amended By-Laws, Chapter Two Clause 6 A (ii) a disqualification of an Office Bearer takes place if he/she has held the post of an Office Bearer for more than Two Consecutive Terms; Mr. Shankar Arunachalam has never held the Post of an Office Bearer prior the present Term of Office i.e. in the November' 2022 till date.</p> <p>6. It has also brought to the notice of this Office an Order by the Electoral Officer of KSCA Mr. M R Hegde during KSCA Elections' 2022 in which the objection on the similar grounds was dealt with and thus the issue in line has attained finality, the relevant extract of the Order is produced herein below:</p> <p><i>“Bye-laws of the KSCA have been amended with effect from 27th October 2022 keeping in view the latest order of the Apex Court dated 14th September, 2022. The Rule 6A (ii) of the Bye-laws provides for disqualification in case of Office Bearers. The Rule 6B 2 of the Bye-laws provide for disqualification of Members of Managing Committee. The provision relating to cooling off period after completion of cumulative period of nine years appearing as one of the disqualifications applicable to</i></p>
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Election of Members of the Managing Committee cannot be applied to Office Bearer as separate disqualifications are stipulated for the post of Office Bearers. As per Rule 6A (ii) (h), an Office Bearer who has held any Post of an Office Bearer for two consecutive terms is not eligible to contest. It is not contented that Shri A. Shankar has completed two consecutive terms as Office Bearer. Hence, the contention of Shri. K.S. Raghuram is not tenable. Accordingly, I accept the nomination of Shri A. Shankar. “

7. On further verification it is found that the qualifications and disqualifications for Office Bearers and Managing Committee Members are governed by Rule 6A and 6B respectively which are mutually exclusive, and Rule 6B (2) (ii) does not provide of disqualification of an Office Bearer. Further, similar Issue was raised in KSCA Elections for the Post of Office Bearer in 2019 wherein the Hon’ble Ombudsman in its Order dated 11.02.2020 held that there is no prohibition on a Nominated Member contesting for the Post of Office Bearer. The relevant extract of the said Order is produced herein below:

“45. Pari materia provision in the Bye-laws of KSCA to Rule 6(5)(f) and Rule 14(3)(f) of BCCI Rules, are Rule 6A(ii)(f) and Rule 6B(2)(1) of KSCA Rules. In the light of the order of the Hon'ble Supreme Court and the advisory issued by CoA, while computing the cumulative period of 9 years as stated in Rule 6A(ii)(f) in relation to office-bearer, the period if any served as member of MC cannot be taken into consideration and only period served as an office-bearer alone would be relevant. In the light of the above, Respondent No.1 has

not suffered disqualification as set out in Rule 6A(ii)(f).”

8. On verification it is noted that Rule 6 A (ii) of the Amended Bylaws of KSCA provides for provisions for “Disqualification of Office Bearers”, and Mr. Arunachalam, he has not held any Post in BCCI and has not held any Post of an Office Bearer prior of the Year 2022 in the KSCA. Thus, Member of the Managing Committee” is not to be treated as equivalent to the Post of an “Office Bearer” which has been concluded in Order dated 17.11.2022 by the Electoral Officer of KSCA. Moreover, the Office of Electoral Officer of BCCI General Elections’ 2024 has not received any information regarding any Appeal/Petition challenging the said Order and therefore, the Order dated 17.11.2022 of the Electoral Officer KSCA stands.
9. Further, the Electoral Officer, BCCI General Election 2024 does not have any Legal Jurisdiction to comment on the same or on the KSCA Election 2022.
10. It is pertinent to note that Bylaws of KSCA on the “Disqualification of Office Bearer under Rule 6A and Disqualification of a Member of the Committee of Management under Rule 6B are mutually exclusive. Therefore, the Rule for disqualification of a Member of the Managing Committee cannot be used or applied for a Disqualification of an Office Bearer which was held in the Order dated 11.02.2020 by the Hon’ble Ombudsman in Compliant No. 1 of 2019.

		<p>11. On verification it is found that in the Information Sheet provided by Mr. Arunachalam, He has not held any Post as an Office Bearer in BCCI, further his Term as an Office bearer of KSCA started from November 2022 and therefore He is not required to go through the cooling period.</p> <p>12. Further, on Verification of the Nomination Application filed on behalf of Karnataka State Cricket Association nominating Mr. Shankar Arunachalam as the Representative of KSCA is found to be complete in all aspects. The allegations posed against Mr. Shankar Arunachalam are not legally tenable.</p> <p>13. Taking into account the Facts stated above, the Objection stands Rejected.</p>
<p>3.</p>	<p>UTTAR PRADESH CRICKET ASSOCIATION (UPCA)</p>	<p>1. Mr. Upendra Yadav, has filed Objections regarding Eligibility of Mr. Rajeev Shukla as the representative of UPCA in the BCCI Elections' 2024. Verbatim Objections were also filed on the same grounds by Mr. Pradeep Singh and Mr. Vivek Tripathi. The Complainants have alleged that the nomination of Mr. Shukla violates BCCI's Constitution and is in direct conflict with the Supreme Court's directives.</p> <p>2. It is alleged that Mr. Rajeev Shukla was a non-voting member of UPCA in the year 2002 when it was registered under the Societies Act and thereafter, when in 2005 UPCA was transitioned into a Private Limited Company, Mr. Rajeev Shukla</p>

