

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

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

Reference No. 04/2025

In the matter of

Upendra Yadav

..... Complainant

Versus

Ashok Chaturvedi & Ors.

..... Respondents

ORDER

1. The present proceedings arise out of a complaint dated 18.08.2025 filed by Mr. Upendra Yadav against the Uttar Pradesh Cricket Association (UPCA) and certain individuals associated with its administration.
2. The complaint broadly questions the manner in which the affairs of the Uttar Pradesh Cricket Association are presently structured and administered. The complainant alleges that certain aspects of the governance structure of the Association are inconsistent with the framework envisaged under the BCCI Constitution and the reforms mandated by the Hon'ble Supreme Court. The complaint also raises certain ancillary issues relating to the functioning of the Association, including matters concerning membership of former international cricketers, elections, and alleged issues of governance.
3. Since the issues raised in the present complaint relate to the governance of a State Cricket Association affiliated to the BCCI, it was necessary to examine the allegations in the light of the relevant provisions of the BCCI Constitution, the Articles of Association of the UPCA, and the legal framework emerging from the judgments and directions issued by the Hon'ble Supreme Court in the BCCI reforms matter.
4. Upon receipt of the complaint, notice was issued to the Respondents. The Respondents entered appearance and filed their replies disputing the allegations made in the complaint. The matter was heard and reserved for orders and written submissions have been filed by the parties.



SUBMISSIONS OF THE COMPLAINANT

5. In the submissions, counsel for the complainant has urged that the functioning and governance structure of the Uttar Pradesh Cricket Association ("UPCA") is in violation of the framework mandated under the Constitution of the Board of Control for Cricket in India ("BCCI"), the Articles of Association of the UPCA, and the directions issued by the Hon'ble Supreme Court in the matter concerning reforms in cricket administration.
6. The complainant submits that the Memorandum of Association and Articles of Association of the UPCA were submitted before the Committee of Administrators ("COA") on 12.07.2019, incorporating amendments suggested during the process of implementation of the Lodha Committee reforms. It is submitted that in the COA meeting held on 26.07.2019, it was observed that where a State Cricket Association is registered as a company, the Board of Directors would constitute the Apex Council of the Association for purposes of governance. According to the complainant, other associations, including the Delhi & District Cricket Association
7. It is further submitted that in the 11th Status Report of the COA dated 14.10.2019, various issues relating to the functioning of the UPCA were recorded. According to the complainant, the said report highlighted concerns including the non-inclusion of certain former international cricketers as members, alleged irregularities in the electoral process, manipulation of the electoral college, retention of certain life members allegedly to influence elections, and questions relating to the eligibility of certain individuals to represent the association.

Alleged Violation of the Supreme Court Mandate and Illegal Governance Structure

8. The complainant submits that the governance structure presently operating in the UPCA is contrary to the scheme envisaged under the BCCI Constitution and the directions of the Hon'ble Supreme Court. According to the complainant, the UPCA has introduced Chapter X in its Articles of Association, which allegedly confers overriding powers upon the Board of Directors, thereby creating a structure that operates independently of, and allegedly superior to, the Apex Council.
9. It is submitted that this structure is inconsistent with the framework envisaged under the reforms introduced pursuant to the recommendations of the Justice



Lodha Committee, which vests primary governance authority in the Apex Council of a State Cricket Association.

10. The complainant further submits that the 22nd Amendment to the Articles of Association introduced the concept of "non-retiring directors", which according to the complainant is alien to the governance structure contemplated under the BCCI Constitution and the Lodha reforms.
11. According to the complainant, these provisions effectively allow the Board of Directors to function as a parallel authority, thereby undermining the democratic governance model mandated for cricket administration.
12. On the basis of the above submissions, the complainant contends that the actions of the UPCA constitute a violation of the BCCI Constitution and the directions issued by the Hon'ble Supreme Court in the matter concerning reforms in cricket administration.
13. The complainant submits that the Board of Directors must be treated as "office bearers" for all practical purposes, and therefore must be subject to the tenure, disqualification and cooling-off provisions applicable under the BCCI Constitution.
14. According to the complainant, the contrary interpretation adopted by the respondents defeats the purpose of the reforms introduced pursuant to the Justice Lodha Committee recommendations and the directions of the Hon'ble Supreme Court.

