

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.41147 OF 2016

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India challenging the action of the 5th respondent in withdrawing the money and amounts from the accounts of the 6th respondent from various banks for defending the office bearers, committee members of 5th respondent, who are involved in criminal cases facing allegations of misappropriation, cheating the members of public and causing loss to the 6th respondent.

2. This Court after going through the record and hearing the submissions, passed the order on 28-11-2016 while issuing Notice before admission, as follows:

“Mr.Mir Masood Khan for petitioner relies upon the FIRs filed against the members of the Executive Committee of the Hyderabad Cricket Association (HCA) and the charge sheets filed by the investigating agency to *prima facie* show that the members, for their alleged acts of omission and commission, are facing serious accusations. Therefore, the members have to individually defend themselves before the competent Court and the HCA cannot and ought not to pay the fees, more particularly legal fee to the counsel defending them. He specifically draws the attention of the Court to Annexure-P16 i.e., Profit and Loss Account read with Annual Report for the year 2015-2016. Schedule 20 appended to the report deals with legal expenses incurred by the committee from time to time. For the year 2014-2015 a sum of Rs.53,64,750/- is incurred and for the period ending on 31-03-2016, a sum of Rs.67,83,146/- is incurred by the committee towards legal expenses. His grievance against these withdrawals is that the legal expenses now made by HCA are not meant to defend HCA but to defend the members of the Executive Committee, who are facing investigation/charges. He apprehends that the members of the Executive Committee may resort to further withdrawal of amount from HCA thereby depleting the available resources of HCA, which could be used for th cause of cricketers/cricket.

With the assistance of the learned counsel, I have perused the annual report and also the schedule appended thereto. The matter requires examination and there is necessity to preserve the bank balance of HCA in the meantime. The withdrawal of further amount, if any, towards legal expenses, if carried out and if undertaken by the 3rd respondent, will result in depletion of resources in the hand of HCA. Hence, the 5th respondent is directed not to withdraw further amount to meet the legal expenses or sanction bills already submitted towards legal expenses for a period of four (4) weeks from today.”

3. Today, when the matter is listed before this Court, after filing WVMP No.257 of 2017, learned senior counsel for the vacate stay petitioners submits that in view of prayer of the petitioner, he has no objection if the withdrawal of the amount is prohibited to the extent of financing the defence of office bearers, committee members of the 5th respondent who are involved in criminal cases facing allegations of misappropriation, cheating the members of public and causing loss to the 6th respondent.

4. In view of the same, the 5th respondent is restrained from withdrawing money from the accounts of the 6th respondent for defending the cases of the office bearers and committee members of the 5th respondent, who are involved in criminal cases facing allegations of misappropriation, cheating the members of the public and causing loss to the 6th respondent.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

DATED: 08-02-2017

Hsd

A.RAMALINGESWARA RAO, J