

**ANNEXURE IV**  
**OFFICE OF THE ELECTORAL OFFICER, BOARD OF CONTROL FOR CRICKET**  
**IN INDIA (BCCI)**  
**BCCI BY - ELECTION 12 JANUARY 2025**  
**SUMMARY OF FINDINGS**

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

Date: 02<sup>nd</sup> January, 2025

Shri A. K Joti, Electoral Officer,

BCCI By-Election 2024

Email: [electoral.officer@bcci.tv](mailto:electoral.officer@bcci.tv)

<b>Sr. No.</b>	<b>MEMBER ASSOCIATION</b>	<b>SUMMARY FINDINGS</b>
<b>1.</b>	<b>BIHAR CRICKET ASSOCIATION (BCA)</b>	<ol style="list-style-type: none"><li>1. Mr. Kumar Ashutosh, has filed Objections vide email dated 29.12.2024 regarding Eligibility of Mr. Rakesh Kumar Tiwary to Represent BCA in the BCCI By-Elections' 2024 on the ground that Mr. Rakesh Tiwary had been Terminated from the position of 'President of BCA' by the Hon'ble Ombudsman of BCA Mr. Paras Nath Rai (Retd. District and Sessions Judge) vide order dated 25.08.2023 passed in Complaint Case No. BCA/E.O.-03 of 2023.</li><li>2. It is alleged by Mr. Kumar that the Hon'ble Ombudsman Mr. Paras Nath Rai had also Terminated additional Committee Members vide order dated 23.06.2023 in Case No. BCA/E.O.-01 of 20223 (Yoshita Patwardhan vs. Bihar Cricket Association). It is further alleged that the ongoing election for the</li></ol>

		<p>position of President, Vice President and Treasurer was postponed as per Letter No. 521 issued by AIG Registration, Government of Bihar, dated 24.07.2023 and the Election of Mr. Ziaul Arfeen as Secretary of BCA is legally invalid.</p> <ol style="list-style-type: none"> <li>3. It is also been alleged by Mr. Kumar Ashutosh that Mr. Manish Raj, CEO of BCA, was Suspended on 31.12.2022 and permanently Terminated following a Resolution passed in the AGM held on 04.06.2023.</li> <li>4. It is further alleged by Mr. Kumar Ashutosh that Hon'ble High Court of Patna vide its Order dated 05.08.2024 had declared the Appointment of Mr. Nawal Kishore Singh as Ombudsman, by the Committee of Management, illegal and thereafter had been revoked during the SGM held on 04.02.2023.</li> <li>5. It is also alleged that the Letters Patent Appeal No. 840 of 2024 and LPA 906 of 2024 filed by Mr. Nawal Kishore Singh challenging his removal has not been Heard yet and the Order dated 05.08.2024 passed by the Hon'ble High Court of Patna has been stayed by the Division Bench by Order dated 07.10.2024.</li> <li>6. Mr. Kumar has also alleged that there are several FIRs for Corruption and Forgery which are pending against Mr. Rakesh Kumar Tiwary and His Committee Members till date.</li> <li>7. It is further alleged that Mr. Kumar was nominated as Representative of BCA under Rule 11(j) of the BCA Constitution during the AGM convened by the alleged Hon. Secretary Mr. Amit Kumar held on 30.09.2024 which was challenged by a BCA Member which was dismissed by the Hon'ble Ombudsman, Justice Shailesh Kumar Sinha.</li> <li>8. The Copy of Objection was emailed the President,</li> </ol>
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		<p>Secretary and CEO of Bihar Cricket Association to provide the Factual and the Legal Position regarding the Objection. Mr. Manish Raj, CEO BCA, has submitted a Reply vide email dated 30.12.2024 in which He has stated that the Objection raised by Mr. Kumar is devoid of any merits. The General Body of Bihar Cricket Association has never appointed Mr. Paras Nath Rai as Ombudsman and/or Ethics Officer and therefore the validity the alleged Orders passed by Him are non-est and illegal in the eyes of law. It was further submitted that Mr. Raghvendra Kumar Singh (District and Sessions Judge Retired) was appointed as the Ethics Officer in the year 2020 and acting in-charge Ombudsman of BCA. Thereafter the Annual General Body, Committee of Management in confirmation with the General Body of BCA appointed Mr. Nawal Kishore Singh (District and Session Judge Retired) as the Ombudsman and charge of Ethics Officer. The charge was duly Handed over from Mr. Raghvendra Kumar Singh to Mr. Nawal Kishore Singh vide a letter dated 01.03.2023.</p> <p>9. Mr. Manish Raj has also stated that the existing Committee of Management of BCA has never lost its Quorum. That the order dated 23.01.2023 in case number E.O. -1/2023 passed by the Ethics Officer cum in charge Ombudsman, Mr. Raghvendra Kumar Singh (District and Session Judge Retired) was an Interim order which was revoked vide final order dated 13.03.2023 by the Ombudsman cum Ethics Officer of BCA, Mr. Nawal Kishore Singh (District and Session Judge Retired). That No authority or No Court of Law or Tribunal has ever passed any Orders to Stay or Postpone any Election/s of the BCA.</p>
