

BEFORE JUSTICE ARUN KUMAR MISHRA
FORMER JUDGE, SUPREME COURT OF INDIA
OMBUDSMAN
THE BOARD OF CONTROL FOR CRICKET IN INDIA

In Re: Complaint dated 02.09.2025 made by Mr. Pradeep Singh against BCCI & Ors., sent to the Ombudsman, Board of Control for Cricket in India

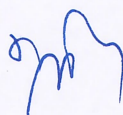
ORDER

1. The complaint has been filed under Article 39 of the BCCI Constitution. It is alleged that the complainant had filed detailed objection to the nomination of Shri Rajeev Shukla for the post of BCCI Vice President citing violation of cooling off period amended under BCCI Constitution. The core objection was that respondent no.2 cumulative tenure as Director of UPCA approximately 17 years and as BCCI office bearer far exceeded the permissible limit of 9 years.
2. When the objection was filed to the Electoral Officer, Shri Rajeev Shukla, Respondent 2, claimed that he was a non-retiring Director as per Article 42(xii) which is derived from Section 152(6) of the Companies Act, 2013. The said provision is applicable to public companies whereas UPCA is a private limited company. The Electoral Officer has failed to conduct the basic legal verification.
3. It is further alleged that the UPCA surreptitiously amended its Articles of Association on 19.11.2022. This amendment was done in a malicious manner and amounted to a fraudulent exercise to mislead the Electoral Officer and protect the respondent no.2 from disqualification. The Electoral Officer failed to see the aforesaid objection in proper perspective and committed a manifest error in rejecting the objection. Shri Rajeev Shukla is disqualified under the cooling off period. The governance structure of UPCA is such where its Board of Directors override the Supreme Court appointed Apex Council which is



fragrant violation of the reforms directed by it. Prayer has been made to declare the nomination of Respondent No.2 Shri Rajeev Shukla for the post of BCCI Vice President as illegal and void and invalid. Payer has also been made to quash and setting aside the impugned orders dated 15.12.2020 and 01.02.2025 passed by the Electoral Officer. Respondent No.2 be disqualified from contesting upcoming elections and from holding any of posts. Appropriate disciplinary actions be taken against Respondent No.3 UPCA in directing suspension of membership/affiliation under Rule 3(B) of the BCCI Constitution for gross misconduct, violation of the Rules and order of Supreme Court. Other appropriate relief may also be given.

4. A perusal of the order dated December 15, 2020 passed by the Electoral Officer indicates that Shri Rajeev Shukla's nomination was questioned on the ground that Shri Rajeev Shukla was holding the post of Hony. Secretary w.e.f. December 17, 2005 to August 24, 2016. It was also submitted that Shri Rajeev Shukla resigned from the post of Hony. Secretary of UPCA in 2017 on the ground of completion of cumulative period of 9 years but was still holding the post of Director of UPCA since 2005. The post of Director also falls within the category of office bearer, thus he was not eligible to contest any Election.
5. The Electoral Officer in the order dated December 15, 2020 found that Shri Rajeev Shukla resigned from the post of Hon. Secretary of UPCA on August 24, 2016. His resignation was accepted by the Executive Committee of UPCA on September 20, 2016. It was accepted with immediate effect from August 24, 2016. Representative attended the meeting thereafter, and subsequently Mr. Yudhvir Singh attended the meetings in 2016-2017.
6. The Electoral Officer found that 3 years cooling off period was completed by Shri Rajeev Shukla on June 26, 2020. The UPCA is registered as a company and to run its affairs of the Association, UPCA independently elects Apex Council/Governing Council and Office Bearers in Annual General Meeting. Directors of the company are neither considered as office bearers nor do they



run the affairs of the Association. All decisions are taken by the Apex Council/Governing Council and office bearers.

7. The Electoral Officer has also relied on the Supreme Court clarifications dated 20th September, 2019 in Civil Appeal No. 4235/2014, extracted below;

“We have heard Mr. Kapil Sibal, Learned Senior Counsel appearing for the Applicant and Mr. P.S. Narsimha, learned Amicus Curiae in the matter.

We permit the applicant – Tamil Nadu Cricket Association to hold elections to the post of Assistant Secretary. The result of the election shall be subject to the remedy available in law and the final order that may be passed by this Court.

We Trust that the various Association will comply with the requirements of the BCCI Constitutions.

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

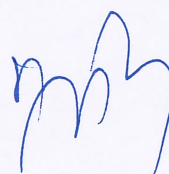
This order shall apply to all the State Cricket Association.”