Alleged Dual Governance Structure

15. The learned counsel for complainant further submits that the UPCA presently operates through two parallel decision-making structures, namely the Apex Council and the Board of Directors, which according to the complainant is inconsistent with the scheme of governance envisaged under the BCCI Constitution.
16. In this regard, reliance is placed on Article 14(10) of the Articles of Association, which provides that for the purposes of the Companies Act, the Board of Directors shall act as the Apex Council. According to the complainant, the directors have stated before authorities under the Ministry of Corporate Affairs

that they are not acting as the Apex Council, thereby creating a contradictory and impermissible governance structure.

Alleged Conflict of Interest Violation of Rule 38 of the BCCI Constitution

17. The complainant further submits that several individuals associated with the UPCA are operating in circumstances that constitute conflict of interest in violation of Rule 38 of the BCCI Constitution.
18. In this regard, the complainant has identified the following instances:

Name	Position Alleged	Nature of Alleged Conflict	Rule Invoked
Ashok Chaturvedi	Director, UPCA	Owner of UFlex, stated to be sponsor of UP Ranji Team, resulting in commercial interest in association activities	Rule 38
Abhishek Singhania	Director	Owner of Kamla Club premises used by UPCA, alleged financial benefit through renovation of premises by association	Rule 38
Yudhvir Singh	Director	Holding multiple positions across cricket associations creating overlapping roles	Rule 38
Arvind Kapoor	Director/District Representative/ Selector	Simultaneous holding of multiple positions including selector and voting member	Clause 4(B) and 4(M) of relevant governance provisions


19. According to the complainant, these circumstances demonstrate that the governance of the association is affected by conflicts between personal interests and the interests of cricket administration.

Alleged Violation of Tenure, Age and Cooling-Off Provisions

20. The complainant also submits that several individuals associated with the UPCA have continued to hold positions in violation of the eligibility provisions contained in Rule 3(b) of the BCCI Constitution.



21. According to the complainant: certain individuals have exceeded the maximum permissible tenure of nine years, in violation of Rule 3(b)(1)(i); certain individuals are alleged to be above the age limit of seventy years, contrary to Rule 3(b)(1)(v); majorly directors and Shri Rajiv Shukla have alleged to have violated the mandatory cooling-off requirement under Rule 3(b)(1)(vii)(A).
22. The complainant has alleged that Shri Ashok Chaturvedi, Shri Tahir Hassan, Shri Abhishek Singhania, Shri Yudhvair Singh, Shri Riyasat Ali and Shri Prem Manohar Gupta have continued as directors beyond the permissible tenure of 9 years prescribed under Rule 3(b) of the BCCI Constitution and are therefore disqualified from continuing in the affairs of the association.
23. It is further alleged that Shri Pradeep Kumar Gupta, Shri Vijay Kumar Gupta, Shri Gajendra Nath Tiwari, Shri Javed Akhtar and Shri Shyam Babu are above seventy years of age and are therefore continuing as directors in violation of the eligibility provisions contained in Rule 3(b)(1)(v) of the BCCI Constitution.
24. According to the complainant, certain individuals who had earlier functioned as office bearers of UPCA, thereafter, they continued as Directors of the UPCA in an attempt to circumvent the provisions relating to tenure, age limit, and cooling-off. In this regard, it is specifically alleged that Shri Pradeep Kumar Gupta, after functioning as Secretary of the UPCA, and Shri Shyam Babu, after functioning as Vice-President of the UPCA, continued thereafter as Directors of the UPCA.
25. The complainant submits that the continuation of such individuals as Directors, despite the constitutional restrictions applicable to office bearers, defeats the object of the reforms introduced pursuant to the directions of the Hon'ble Supreme Court and permits indirect continuation in the affairs of the association in violation of the BCCI framework.
26. The complainant further refers to Rule 3(b)(1)(iii) concerning representation of former players in the governance structure.
27. In sum, the complainant submits that the cumulative effect of the above actions demonstrates a continuing departure by the UPCA from the governance framework mandated under the BCCI Constitution and the directions of the Hon'ble Supreme Court in the BCCI reforms matter. According to the complainant, the creation of a governance structure wherein the Board of Directors operates independently of, or in parallel with, the Apex Council,



coupled with alleged violations relating to conflict of interest (Rule 38), and eligibility norms including tenure, age and cooling-off requirements under Rule 3(B). The complainant therefore urges that appropriate directions be issued to ensure that the functioning of the UPCA is brought in conformity with the BCCI Constitution, the Articles of Association of the UPCA, and the reforms mandated pursuant to the directions of the Hon'ble Supreme Court.