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		<p>10. That Mr. Manish Raj is presently Working/Functioning as the C.E.O. of BCA and has never been Removed and/or Terminated from the post in BCA. That Mr. Amit Kumar was suspended on 30.12.2022 which was upheld vide order dated 30.05.2023 passed by the Hon'ble Ombudsman in the Case No.- Ombudsman-2/2023 and BCA was directed to conduct a Fresh Election for the post of the Secretary of BCA and therefore any Meeting convened by Mr. Amit Kumar was illegal. Further in Compliance with the Order dated 30.05.2023 BCA had called a Special General Meeting on 15.09.2023, for the Election of the Secretary as per the Rules &amp; Regulations of the Bihar Cricket Association. The Electoral Officer of BCA, Dr M. Modassir (Retd. IAS &amp; Former Chief Election Officer of Goa) on 10.09.2023 had announced/published the procedure/ schedule for the Election Secretary and on 15.09.2023 Mr. Ziaul Arefin was declared elected Unopposed to the post of Secretary of Bihar Cricket Association.</p> <p>11. Mr. Raj has submitted that Mr. Amit Kumar in connivance with Mr Parash Nath Rai and others, played a mischievous act, misleading the stakeholders of the Bihar Cricket by fraudulent acts and as such, Bihar Cricket Association has lodged FIR having number 421/2023 in Patliputra Police Station, Patna wherein both Mr Amit Kumar and Mr Paras Nath Rai have been reported to be accused U/S 419, 420,467, 468,471, 120(B) of IPC.</p> <p>12. With regards to the invalidity of the Order passed by the Hon'ble Ombudsman/Ethics Officer of BCA, Sri Nawal Kishor Singh ((District and Session Judge Retired), in said connection, the Judgement dated</p>
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		<p>5.08.2024 in CWJC No.-13405 of 2021 passed by Hon'ble Patna High Court has already been stayed vide order dated 7.10.2024 by the Hon'ble Division Bench of Patna High Court in LPA No.-840 of 2024. Against the said order, the Writ Petitioner namely Sri Aditya Prakash Verma of CWJC No.-13405 of 2021 preferred SLP (C) No.-25093/24 which also stood dismissed by the Hon'ble Supreme Court of India vide order dated 22.10.2024. Therefore, the order/s passed by Sri Nawal Kishor Singh ((District and Session Judge Retired) stands valid and legal presently. No court of law has passed any Order for removal of Sri Nawal Kishor Singh (District and Session Judge Retired) from the post of Hon'ble Ethics Officer-cum in charge Ombudsman.</p> <p>13. Mr. Manish Raj has also stated that the pending FIR against Mr. Rakesh Kumar Tiwary, the same are frivolous, concocted, and having baseless Allegations, solely with an intention and having agenda to hamper his image and also of Bihar Cricket Association and also on-going works and the Development of Cricket in Bihar. Following are the Status of the Alleged FIRs:</p> <ol style="list-style-type: none"> <li>i. Kotwali P.S. Case no 49/23- In this case vide Memo no.-333, dated 31/05/2024 issued by Town DSP, Central, Patna has directed to close the Investigation.</li> <li>ii. Cyber P.S. Case no. 632/24 – Investigation is under process.</li> <li>iii. Khagaria P.S. Case no.- 941/22- In this case, Mr. Rakesh Kumar Tiwary is not the accused. Moreover, the proceedings of the learned Court at Khagaria has been stayed by the Hon'ble Patna High Court vide CRWJC No.-867 of</li> </ol>
