

**BEFORE JUSTICE ARUN MISHRA
FORMER JUDGE, SUPREME COURT OF INDIA**

**OMBUDSMAN
THE BOARD OF CONTROL FOR CRICKET IN INDIA**

Reference No.06/2025

**In Re: Complaint dated 17.09.2025 made by Mr. Pradeep Singh against UPCA sent to the
Ombudsman, Board of Control for Cricket in India.**

ORDER

1. The present complaint dated 17.09.2025 was considered earlier by order dated 28.11.2025. By the said order, the complainant was directed to disclose the source of information forming the basis of the allegations, furnish a proper affidavit and specifically indicate the number of complaints filed by him before the Ombudsman/Ethics Officer, BCCI and UPCA on the same issues and the outcome thereof.
2. Pursuant thereto, the complainant filed a fresh affidavit dated 01.12.2025 and further communications. A perusal of the affidavit shows that the complainant himself has disclosed that since 2019 he has filed numerous complaints on substantially the same issues concerning the governance structure of the Uttar Pradesh Cricket Association (UPCA), alleged non-compliance with the recommendations of the Committee of Administrators, status of Directors, applicability of tenure restrictions, cooling-off provisions and allied matters. The affidavit further indicates that as many as 19 (nineteen) complaints/e-mails have been addressed by the complainant on the same broad subject matter.
3. The principal allegations raised in the present complaint are substantially the following:

(i) Directors of UPCA are in law the Apex Council;



(ii) Directors are to be treated as office bearers under the Constitution of the BCCI/UPCA;

(iii) Directors are subject to age, tenure and cooling-off restrictions applicable to office bearers;

(iv) UPCA is not compliant with the recommendations of the Committee of Administrators and the directions issued in the BCCI reforms proceedings.

4. Each of the aforesaid issues stands dealt with and adjudicated in Complaint ***Reference No. 4 of 2025*** titled ***Upendra Yadav vs. Ashok Chaturvedi & Ors.*** ***decided on 18.05.2026.*** The said order examined the constitutional framework of the BCCI and UPCA, the provisions of the Companies Act, the relevant orders of the Hon'ble Supreme Court, the recommendations of the Committee of Administrators and the specific objections raised by the complainant.

5. The findings recorded therein include, inter alia, that:

(a) the Board of Directors constituted under the Companies Act cannot automatically be equated with office bearers under the Constitution of the BCCI/UPCA;

(b) the statutory requirements governing Directors under the Companies Act and the constitutional provisions governing office bearers operate in distinct fields and have to be harmoniously construed;

(c) the provisions relating to age, tenure and cooling-off applicable to office bearers do not automatically extend to Directors merely by virtue of their position as Directors;

(d) the governance structure adopted by UPCA does not violate the Constitution of the BCCI and has been approved by the Supreme Court of India.

6. The relevant paragraphs of order dated 18.05.2026 in *Reference No. 4 of 2025*, are quoted below for reference:

"In Re Issue (i) & (ii)

49. Since both issues arise out of a common challenge to the governance framework of the UPCA, they are being dealt with together.

50. The complainant's case proceeds on the footing that the UPCA has created an impermissible dual power structure by maintaining a Board of Directors distinct from the Apex Council, and that such structure defeats the mandate of the Hon'ble Supreme Court in the BCCI reforms. It is further contended that the Directors, in substance, exercise controlling powers and must therefore be treated as "office bearers", attracting disqualification, tenure and cooling-off restrictions.

51. The respondents, on the other hand, submit that the Articles of Association of UPCA stand duly framed, amended and accepted under the compliance mechanism evolved pursuant to the judgments of the Hon'ble Supreme Court, and that the structure comprising an Apex Council and a Board of Directors is lawful, recognised, and functionally demarcated. It is specifically contended that Directors are distinct from office bearers, and the disqualification provisions do not extend to them.

(A) Validity of Governance Structure

52. It is not in dispute that pursuant to the judgment of the Hon'ble Supreme Court in *Board of Control for Cricket in India v. Cricket Association of Bihar (2018) 9 SCC 624*, State Associations were required to amend their constitutions and furnish compliance certificates.

53. The material on record indicates that UPCA amended its Articles of Association and submitted compliance certificate on 14.10.2019, and the same were considered under the COA mechanism and not rejected, with UPCA being permitted to participate in BCCI governance processes.