		<p>became the Director of UPCA and had a tenure of 17 years as a Director which is in violation of BCCI Rule 6(5)(e).</p> <ol style="list-style-type: none"><li data-bbox="751 416 1476 779">3. It is further alleged that Mr. Rajeev Shukla was disqualified from the position of ‘Director’ in UPCA due to non-compliance with the KYC requirements owing to the discrepancies in the date of birth, alleged complaints were also filed with the Registrar of Companies, Kanpur on 13.09.2021 and 04.10.2021.<li data-bbox="751 860 1476 1111">4. It is alleged that Mr. Shukla had a tenure of 17 years as a Director in UPCA, 15 years as Secretary of UPCA and 9 years as Vice President of BCCI which allegedly violates BCCI Rule 6(5)(e) and renders him ineligible.<li data-bbox="751 1191 1476 1384">5. It is alleged that the nomination for Mr. Shukla was not passed during UPCA’s AGM which was required to be conducted before 30th September 2024.<li data-bbox="751 1464 1476 1989">6. On Verification with the UPCA, Mr. Prem Manohar Gupta, Hon. Treasurer of UPCA, and Mr. Ankit Chatterjee, CEO of UPCA has brought to the Notice of this Office that the members of UPCA in their 18th Annual General Meeting held on 30.09.2023, had passed a resolution Appointing Mr. Shukla as UPCA’s representative for BCCI Elections and Authorising him to attend and vote at the AGM, Other Meetings, etc. of BCCI held upto the date of 19th AGM of UPCA. It has also been brought to the
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		<p>notice of this Office that the 19th AGM of UPCA has not been convened and further an extension for 1 month 30 days under section 96(1) of the Companies Act, 2013 has been granted by the Registrar of Companies vide order dated 18.09.2024 and therefore till then the terms of the resolution passed at the 18th AGM stands valid. The Relevant extract of the said Order is produced herein below:</p> <p><i>“Under the power vested in the undersigned by virtue of section 96(1) read with second proviso attached thereto extension of 01 months 30 days is hereby granted.”</i></p> <p>7. On further Verification, it has also been brought to the Notice of this Office that as per the mandate of Rule 8(3)(j) of UPCA Rules the members of UPCA have the power to appoint the UPCA's Representative/s on BCCI and/or similar organizations, by passing a resolution at the AGM which remains valid until the passing of another resolution at subsequent AGM and such Representative remains authorised to attend and vote at all meetings held during the period of two AGM of UPCA.</p> <p>Moreover, it is also contended by Mr. Gupta that Rule 6(5)(e) of the BCCI Rules provides that a person who has been an Office Bearer of the BCCI for a Cumulative Period of 9 years shall be Disqualified from being an Office Bearer, member of Apex Council, Governing Council or any Committee of the BCCI and the same does not have any Relevance on the Issue of nomination of a Representative by the member association of the</p>
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		<p>BCCI to represent and vote on its behalf at the AGM of the BCCI.</p> <p>8. Furthermore, on Verification it is found that the Complainants have failed to demonstrate any ground to show that the Resolution passed in the AGM of UPCA held on 30th September' 2023 is in violation of Rule 6(5)(e) of the BCCI Rules and Regulations.</p> <p>9. Considering the entire factual matrix as also the Documents presented, it is found that the allegations, more specifically in respect of the "Resolution for the Nomination", are without merits as vide order dated 18.09.2024 the Registrar of Companies has granted an extension of 1 Month 30 Days to UPCA to conduct the 19th AGM and therefore the Resolution passed in favour of Mr. Rajeev Shukla on 30.09.2023 stands valid.</p> <p>10. Further, with regards to allegations concerning discrepancy in Age has no bearing in the instant matter, as per the Rules the Representative shall be less than 70 years of age and as per the documents submitted in accordance with Form A "Representation Nomination Form", the date of birth mentioned in the Adhaar Card, Passport and Pan Card of Mr. Rajeev Shukla is "20.07.1957" and therefore on the date of filing the Application for Representative, Mr. Shukla had not attained the age of 70 years, and therefore, eligible in terms of "clause (d)" of the Representative Nomination Form. Further, the with regards to the different dates</p>
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of birth i.e. “13.09.1959” in the Records of Rajya Sabha, the Electoral Officer, BCCI General Election 2024 does not have the Legal Jurisdiction to deal with Issues related to the Discrepancies in the Age as alleged in the Objections and thus the Competent Legal Authority shall be approached by the Complainants for the said grievance.

11. On further Verification it is found that the Order passed by the Electoral Officer on 15.12.2020 in BCCI Elections 2020 the cooling period of Mr. Shukla has been considered to be complete on 26.06.2020. And since the said order has not been overruled by any Court till date and therefore the issue regarding the cooling period has attained finality. The Relevant extract of the said order is produced herein below:

“As an Office Bearer, his eligibility to act as a Representative must be evaluated in terms of Rule 6(4) of the UPCA constitution and Rule 6(4) of the BCCI constitution. An office bearer who has held any post for two consecutive terms either in a state association or in the BCCI (or combination or both) shall not be eligible to contest any further election without completing a cooling off period of three years. It can thus be seen that Shri Rajiv Shukla’s cooling period has been completed as on June 26, 2020.”

12. It is pertinent to note that after the completion of cooling period Mr. Shukla was appointed as the Vice President of BCCI on 24.12.2020 and serving till date, hence, he has held the Post of an Office Bearer in BCCI for 3 years 10 months and as per Rule 6.4.1 an Officer Bearer has to go through a

		<p>cooling off period of three years if he/she has held any post for two Consecutive Terms in BCCI. In the instant matter Mr. Rajeev Shukla's Term has not ended yet and therefore the cooling off period is not required.</p> <p>13. Further, on Verification of the Nomination Application filed on behalf of Uttar Pradesh Cricket Association nominating Mr. Rajeev Shukla as the Representative of UPCA is found to be complete in all aspects. The allegations posed against Mr. Rajeev Shukla are not legally tenable.</p> <p>14. Taking into account the Facts stated above, the Objections stands Rejected.</p>
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