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		<p>2023 dated 18/05/23.</p> <p>iv. S.K. Puri P.S. Case no.-337/2024 – In this case, the Investigating Officer has already filed Final form no.-586/24 dated 27/11/24 before Court of Ld SDJM court, Patna.</p> <p>14. It is submitted by Mr. Raj that Mr. Kumar Ashutosh has no locus standi to claim Himself the Representative of BCA and is not associated to the Bihar Cricket Association as Member and/or even not associated to any of our Affiliated District Members/Clubs.</p> <p>15. Considering the Objections raised as well as the Reply against the same it is to be noted that it is to be noted that the Allegations posed against Mr. Rakesh Kumar Tiwary's position in BCA have no bearing on his Representation in the BCCI By-Election 2024. It is pertinent to note that the High Court of Patna vide its order date 05.08.2024 in CWJC-13405/2021 had made a new appointment of Ombudsman to look into the complaints in BCA and also declared the appointment of the then Ombudsmen namely Mr. Paras Nath Rai and Nawal Kishore Singh Illegal and therefore all the orders passed by both the Hon'ble Ombudsmen does not have legal validity. The relevant extract of the said order is produced hereinbelow:</p> <p><i>“71. It goes without saying that the presently functioning Ombudsmen were illegally appointed in the meeting of the Committee of Management in brazen violation of the approved Rules and Regulations of the BCA and they are thus restrained from functioning as Ombudsmen.</i></p> <p><i>72. In these circumstances, this Court appoints Hon'ble Shailesh Kumar Sinha, J. (Retired) as Ombudsman, who will decide all the complaints made against the office bearers of the BCA in accordance with bye-laws of the BCA after hearing the concerned parties. The</i></p>
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		<p><i>Ombudsman will also examine the complaints, as indicated above, and will decide the same in accordance with the Rules and Regulations of the BCA.”</i></p> <p>From the above Order it is clear that the Orders passed by both the Ombudsmen does not hold any relevance at present. Further, the Order of the Hon’ble High Court of Patna dated 05.08.2024 has been challenged before the Hon’ble Division Bench of Patna High Court vide Letter Patent Appeal No. 840/2024 and 906/224 which is Pending. It is to be noted that in the said matter the Division, vide its order dated 07.10.2024, had Stayed the Operation of Single Bench’s Order dated 05.08.2024 and therefore the Matter is presently Sub-Judice.</p> <p>16. It is further to be noted that neither the Order dated 05.08.2024 in CWJC-13405/2021 nor the order dated 7.10.2024 in LPA No. 840 of 2024 and LPA No. 906 of 2024 has Invalidated the post of Mr. Rakesh Kumar Tiwary as the BCA President. Moreover, none of the Posts of Officer Bearers or Committee of Management of BCA have been set-aside by any of the Orders and therefore the allegations made by Mr. Kumar on the validity of the Post of the President of BCA is void of any merits.</p> <p>17. With regards to the pending FIRs filed against Mr. Rakesh Kumar Tiwary and others, it can be seen from the Documents given by Mr. Kumar Ashutosh that the FIR’s Filed are under different Stages of Investigation by different Competent Authorities of Police Department. No copy of an Order passed by the Competent Criminal Court has been Produced.</p>
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		<p>The Electoral Officer does not have the Jurisdiction to Decide such Criminal Matters. The Complainant i.e. Mr. Kumar Ashutosh shall have to take up the Matters with the Competent Court.</p> <p>18. It can be thus seen that as per the Records submitted by Mr. Manish Raj, there is not even a single valid Document that proves that Mr. Amit Kumar is the Secretary of BCA. In the present Objection, Mr. Kumar Ashutosh has not submitted any supporting Document to validate the relevant extract of the AGM annexed with His Representation Form submitted on 27.12.2024. It is also stated that while Examining the Extract of the AGM submitted by Mr. Kumar, it had come to the Notice that the same was only signed by Mr. Amit Kumar (Styling as Secretary of BCA) and Mr. Kumar Ashutosh and therefore the same is not valid as neither of them hold any Office Bearers Position in BCA.