8. Relying upon the aforesaid, the Electoral Officer held that disqualification has been confined to post of the post of “office bearer” of the Cricket Association and not to a Director. Shri Rajeev Shukla has completed the cooling off period prescribed under BCCI Rules on June 26, 2020. Thus, the objections filed by Shri Anurag Mishra, Shri Upendra Yadav, Shri Abhishek Shrivastava, Shri Arvind Kumar Mishra, Shri Ravindra Pratap Singh, Smt. Trisha Mishra, Shri Yogesh Kumar Kulsheshta, Shri Mohd. Mozzum, Shri Mahaveer Prasad and Shri Gopal Singh Gailakoti were rejected.
9. Coming to the order dated 2nd January, 2025, the complainant filed the objections on 29.12.2024 regarding the nomination of Shri Rajeev Shukla as representative of UPCA in the BCCI bye-election 2024. Other similar



objections were filed by Shri Upendra Yadav, Shri Yogesh Kumar Kulshresth, Yudhvir Singh and Shri Pradeep Sharma.

- 10.** It is alleged in the complaint of 2024 that UPCA has submitted a false and misleading affidavit for the nomination of Shri Rajeev Shukla. UPCA is operated as a private company at the behest of Shri Rajeev Shukla. He has not adhered to the mandatory cooling off period. The amended Articles of Association, on August 20, 2014, declared a non-retiring Director. The subsequent amendments on August 29, 2019 and of 2022 retain this status. Purported resignation is clearly an eye-wash, and he remains a Director both technically and legally. He has completed a cumulative tenure of 17 years as Director of UPCA and 9 years as BCCI office bearer, exceeding the limit of 9 years for any office bearer under the BCCI Constitution.
- 11.** It is alleged that the Cricket Association registered as Company must report to the Board of Directors, however, UPCA has created a parallel Apex Council and Board of Directors override the Apex Council decision. UPCA flouted the BCCI Constitution and Supreme Court order of 2019 by manipulating the system in contravening the trust of the public and players by maintaining illegal governance structure.
- 12.** A copy of the objections of 2024 was sent to Shri Rajeev Shukla and UPCA to provide the factual position and for comments. It was submitted on behalf of the UPCA that it has passed the Resolution pursuant to the provision of Article 8(3)(j) of the Articles of Association of UPCA authorizing Shri Rajeev Shukla and in his absence President, or in absence of both Secretary, UPCA to act as the representative to the Board of Control for the Cricket in India and other similar organizations. The meetings are conveyed by UPCA in most transport manner. There is no violation of Rule 6 (5) (e) of BCCI Rules and Mr. Rajeev Shukla is not an office bearer of BCCI for a cumulative period of 9 years. He was appointed as Vice President BCCI on December 24, 2020. A non-retiring Director can submit his resignation, presently Mr. Rajeev Shukla, he is not

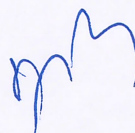


Director of UPCA by virtue of his resignation. The Constitution has been amended by UPCA in accordance with the directions of the Committee of Administrators constituted by the Hon'ble Supreme Court and various judgments and orders passed by it and approved by the BCCI. The Apex Council and the Board of Directors of UPCA function strictly in accordance with the provisions of the duly approved Constitution.

13. The Electoral Officer in order dated 02.01.2025 has also referred to the previous order dated 15.12.2020 regarding the completion of cooling-off period by Shri Rajeev Shukla before his nomination was considered in 2020 for post of Vice President, BCCI. He was elected as Vice President of BCCI on 24.12.2020. His tenure is only 4 years. The Electoral Officer also found in order dated 2nd January, 2025 that Shri Rajeev Shukla had resigned from the post of Director UPCA vide letter dated 03.12.2021. It was taken on record on 03.12.2021 vide Form No. DIR-12 in the Registrar of Companies. Thereafter, his name is not listed as Director of UPCA. Thus, the allegation that Shri Rajeev Shukla is presently Director of UPCA is not valid and was thus rejected. The nomination application filed on behalf of UPCA nominating Shri Rajeev Shukla was found to be valid and he was found to be eligible to be included on the final Electoral Roll for the BCCI Bye-Election to be held on January 12, 2025. Thus the objections filed by the complainant Mr. Pradeep Sharma, Mr. Upendra Yadav, Mr. Yogesh Kumar Kulshresth were rejected.

