

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.14311 of 2016
and W.M.P.No.12496 of 2016

1.R.K.Raghavan, I.P.S.
2.C.R.Vijayaraghavan
3.D.Vasu
4.M.Velu
5.T.Karunamoorthy
6.K.S.Srinivasan
7.T.N.Kannan
8.Dr.Ashok Sigamani ... Petitioners

-vs-

1.Shashank Manohar
President, Board of Control for
Cricket in India.
2.Board of Control for Cricket
in India, Rep. by its Hon.Secretary. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from agreeing to receive any amount lower than the agreed Contribution Costs as per the Member Participation Agreement for the broadcast cycle for the periods 2015-2023 and 2024-2031 for the participation of the Indian Cricket Team in the matches / events conducted by the International Cricket Council.

For Petitioner : Mr.Vijay Narayan
for M/s.Rishi S.Ahuja

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners claim to be cricket enthusiasts and are also involved with cricket administration of certain clubs. Two of these persons are Secretaries of the Districts affiliated to

Tamil Nadu Cricket Association (TNCA), yet it is conceded that the Association is not the one which has come forward to agitate any grievance against the Board of Control for Cricket in India (BCCI), though being its member.

2.The petition is styled as a Public Interest Litigation. It is their say that the International Cricket Council (ICC) and BCCI have a revenue sharing arrangement in existence and the same is sought to be altered to the detriment of the Indian Board affecting the financial flow of resources, which would come to it in the next few years. The petitioners claim that it is only for the cycle of broadcast of ICC events from 2015 to 2023 that there was a set of changes made by ICC, which gave India its rightful due, as it has contributed more than 80% of the revenue.

3.The cause of action stated to have arisen for filing of the present petition is the statement issued by the President of the BCCI that changes in the revenue sharing model are being contemplated. Such an act, it is pleaded, could not have been unilaterally proposed. A Special General Meeting of BCCI is stated to have been held on 19.02.2016 when, apart from other Agendas, this issue was also taken up. The petitioners claim that they learnt from press reports that approval had been granted by the General Meeting to negotiate downward revision of BCCI revenue at ICC level.

4.The petitioners claim thereafter to have made enquiries from the TNCA which is the member of the BCCI and it was found that the TNCA had written to the BCCI complaining of this re-arrangement vide their letter dated 08.03.2016, which has been conveniently made available to them. It is this letter which is sought to be relied upon. On the basis of the letter, it is alleged that the downward revision would cause loss to BCCI of upto Rs.3000 crores and thus, alleges it to be a scam. The pre-eminent position of India in the world cricketing order is, thus, alleged to be bartered away and the present management is seeking to undo what was done by the past management.

5.The petitioners plead that the subsequent management cannot change what the previous management has done and the petitioners collectively want to canvass the cause of cricket.

6.We have heard the learned senior counsel for the petitioner at length.

7.We make it clear that it is not as if any proposition was put to the learned counsel about non-maintainability of the petition in the sense that this Court would not examine the issue under Article 226 of the Constitution of India. However, what we did put to the learned counsel was as to whether the

whole world is to be heard before BCCI takes any decision as a registered society working through its elected members. We are quite conscious of the past litigations relating to the working of the BCCI and the disputes in a sense arose from Chennai itself. We do believe that this really a proxy litigation by the TNCA, who, for reasons best known to it, is not coming forward to assert its right, if any, as the member of the society. The material is stated to have been made available by the TNCA and the justification given by the learned senior counsel is that the TNCA may have its own reasons why it does not seek to challenge the decision taken, but that would not preclude the petitioners from doing so. The petitioners 1, 4, 5 and 6 being members cannot maintain this writ petition when TNCA itself has kept silent. The decision of the BCCI would certainly bind TNCA being its member and so, in the case of TNCA and its members.

8.The subject matter of the controversy is, how the arrangements between the BCCI and the ICC should work. Dependant on the current situation, it is not as if there cannot be any power vested with the BCCI to work out re-arrangements. If the other management could do something, certainly the subsequent management can also do the same thing or modify so long as it has the mandate of the General Council. There is no case put forth before us that the current President does not enjoy the mandate of the General Council.

9.Learned senior counsel for the petitioner, however, seeks to submit that there should be a larger discussion of this issue and the public must know. We fail to understand how can we expect the association to call some meeting of all cricket enthusiasts in a large auditorium and hold discussions as to how BCCI should work. The society works through its elected representatives. The members, in turn, elect those who have to represent the society and their power of management cannot be curtailed by any one and everyone wanting to interfere in the same.

10.If we may say so, the endeavour is to actually have a prohibitory order restraining the BCCI from working its daily affairs or taking any policy decisions. As to how the BCCI should work, especially keeping in mind the recommendations of Justice Lodha Committee, is already a subject matter before the Hon'ble Supreme Court. However, that is not an aspect in the present case. If some decision is taken detrimental to the working of the society, there is procedure available in law for the person concerned to challenge the said decision. We do believe, this is not a matter where this Court should interfere and more so, in exercise of a public interest litigation jurisdiction.

11.Writ Petition, thus, stands dismissed. No costs.
Consequently, W.M.P.No.12496 of 2016 also stands dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The President,
Board of Control for Cricket in India.,
Cricket Centre, Wankhade Stadium,
Chennai.

2.The Hon.Secretary,
Board of Control for Cricket
in India, Cricket Centre,
Wankhade Stadium, Chennai.

+2cc to M/S.Rishi Ahuja, Advocate, S.R.No.24808

W.P.No.14311 of 2016

gj (CO)
srg(12/05/2016)

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