</p> <p>19. As submitted by Mr. Manish Raj, CEO BCA, Mr. Kumar Ashutosh is not associated with the Bihar Cricket Association neither in the capacity of a Member nor even in the capacity of any of BCA's affiliated District Members/Club.</p> <p>20. It is pertinent to note that Mr. Kumar Ashutosh has not submitted any valid Document in support of His Association with Bihar Cricket Association. It is not clear whether He is even a Member of BCA. The Allegations stated in the Objection Letter of Mr. Kumar Ashutosh does not hold any Legal Backing as the Issues are already sub-judice with the Competent Courts having valid jurisdiction.</p> <p>21. Further, on Verification of the Nomination</p>
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		<p>Application filed on behalf of Bihar Cricket 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>22. Taking into account the facts stated above, the Objection Filed by Mr. Kumar Ashutosh stands Rejected.</p>
2.	<p><b>UTTAR PRADESH CRICKET ASSOCIATION (UPCA)</b></p>	<ol style="list-style-type: none"> <li>1. Mr. Pradeep Singh, has filed Objections vide email dated 29.12.2024 regarding Eligibility of Mr. Rajeev Shukla as the representative of UPCA in the BCCI Elections' 2024. Similar Objections vide email dated 29.12.2024 and 30.12.2024 have also been received on behalf of Mr. Upendra Yadav, Mr. Yogesh Kumar Kulshresth and Pradeep Sharma, it is found that they are largely on the same grounds. The Complainants have alleged that the nomination of Mr. Shukla violates BCCI's Constitution and has flouted the Supreme Court's directives.</li> <li>2. It is alleged that UPCA has submitted a False and misleading Affidavit for the Nomination of Mr. Rajeev Shukla in an Illegal attempt to deceive BCCI and Judicial Authorities which constitutes a violation under the Indian Penal Code (IPC).</li> <li>3. It is further alleged that the Decision-making within UPCA is non-transparent. All decisions are made at the behest of Mr. Rajeev Shukla and are subsequently approved post-facto by the Apex Council.</li> <li>4. It is also alleged that Mr. Rajeev Shukla has not adhered to the mandatory cooling-off period since 2005 as the amended Articles of Association (AOA) of UPCA in August 2014 declared him a "Non-Retiring</li> </ol>

		<p>Director” and the subsequent amendments in August 2019 and November 2022 retained this status and therefore He remains a Director both technically and legally.</p> <ol style="list-style-type: none"> <li>5. It is further alleged Mr. Rajeev Shukla’s cumulative Tenure includes 17 Years as a Director in UPCA and 9 Years as a BCCI office bearer, exceeding permissible limit of 9 Years for any office bearer under the BCCI Constitution.</li> <li>6. It is also alleged that as per the COA’s orders, State Associations registered as Companies must ensure decision-making through their Board of Directors, however, UPCA has created a parallel Apex Council and endowed its Directors with powers that override the Apex Council’s Decisions. This is a blatant disregard for BCCI and Supreme Court directives.</li> <li>7. The Copy of Objections were emailed to Mr. Rajeev Shukla and CEO of UPCA to provide the Factual and Legal Position regarding the Objections. Mr. Prem Manohar Gupta, Hon. Treasurer &amp; Director of UPCA has submitted a Reply vide email dated 30.12.2024 by which He has brought to the Notice of this Office that there is no violation of Rule 6(5)(e) of the BCCI Rules, as Mr. Rajeev Shukla was appointed as Honorary Vice President, BCCI, on December 24, 2020 and He has not been an Office Bearer of BCCI for a cumulative period of 9 Years.</li> <li>8. Further the members of UPCA, in their 19<sup>th</sup> Annual General Body Meeting, held on October 23, 2024, had passed a Resolution pursuant to the provisions of Article 8 (3) (j) of the Articles of Association of UPCA, wherein Shri Rajeev Shukla and, in his absence, President, UPCA and in absence of both,</li> </ol>