28. Apart from the principal allegations forming part of the complaint, the complainant has, in the course of written submissions, sought to raise several additional issues which are not part of the complaint and were not raised at the time of the hearing by the learned counsel of the complainant, which *inter alia* include allegations relating to: illegal constitution of the selection committee in violation of Rule 26(A); financial irregularities and diversion of funds; proceedings before the Registrar of Companies; issues relating to grassroots development and internal administration of the association; other general governance concerns and allegations against large number of persons not mentioned in the complaint..
29. It is necessary to note that the original complaint, as filed, was confined to specific issues relating to the governance structure of the UPCA, applicability of disqualification norms, membership of players and conflict of interest.
30. The additional allegations now sought to be urged were not part of the original complaint, nor do they form part of the foundational pleadings on the basis of which notice was issued, and reply was filed. Moreover, they are bereft of factual details.
31. It is well settled that a party cannot be permitted to travel beyond the issues raised in the complaint and introduce new case or independent causes of action at the stage of written submissions. The scope of adjudication is necessarily confined to the issues arising from the pleadings as originally framed. Permitting such expansion would prejudice the Respondents, who were called upon to meet only the case as originally pleaded. Moreover, these aspects were rightly not argued by the learned counsel for the complainant.
32. In the rejoinder filed by the complainant, certain new allegations have been made of which there is no basis in the complaint nor they arise out of the reply filed by the respondents. The scope of the rejoinder is confined to meet the case set up by the respondent in the reply That too, if it is new. The complainant cannot make out entirely new case in the rejoinder of which there is no



foundation and necessary fact pleaded in the complaint. The rejoinder so filed cannot be taken on record with respect to such aspects which are not forming part of the complaint they are to be ignored, and cannot be considered. Moreover, the learned counsel for the complainant has not pressed such aspects which are part of the rejoinder but did not form part of complaint. Thus, for this reason also, they are to be ignored from consideration.

33. Accordingly, it is held that the additional allegations in rejoinder and written submissions raised by the complainant, beyond those forming part of the original complaint, are liable to be rejected as being beyond the pleadings.

SUBMISSIONS OF THE RESPONDENTS

34. The Respondents have filed written submissions dated 10.03.2026, contesting the allegations made in the complaint and submit that the present complaint is misconceived, factually incorrect and beyond the jurisdiction of the Ombudsman cum Ethics Officer.
35. At the outset, the Respondents submit that the governance structure of the Uttar Pradesh Cricket Association (UPCA) is fully consistent with the BCCI Constitution and the directions issued by the Hon'ble Supreme Court in the matter concerning reforms in cricket administration. It is submitted that the UPCA has duly amended its Articles of Association in accordance with the mechanism devised pursuant to the judgment of the Hon'ble Supreme Court and the directions issued to State Cricket Associations for bringing their constitutions in conformity with the BCCI Constitution.
36. The Respondents also submit that the Articles of Association under the Companies Act of the UPCA were duly amended, and a compliance certificate dated 20.09.2018 was submitted before the Committee of Administrators (COA) in compliance with the directions of the Hon'ble Supreme Court. It is further submitted that the COA in its 11th Status Report dated 14.10.2019 recorded that the UPCA had brought its Articles of Association in conformity with the directions issued by the Hon'ble Supreme Court and was therefore permitted to participate in the governance processes of the BCCI.
37. The Respondents further submit that the governance structure of the UPCA clearly demarcates the roles of the Apex Council and the Board of Directors. According to the Respondents, the Apex Council is the body responsible for the governance of cricketing affairs in accordance with the framework envisaged

under the BCCI Constitution, whereas the Board of Directors functions only for purposes of compliance with the statutory requirements under the Companies Act.