54. The complainant relies heavily on the minutes of COA meeting dated 26.07.2019 to contend that in company/registered associations, the Board of Directors must function as the Apex Council. However, as rightly pointed out by the respondents, no binding circular, direction or judicial mandate flowing from the said discussion has been placed on record. In fact, the COA in its 11th Status Report dated 14.10.2019 records that the UPCA had brought its Articles of Association in conformity with the directions issued by the Hon'ble Supreme Court. The COA never intended to obliterate the provisions of the Companies Act, which governs the board of directors.

55. It is also required to be noted that the UPCA is a company registered under the provisions of the Companies Act. Being so registered, it is necessarily required to comply with the statutory framework governing companies, including the requirement of maintaining a Board of Directors in accordance with the provisions of the Companies Act.

56. The structure contemplated under the Companies Act and the governance framework envisaged under the Constitution of the BCCI are not identical in character.

57. The provisions of the Companies Act are binding upon the UPCA as a company registered thereunder, and the UPCA cannot be faulted for structuring its internal framework in a manner intended to comply both with the statutory obligations under company law and the requirements of the BCCI Constitution.

58. The Board of Directors of a company registered under the Companies Act cannot be abolished or rendered non-functional merely because UPCA is additionally required to comply with the governance framework prescribed under the BCCI Constitution. The statutory requirements under the Companies Act continue to operate and are binding upon the UPCA.

59. The provisions of Board of directors of the Companies Act and the BCCI Constitution are therefore required to be harmoniously construed and reconciled as both are binding, and the structure adopted by the UPCA seeks to achieve the same by separately maintaining: the Apex Council under Constitution and the Board of Directors as envisaged under company law.

60. The material on record indicates that the UPCA has attempted to achieve such harmonisation by constituting:

(i)an Apex Council in terms of the BCCI Constitution for purposes relating to administration of cricket and governance under the constitutional framework;

(ii)a Board of Directors for purposes of statutory compliance under the Companies Act.

61. The mere existence of a Board of Directors alongside the Apex Council cannot, therefore, lead to the inference that two parallel governing bodies exist in derogation of the BCCI Constitution.

62. The submission that there exists an impermissible overlap of functions is therefore unsupported by factual material. This demarcation is expressly recognised in the AOA, whereas the Apex Council is vested with governance powers, and the Board of Directors operates within the statutory framework of company law. There is no overlapping of functioning of Board of directors and the Apex Council under the Constitution, as contemplated under Lodha Committee Reforms, which is a separate body.

63. The complainant has not been able to point out any specific instance demonstrating that the Board of Directors has, in fact, overridden, supplanted or interfered with the functioning of the Apex Council in matters concerning cricket administration. The allegation that press was informed of the date of Annual General Meeting by a director is of no consequence, as any person can give such information. It cannot constitute interference in the affairs.

64. The complainant has not demonstrated, through specific instances or material, that the Board of Directors has, in fact, displaced or overridden the Apex Council in its functioning. Mere allegation of a "parallel structure", without demonstrable usurpation of power, cannot render the constitution itself invalid.

65. Significantly, there is no material placed on record to show that the AOA of UPCA, under Companies Act or the structure embodied therein, has been set aside, invalidated or objected to, by the Hon'ble Supreme Court.

66. In such circumstances, the governance framework embodied in the AOA carries binding force and cannot be re-opened in collateral proceedings like the present one.

(B) Whether Directors are "Office Bearers"

67. The complainant's argument is that the Directors must be treated as "office bearers" in substance. This contention cannot be accepted.

68. The Constitution of the BCCI as well as the Articles of Association of the UPCA clearly distinguish between office bearers/members of the Apex Council on the one hand, and Directors functioning under the Companies Act on the other.

69. The expression "office bearers" is specifically defined under the Constitution of the BCCI and the Articles of Association of the UPCA under rule 1A(v), to mean the President, Vice-President, Secretary, Joint Secretary and Treasurer. Members of the Board of Directors are not included within the said definition.