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		<p>Secretary, UPCA, have been appointed to act as the UPCA's Representative on the Board of Control for Cricket in India (BCCI) and/ or similar Organization (s) and authorised to attend and vote (both electronically &amp; physically) at their Annual General Meetings and other Meetings, held up to the date of the 20<sup>th</sup> AGM, for and on behalf of Uttar Pradesh Cricket Association.</p> <p>9. Mr. Gupta has also submitted that the Constitution Document of UPCA had been prepared and updated from time to time in accordance with the directions of the Committee of Administrators (COA) constituted by the Hon'ble Supreme Court and had also been duly approved by BCCI and the Apex Council and the Board of Directors of UPCA function strictly in accordance with the provisions the Constitution.</p> <p>10. On Verification of the Information Sheet submitted by Mr. Shukla it can be seen that, Mr. Shukla was appointed as the Vice President of BCCI for a total of Six (06) Years (2004-05; 2006-07; 2007-08; 2009-10; 2010-11; 2013-14). However it is pertinent to note that during the mentioned Years, the Post of the Vice President, BCCI was not the Post of an Office Bearer as per the then Constitution of BCCI. Therefore, the total number of Years of holding the said Post is to be considered as Four (04) Years and therefore the mandate to go under the Cooling Period does not arise at present in accordance with Rule 6(4) of BCCI Constitution.</p> <p>11. Further on perusal of the Order passed by the Electoral Officer on 15.12.2020 in BCCI Elections 2020, it is to be noted that as per the Order, the Cooling period of Mr. Rajeev Shukla had been completed on 26.06.2020. The relevant extract of the said order is produced</p>
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		<p>herein below:</p> <p><i>“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.”</i></p> <p>It also to be noted that said Order has not been Overruled by any Court and therefore the Issue of the Cooling period ending on 26.06.2020 has attained finality.</p> <p>12. Moreover, with regards to the Allegations regarding Transparency in the Decision making process in UPCA, the Electoral Officer does not have the jurisdiction to look into such Issues and the same may be raised before the Competent Authority under the UPCA’s MOA and AOA.</p> <p>13. On further verification, it is found that Mr. Rajeev Shukla has Retired from the post of Director of UPCA vide letter dated 03.12.2021 and the same is taken on record on 03.12.2021 vide Form No. DIR 12 in the Registrar of Companies. Further the Company Information available on the Portal of Ministry of Corporate Affairs reflects that Mr. Rajeev Shukla’s name is not listed as the Director of UPCA.</p> <p>14. With regards to the Allegation of False and misleading Affidavit for the Nomination of Mr. Rajeev Shukla it is stated that the Electoral Officer does not have Jurisdiction to decide such matter and the</p>
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		<p>Complainants shall have to approach the Competent Court with Jurisdiction in this regard..</p> <p>15. Considering the entire Factual matrix appraised by the Complainants as also Mr. Prem Manohar Gupta, Hon. Treasurer of UPCA, it is to be noted that the Allegations posed against Mr. Rajeev Shukla are without merits and therefore not tenable. It is to be noted that the allegations posed against Mr. Shukla specifically regarding false and misleading affidavit are not supported by any Documentary evidence and therefore the said allegations are baseless.</p> <p>16. 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>17. Taking into account the Facts stated above, the Objections Filed by the Complainants stands Rejected.</p>
<p>3.</p>	<p><b>JAMMU &amp; KASHMIR CRICKET ASSOCIATION (JKCA)</b></p>	<p>1. Mr. Sudershan Mehta, has filed Objections vide email dated 30.12.2024 regarding the Nomination of Mr. Mithun Manhas as the Representative of Jammu &amp; Kashmir Cricket Association in the BCCI By-Elections' 2024 on the ground of 'Conflict of Interest'.</p> <p>2. It is alleged by Mr. Mehta that Mr. Mithun Manhas is a member of the BCCI Sub-Committee over JKCA since June' 2021 till present and has also remained as the Assistant Coach of Gujarat Titans (IPL Franchisee) during the IPL 2023 and IPL 2024 simultaneously. That both of these posts fall within the ambit of Rule 38(4)(m) and Rule 38(4)(j) of the Memorandum of Association and Rules &amp; Regulations (Rules) approved</p>