14. Having considered both the orders passed by the Electoral Officer, the present complaint is devoid of merit.

15. That the objection in 2024 was filed by the complainant with respect to the preparation of the Electoral Roll for the purpose of the election to be held on January 12, 2025. The order passed earlier on 15.12.2020 was permitted to attain finality and while rejecting the objections, the Electoral Officer has relied upon the previous order dated 15.12.2020 with respect to the



completion of cooling off period by Shri Rajeev Shukla. It was held by the Electoral Officer that the order dated 15.12.2020 had attained finality. In view thereof, as a subterfuge the challenge to the order dated 15.12.2020 has been made by the complainant whereas Shri Pradeep Singh was not even a complainant earlier before the Electoral Officer while order dated 15.12.2020 was passed. Once the order dated 15.12.2020 has attained finality, it cannot be questioned while challenging order dated 02.01.2025 passed by the Electoral Officer. The challenge to the order dated 15.12.2020 is an afterthought and order has attained finality and cannot be questioned by the complainant. Be that as it may, when we examine the validity of the order dated 15.12.2020, it is apparent that order was passed on legally sound ground. It is clear that the Director of Company is not an office bearer of UPCA and Apex Council and other bodies are independently elected by the Association. Thus, the Director of the company cannot be said to be an office bearer of the UPCA. The position has been made clear by UPCA also. The, director who have constituted a registered company of UPCA cannot be said to be an office bearer as defined in the Constitution of UPCA. The Supreme Court has also clarified in the order dated September 20, 2019 in Civil Appeal No. 2434/2014 that disqualification shall be confined only to those who hold the post of office bearer of the Cricket Association. Thus, Shri Rajeev Shukla could not be said to be an office bearer by virtue of remaining Director from 2005 till 2021 when he resigned from the post of Director also.

16. The order dated 15.12.2020 deals with the cooling off period and 3 years mandatory cooling off period as per the BCCI Rule **6(4)** was completed in June, 2020. He resigned from the post of Hony. Secretary of UPCA on **24.08.2016** when the order was passed in 2020. Mr. Rajeev Shukla has completed 3 years cooling off period as required by Rule **6(4)** of BCCI Constitution.

17. Coming to the order dated 2nd January, 2025, the name was included for the purpose of Election to be held on 12.01.2025. The inclusion of the name of Shri Rajeev Shukla in the voter list has been questioned. Shri Rajeev Shukla

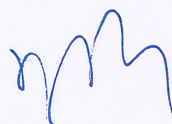


was authorized by the UPCA vide Resolution dated October 23, 2024 under Article 8 (3)(j) of Articles of the Association of UPCA, authorizing him or in the absence President of UPCA or in absence of both, Secretary to be representatives to the Board of Control for Cricket in India or other similar bodies. It was open to the UPCA to nominate its representative for the purpose of meeting of BCCI under Article 8 (3)(j) Articles of Association of UPCA there is no illegality in the same. The election dated 12.01.2025 have not been questioned in the complaint, when Electoral Roll was prepared for that purpose, and the election is over. It was incumbent upon the complainant to assail the validity of the election. There is no life left in the objections, as for every election, a separate Electoral Roll is required to be prepared.

18. There is difference in a representative and an office bearer. UPCA had the right to appoint its representative, three persons were appointed as representative, Mr. Rajeev Shukla, in his absence President and in absence of both Secretary, as such inclusion in voter list was rightly made of Representative of UPCA. Mere inclusion in voters list as representative cannot be said to be election as an office bearer. The cause of action for complaint filed in December 2024 was inclusion in Electoral Roll for election. It is not a case that Respondent No.2 contested election held on 12.01.2025.

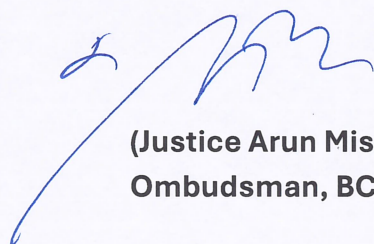
19. The objection with respect to having completed the period of 9 years tenure as BCCI Vice President, was raised as collateral issue which was not germane in the matter of Electoral Roll based on representation of UPCA, order dated 15.12.2020 has attained finality. It was open to UPCA to nominate its representative to participate in the meeting of BCCI as per Article 8 (j) of UPCA.

20. In view of the aforesaid, inclusion of the name of Shri Rajeev Shukla in the Voters List on the strength of resolution of 23rd October, 2024 is found to be valid. Apart from that the challenge to the order dated 15.12.2020, is an afterthought and belated, the order attained finality, the questions which



stand concluded could not have been raised. The complaint being devoid of substance stands dismissed.

Dated: 16.09.2025



(Justice Arun Mishra)
Ombudsman, BCCI