70. The Hon'ble Supreme Court, by order dated 20.09.2019, *inter-alia* clarified that disqualification shall be confined only to those who had held the post of "Office Bearers" of the Cricket Associations as defined under the Constitution. The members of Board of directors are governed by the provisions of Companies Act, not by the constitution of cricket association, and they perform functions relating to the Company as clarified by the UPCA. The order dated 20.09.2019 is extracted hereunder:

".....

We direct that disqualification shall be confined only to those who had held the post of "Office Bearers" of the Cricket Associations.

This order shall apply to all the States Cricket Association."

71. The said clarification issued by the Hon'ble Supreme Court is binding and operates as the law declared under Article 141 of the Constitution.

72. This position has been reaffirmed in the judgment reported as (2022) 19 SCC 30, wherein the scope of disqualification provisions was confined to specified categories such as office bearers, Apex Council members etc., and not extended to all functionaries of a Company, such as members of Board of Directors.

73. The complainant's argument that Directors exercise "de facto control" is not correct, as they only exercise the functions envisaged under the Companies Act, and they do not entertain cricketing matters. In the inquiry report in the proceedings before the registrar relied by the complainant, it has been observed that the board of directors are merely for ceremonial purposes.

74. Such an argument of "de facto control", if accepted, would effectively obliterate the structural distinction recognised in the Constitution and Articles of articles of association of the Companies Act, and would run contrary to the express clarification of the Hon'ble Supreme Court. Further, even on facts "de facto control" of directors has not been made out.

75. In the absence of clear and cogent material demonstrating that the Board of Directors has usurped the governance role of the Apex Council, which deals with cricketing matters under the constitution, the said contention cannot be sustained.

76. In view of this position, it would not be permissible to extend the ambit of disqualification provisions prescribed under BCCI Constitution to directors, as they are not in the ambit of officers as defined in the Constitution of the BCCI.

(C) Tenure and Cooling-Off

77. The complainant has also sought to contend that several individuals associated with the UPCA have violated the provisions relating to tenure, age and cooling-off under Rule 3(b) of the BCCI Constitution, and has named certain individuals in this regard.

78. The complainant has specifically alleged that Shri Ashok Chaturvedi, Shri Tahir Hassan, Shri Abhishek Singhanian, Shri Yudhvir Singh, Shri Riyasat Ali and Shri Prem Manohar Gupta have continued beyond the permissible tenure of 9 years prescribed under the BCCI framework and are therefore stated to have incurred disqualification under Rule 3(b).

79. It has further been alleged that Shri Pradeep Kumar Gupta, Shri Vijay Kumar Gupta, Shri Gajendra Nath Tiwari, Shri Javed Akhtar and Shri Shyam Babu, being above seventy years of age, are continuing as directors in violation of the eligibility provisions under the BCCI Constitution.

80. The complainant has additionally contended that Shri Pradeep Kumar Gupta, after demitting office as Secretary of the UPCA upon attaining the age of seventy years, continued as Director of the UPCA. Similar allegations have been made in respect of Shri Shyam Babu, who is stated to have functioned as Vice-President and thereafter continued as Director of the UPCA.

81. It has also been alleged that Shri Ashok Chaturvedi, Shri Abhishek Singhanian, Shri Yudhvir Singh, Shri Prem Manohar Gupta, Shri Tahir Hassan, Shri Riyasat Ali, Shri Pradeep Kumar Gupta and Shri Shyam Babu have continued to hold positions as Directors after holding positions governed by the



constitutional framework of the UPCA and BCCI, thereby allegedly circumventing the provisions relating to tenure, age and cooling-off.

82. The said contentions cannot be accepted for more than one reason discussed hereinafter.

83. The framework governing Directors under the Companies Act is distinct from the framework governing office bearers and elected members under the BCCI Constitution. The provisions are different and independent.

84. A person who has earlier served as an office bearer of the UPCA is not, merely for that reason, prohibited from subsequently functioning as a Director under the Companies Act, provided such person otherwise satisfies the statutory requirements governing directors.

85. The allegations founded upon continuation as Director after demitting office as an office bearer are therefore misconceived and cannot attract disqualification under Rule 3(b) of the BCCI Constitution.

86. Similarly, the provisions relating to tenure, age limit, and cooling-off prescribed under rule 6 of the BCCI Constitution are attracted only while holding positions governed by the constitutional framework relating to office bearers and elected members of the Apex Council which is Governing Council under the constitution as prescribed in Rule 14 (1) or to any member as prescribed in Rule 14 (5).