		<p>by the Hon'ble Supreme Court of India and thus, there exists a conflict of interest. Furthermore, Mr. Mithun Manhas is employed by Oil and Natural Gas Corporation, a public sector undertaking, thereby violating Rule 14(3)(d) of the Rules.</p> <p>3. The Copy of Objection was emailed to Mr. Mithun Manhas and JKCA to provide the Factual and Legal position regarding the Objection. Brig. Anil Gupta (retd.), Member Administration, JKCA has submitted Reply by email dated 31.12.2024 through which it is found that Mr. Manhas has already resigned from the post of Assistant Coach for the Gujarat Titans and there is no Conflict of Interest. Further, Mr. Manhas has been nominated in Public Section Undertaking (ONGC) under the Sports Category, which has its own Rules and Regulations and is not governed under the Civil Service Rules and Regulations as Mr. Manhas is not governed under the definition of a Government Servant. Mr. Manhas, before taking the assignment for being the Sub-Committee member of JKCA, had applied before ONGC seeking necessary permission for holding the same. He has been formally approved by ONGC for necessary travel.</p> <p>4. On Verification of the Documents submitted in support of respective Contentions it is to be noted that Mr. Manhas is appointed as the Sub-Committee Member of JKCA by BCCI in adherence to the order dated 23.03.2021 by the Hon'ble Supreme Court of India. The Office of Electoral Officer is also in receipt of the Letter dated 17.06.2021 by Mr. Manhas to ONGC seeking requisite permission to dispose of His Duties and the Sub Committee Member of JKCA which further has been approved by the ONGC Authorities.</p>
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		<p>5. It is also to be noted that Mr. Manhas has Resigned from the post of Assistant Coach for the Gujarat Titans on 25.09.2024 and therefore at Present the Issue of ‘conflict of interest’ does not subsist. The Electoral Officer does not have the Jurisdiction to Decide the Issue relating to ‘Conflict of Interest’ of JKCA Members and Office Bearers.</p> <p>6. Moreover, as per the ‘Directions to BCCI and All Member Associations’ Issued on 27.08.2019 by the Supreme Court appointed Committee of Administrators for the BCCI, the Former Players Employed with the Public Sector Undertakings, particularly under ‘Sports Quota’ are allowed to hold the post of ‘Office Bearers’ of the BCCI or a Member Association and Member of any Committee of the BCCI or a Member Association. The relevant extract of the said Direction issued on 27.08.2019 is produced below:</p> <p style="text-align: center;"><i>“In other words, former players who are employed with the Railways, Central or State Government, Central or State Government Department/Undertakings, Nationalized Banks or Public Sector Undertakings particularly under “sports” quota may be elected to and hold the post of an Office Bearer of the BCCI or a Member Association, Councillor in BCCI or a Member Association and member of any committee of the BCCI or a Member Association.”</i></p> <p>Therefore in light of the above mentioned Direction, the allegations of Mr. Mehta are not tenable in the eyes of law and therefore rejected.</p> <p>7. Further, on Verification of the Nomination Application filed on behalf of Jammu &amp; Kashmir Cricket Association nominating Mr. Mithun Manhas as the Representative of JKCA is found to be Complete in all aspects. The allegations posed against Mr. Sudershan</p>
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		Mehta are not legally tenable. 8. Taking into account the facts stated above, the Objection Filed by Mr. Sudershan Mehta stands Rejected.
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Shri A. K Joti, Electoral Officer,  
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