38. It is submitted that the Directors of the company are not "office bearers" nor members of the Apex Council, and therefore the provisions relating to disqualification, tenure restrictions and cooling-off periods under the BCCI Constitution do not apply to them. In this regard, reliance is placed upon clauses 1(A)(d), 1(A)(f), 1(A)(x), 6(5) and 14(3) of the Articles of Association, which define the respective roles of the Apex Council and the Board of Directors.
39. The Respondents further submit that the Hon'ble Supreme Court, by order dated 20.09.2019, clarified that the disqualification provisions introduced pursuant to the reforms would apply only to persons who had held the position of "office bearers" of cricket associations and not to other categories of persons associated with the administration of cricket associations. The Respondents therefore submit that the attempt of the complainant to treat the Directors of UPCA as office bearers is contrary to the legal position clarified by the Hon'ble Supreme Court in *(2022) 19 SCC 30 (Pa 17)* whereby the disqualifications have been confined only to office bearers, member of Apex Council, member of Governing Council or any Committee of the BCCI while deleting "representative of the BCCI to the ICC or any similar organization" from the ambit of disqualifications.
40. The Respondents also submit that the Articles of Association of the UPCA have not been set aside or invalidated by any court of law, and in the absence of any such determination, the said Articles remain binding upon all concerned.
41. With regard to the allegation concerning membership of former international cricketers, the Respondents submit that the Articles of Association of UPCA provide for automatic membership to former international players from the State. They are ready to give membership. However, no such player has approached the association on their expressing willingness they shall be inducted.
42. In response to the allegations relating to elections of the association, the Respondents submit that the elections of the UPCA are conducted in a transparent manner under the supervision of an independent Electoral Officer, and that all relevant information relating to the electoral process is placed in the public domain.



43. The Respondents also deny the allegations of conflict of interest and submit that no material has been placed on record to establish any violation of Rule 38 of the BCCI Constitution. According to the Respondents, the allegations made in this regard are vague and unsupported by any documentary material.
44. The Respondents further submit that several allegations raised by the complainant relate to matters such as alleged financial irregularities, proceedings under the Companies Act, and issues relating to the functioning of the association as a company. According to the Respondents, such issues fall within the jurisdiction of statutory authorities under the Companies Act and are beyond the scope of the jurisdiction of this office.
45. The Respondents therefore submit that the complaint is nothing but an attempt by a person who is not even a member of the UPCA or any district cricket association affiliated to it to interfere with the internal administration of the association.
46. It is further submitted that the complainant has previously raised similar grievances in other forums and that the present complaint is motivated by personal grievances arising out of disputes unrelated to the governance of the association.
47. In these circumstances, the Respondents submit that the complaint is devoid of merit and deserves to be dismissed.

ISSUES

48. In light of the pleadings and submissions of the parties, the following issues arise for consideration in the present proceedings:
 - i. Whether the governance structure of the Uttar Pradesh Cricket Association, particularly the existence and functioning of the Board of Directors alongside the Apex Council, is inconsistent with the framework envisaged under the BCCI Constitution and the directions issued by the Hon'ble Supreme Court in the BCCI reforms matter.
 - ii. Whether the Directors of the Uttar Pradesh Cricket Association can be treated as "office bearers" depends on the Constitution of BCCI/UPCA, consequently, whether the provisions relating to tenure, age-limit and cooling-off under Rule 3(b) of the BCCI Constitution are attracted to them.



iii. Whether any case is made out for interference in respect of the allegations relating to conflict of interest under Rule 38 of the BCCI Constitution against the individuals identified in the complaint.

iv. Whether the allegations concerning membership of former international cricketers, warrant intervention in the present proceedings.

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.

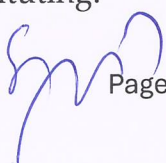
(A) Validity of Governance Structure

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 Singhania, 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.
95. The complainant's contention *vis-à-vis* Shri Rajiv Shukla proceeds on a reading of the pre-amendment framework without noticing the subsequent modification brought about pursuant to the order dated 14.09.2022 of the Hon'ble Supreme Court, and therefore cannot be accepted. The legal position, therefore, presently is that cooling-off is attracted only upon completion of the tenure contemplated under the amended framework, and not merely because an individual has held one term at the State level and one term at the BCCI level.
96. Consequently, a person would become ineligible only upon completion of the tenure contemplated under the amended framework. Shri Rajiv Shukla had not completed two consecutive terms as an office bearer in the BCCI so as to attract the cooling-off requirement at the BCCI.
97. The issue relating to cooling-off qua Shri Rajeev Shukla is no longer *res integra*. The same issue had earlier arisen before the Ombudsman in proceedings arising out of Complaint dated 02.09.2025, wherein challenge had been laid to the nomination of Shri Rajeev Shukla for the post of BCCI Vice-President on the ground of alleged violation of cooling-off provisions and to the order dated 02.01.2025 passed by the Electoral Officer. By order dated 16.09.2025, the challenge was rejected and the earlier order dated 15.12.2020 passed by the Electoral Officer was also relied upon.
98. It was specifically noticed therein that Shri Rajeev Shukla had resigned from the post of Hony. Secretary of UPCA on 24.08.2016 and the continuance as Director, could not be treated as tenure as an office bearer for purposes of the cooling-off provisions under the BCCI Constitution.
99. *In Re: complaint dated 02/09/2025 made by Pradeep Singh against BCCI* , by order dated 16.09.2025 passed by the ombudsman, it was held as under:



“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. 4234/2014 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.*”

(Emphasis Added)

100. That the cooling-off requirement of 3 years, insofar as Shri Rajeev Shukla was concerned, stood satisfied as he resigned on 24.08.2016 from the UPCA and after December 2020 he has not completed six (6) years as office bearer in the BCCI.

101. The Election Officer rightly found that the post of Director is not of office bearer or their committee as specified in the Constitution of BCCI.
102. The principles of finality in adjudication and the need for certainty in matters of electoral eligibility require that such determinations, once rendered and not assailed, are not unsettled in collateral proceedings.
103. The said order has not been challenged and has attained finality. Be that as it may, even independently examined in light of the modified framework recognised by the Hon'ble Supreme Court, the cooling-off provisions were not attracted in the manner suggested by the complainant.
104. In view of the foregoing, it is clear that, the governance structure of UPCA comprising an Apex Council under the constitution and a Board of Directors, as embodied in its Articles of Association cannot be held to be inconsistent with the BCCI Constitution, the Directors of UPCA cannot be treated as "office bearers" or equivalent thereto, and are therefore not subject to disqualification, tenure or cooling-off provisions under Rule 3(b) of the constitution of UPCA.
105. It is clear from the aforesaid discussion that Shri Rajeev Shukla had resigned from the post of Hony. Secretary of UPCA on 24.08.2016 and the 3-year cooling-off period was completed in 2020. Apart from that the complainant's contention regarding mandatory cooling-off after one term at State and one term at BCCI is legally untenable.

In Re issue (iii)

106. The complainant has alleged that certain individuals named in the complaint, associated with the Uttar Pradesh Cricket Association are operating in circumstances that constitute conflict of interest in violation of Rule 38 of the BCCI Constitution.
107. The allegations, as noticed earlier, are primarily based on the assertion that certain individuals hold positions in entities which are stated to have commercial or functional dealings with the association, or that they occupy multiple roles within the cricketing ecosystem. The said averment have not been substantiated by any material apart from that such individual case of conflict of interest of members of board of directors has not been argued at the time of the oral hearing by the learned counsel for the complainant.

108. However, it is necessary to place on record the scope and ambit of Rule 38 of the BCCI Constitution, which governs conflict of interest. The said provision contemplates situations where an individual, by virtue of holding multiple roles or interests, is placed in a position where personal, commercial or other considerations may conflict with the duties owed to the sport or the institution.
109. The principles governing conflict of interest have been considered in several decisions by this office, in *Complaint no. 1 of 2024 titled Shri Rajesh Kumar Maurya vs Mr. M.S. Dhoni*, *Complaint no. 6 of 2019 titled Shri Sanjeev Gupta vs Mr. Rahul Dravid* and *Complaint no. 5 of 2019 titled Shri Sanjeev Gupta vs Mr. Mayank Parikh*, wherein it has been *inter-alia* held that: a conflict must be real and not merely hypothetical; mere holding of multiple roles does not per se constitute conflict; there must exist a demonstrable nexus between the role held and the possibility of bias, undue influence or personal gain; and conflict must arise from functional incompatibility and not from mere designation or association
110. It is, therefore, well settled that a conflict of interest, within the meaning of Rule 38, must be real, demonstrable and proximate, and not merely speculative or based on a perceived possibility of conflict. The existence of a conflict cannot be inferred from the mere holding of multiple roles, unless it is shown that such circumstances have resulted in, or are likely to result in, a compromise of decision-making, undue advantage or bias. No such averment has been made by the complainant.
111. The burden to establish such conflict lies squarely upon the complainant, who must demonstrate, with specific material, the manner in which the alleged conflict has operated in what manner in practice.
112. In the present case, the complainant has simply stated names of certain individuals and attributed to them various roles or associations. However, beyond such allegation, no material has been brought on record to demonstrate that: any decision of the association was influenced or vitiated; any undue benefit accrued to the individuals concerned; or the functioning of the association was compromised on account of such alleged conflict. The allegations are thus general and inferential, without any supporting material linking the alleged roles to actual prejudice or institutional compromise. Moreover, it was not argued by the counsel for complainant at the time of the hearing and therefore it is taken that such plea is abandoned.