87. For the directors under the Companies Act, the disqualification of tenure and cooling-off period prescribed under BCCI Constitution is not attracted. The applicability of such provisions relating to tenure and disqualification is confined to office bearers and other members expressly covered by the BCCI Constitution, and not to all persons associated with the affairs of the association, including Directors.

88. Moreover, the constitution came to be implemented on 09.08.2018, containing the provisions on who is an office bearer and their disqualification. The disqualification is to operate from the date of the enforcement of the constitution

89. The complainant has also sought to contend only *vis-à-vis* **Shri Rajiv Shukla** that the holding of one term in a State Association followed by one term in the BCCI would automatically attract the cooling-off requirement. The said contention cannot be accepted in view of the subsequent modification of the cooling-off framework by the Hon'ble Supreme Court.

90. Under Rule 3(b)(vii) of the BCCI Constitution, the disqualification was attracted where:

“..... an office bearer or an elected member of the Governing Council / Managing Committee / Apex Council who has held any post for two consecutive terms either in the State Association or in the BCCI (or a combination of both) shall not be eligible to contest any further election without completing a cooling off period of three years.”

91. Rule 3(b)(vii), as it originally stood, further contemplated a combined tenure between the State Association and the BCCI. While interpreting the said framework, the Hon'ble Supreme Court in **Board of Control for Cricket in India v. Cricket Association of Bihar, (2018) 9 SCC 624**, observed that the effect of the then-existing position was that even a person holding one term in a State Association followed by one term in the BCCI would attract cooling-off.

92. However, the said position relating to cooling off subsequently underwent modification pursuant to the order dated 14.09.2022 passed by the Hon'ble Supreme Court in **Board of Control for Cricket in India v. Cricket Association of Bihar**, wherein the cooling-off framework was relaxed and the relevant provision came to be amended to permit:

“3(b)(vii)(A) There shall be a provision whereby an office bearer or an elected member of the Governing Council / Managing Committee / Apex Council who has held any post for two consecutive terms in the State Association shall not be eligible to contest any further election in such State Association without completing a cooling off period of three years”

"3(b)(vii)(B) There shall be a provision whereby if a person has served two consecutive terms each, in the State Association and in the BCCI [or vice versa] continuously without any break, such person shall not be eligible to contest any further election in the State Association or in the BCCI, without completing a cooling off period of three years."

93. Consequently, under the amended framework: insofar as elections at the level of the State Association are concerned, cooling-off would become operative only upon completion of two consecutive terms in the State Association; and similarly, qua the BCCI, the cooling-off requirement would arise only after completion of the tenure contemplated under the amended framework.

94. Therefore, the mere fact that an individual has held one term at the State Association level and thereafter held office in the BCCI would not, by itself, attract disqualification or cooling-off under the amended regime."

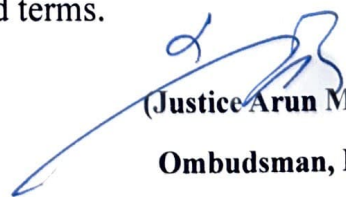
7. The present case is covered by the decision in **Reference No. 4 of 2025**. Accordingly, in view of the aforesaid findings already rendered in **Reference No. 4 of 2025**, nothing survives for further consideration in the present complaint.

8. It is further directed that all pending complaints, representations, reminders, affidavits in support thereof, e-mails or communications filed by the complainant raising the same or similar issues, including allegations that: (i) Directors are the Apex Council; (ii) Directors are office bearers; (iii) Directors are subject to age, tenure or cooling-off restrictions applicable to office bearers; or (iv) UPCA is non-compliant with the Committee of Administrators recommendations on the aforesaid issues, shall stand governed by and disposed of in terms of the findings recorded in **Reference No. 4 of 2025**.

9. No further complaint, representation or communication raising the aforesaid issues shall be entertained unless the complainant discloses a new cause of action, subsequent material development, change in law or fresh facts which were not and could not have been the subject matter of the earlier proceedings.

10. The complaint is disposed of in the aforesaid terms.

Dated: 14.07.2026


(Justice Arun Mishra)
Ombudsman, BCCI