113. The present proceedings, being in the nature of adjudication under the BCCI Constitution, cannot be converted into a roving enquiry, particularly in the absence of concrete and verifiable allegations.
114. In these circumstances, the complainant has failed to establish any *prima facie* case of conflict of interest within the meaning of Rule 38.
115. Accordingly, it is held that the allegations relating to conflict of interest under Rule 38 of the BCCI Constitution are unsupported by specific material, lack necessary particulars, and do not disclose any case warranting interference.

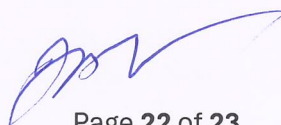
In Re issue (iv)

116. The complainant has, *inter alia*, contended that the Uttar Pradesh Cricket Association has failed to grant membership to certain former international cricketers from the State, such as Mr. Suresh Raina, Mr. Mohd. Kaif Mr. Piyush Chawla, Mr. Praveen Kumar and Mr. Sundip Tyagi, in violation of the governing provisions of the BCCI Constitution and the Articles of Association of the UPCA. In this regard, it has been submitted on behalf of the complainant that the relevant provisions contemplate automatic membership for former international players and that such a benefit has not been uniformly extended.
117. The Respondents have submitted that the Articles of Association of the UPCA recognise and provide for membership of former international cricketers and that such players are granted membership upon application or expression of willingness.
118. The provisions of Rule 3(b)(iii) of Constitution of BCCI read thus:

“3(b)(iii) The Association shall grant automatic membership to former international players hailing from the State.”


119. The object underlying the relevant provisions relating to former international cricketers is to ensure meaningful participation of former players in the governance and development of cricket administration. The said provisions are required to receive a purposive interpretation consistent with the reforms introduced pursuant to the directions of the Hon'ble Supreme Court.

120. Once a player becomes eligible under the applicable provisions, has to be extended membership by the Association without insisting upon unnecessary procedural formalities. The conferment of such membership should ordinarily follow upon the player becoming eligible, subject of course to the concerned player declining or expressing unwillingness to accept such membership.
121. In these circumstances, the provisions relating to former international cricketers is required to be implemented in their true spirit and international players have to be automatically inducted as members without any formality of filing an application or expression of willingness in advance. They have to be treated as automatically inducted members on attaining eligibility. The UPCA to act accordingly and to induct all players who have been left out. However, not inducting them earlier would not vitiate the decisions taken. This direction is to govern in future from date of the order.
122. (i) Resultantly on due consideration, it is found that the principal challenge raised by the complainant to the governance structure of the Uttar Pradesh Cricket Association as to the structure comprising the Apex Council under the constitution and the Board of Directors, as embodied in the Articles of Association under the companies act, are inconsistent with the BCCI Constitution and the decision of the Hon'ble Supreme Court being bereft of merits cannot be accepted.
- (ii) The contention that the Directors of Companies Act of the UPCA are to be treated as "office bearers" so as to attract disqualification, tenure and cooling-off provisions under Rule 3(b) of the constitution of the BCCI/UPCA is devoid of merits and is hereby rejected.
- (iii) The plea of violation of tenure and cooling-off period *vis-à-vis* Shri Rajiv Shukla is found untenable on merits.
- (iv) No case of Conflict of Interest against members of board of directors and others under Rule 38 is made out, moreover, the plea was not argued at the time of oral hearing, it was abandoned.
- (v) UPCA is directed to comply with provisions of Rule 3(b)(iii) of the Constitution by immediately inducting international players left out as mentioned in complaint/or otherwise.



123. The complaint is accordingly disposed of.

Dated: 18.05.2026


(Justice Arun Mishra)
Ombudsman, BCCI