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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) No.6664/2018 & CM No.25380/2018

RAVI MEHRA

..... Petitioner

Through Mr.Sachin Puri, Sr. Adv. with
Mr.Sanjeev Nariar, Adv. &
Mr.Ashish Verma, Adv.

versus

DELHI AND DISTRICT CRICKET ASSOCIATION..... Respondents

Through Mr.Pradeep Chhindra, Adv. with
Mr.Kritika Gupta, Adv.
Mr.Adarsh Saxena, Adv. with
Mr.Vikash Kumar Jha, Adv.,
Ms.Nikhitha, Adv., Ms.Nishika
Bajpai, Adv. for Supreme Court
appointed Committee of
Administrator, BCCI.
Mr.Sunil K. Goel, Adv.
Mr.Saket Sikri, Adv. with Mr.V.
Mudgal, Adv. for Manju Singh &
Mr.Sanjay Pahwa, Candidates.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.06.2018

Vide the present petition, the petitioner has impugned the notice dated 14th May, 2018, issued by the respondent, calling for Delhi &

District Cricket Association (DDCA) Elections to be held on 30th June, 2018. Before noting the facts herein, it may be appropriate to note that the notice, which is the basis for impugning the action of the respondent to conduct election, was passed on 14th May, 2018 but the petitioner has still chosen to challenge the same before this Court by way of the present petition only on 19th June, 2018, at which stage, the election process had already been set into motion and not only all the nominations have been received by the respondent but even the time for removing the objections in respect of the said nominations had already expired. It is also an admitted position that the final list of nominees had been duly published on the website of the respondent on 1st June, 2018 itself.

The petitioner who is a member of the respondent/Association, has sought quashing of the aforesaid impugned notice and has further prayed that the said election ought to be conducted only after constitution of the new Board of Control for Cricket in India (hereinafter referred to as the “BCCI”) is finalized/approved by the Hon’ble Supreme Court and consequential amendments which will need to be implemented by the respondent.

Learned senior counsel for the petitioner submits that the matter regarding approval of BCCI constitution is already pending consideration before the Supreme Court in Contempt Petition (Civil) No. 970/2018 in Civil Appeal No.4235/2014. He, therefore, contends that, even though the respondent is well aware that the BCCI’s Constitution is yet to be finalized, which will have a direct effect on the constitution of the respondent/Association itself, the

Administrators appointed by the respondent has issued the impugned notice for holding elections on 30th June 2018. He, thus, submits that the proposed elections will have serious implications and ramifications on the rights of the petitioner as also on the rights of other Members of the respondent and, therefore, contends that there is no reason as to why the respondent should be in a hurry to conduct the elections, without waiting for approval of the BCCI's Constitution and necessary amendments in its own Constitution.

Mr.Puri, learned senior counsel for the petitioner also places reliance on an order dated 15th June, 2018 passed by the High Court of Judicature at Bombay, to contend that in similar circumstances, the time to hold election was extended for a period of three months till the amendment of the constitution, to ensure that the election takes place on the amendment of the constitution of the Mumbai Cricket Association. He, therefore, urges that similar protection be granted

At this stage, it may also be noted that even though the notice dated 14th May, 2018, issued by the respondent has been duly considered by the Supreme Court appointed Committee of Administrators, the petitioner has not impleaded the said Committee who is, however, represented before us through its counsel.

Learned counsels for the respondent while opposing the writ petition, submit that the present petition is only an attempt to halt the election process and that too when the petitioner is well aware that the said election is being carried out with a specific approval from the Supreme Court appointed Committee of Administrators and that too under the aegis of administrators appointed by the Division Bench of

this Court.

Having considered the rival submissions of the parties, we see no reason at all to interject the election process which has already been set into motion pursuant to a notice dated 14th May, 2018 and which course of action, has already been approved by the Supreme Court appointed Committee of the Administrators.

We also find that the Supreme Court appointed Committee has vide its communication dated 21st May, 2018, already requested that the respective administrators appointed by the concerned High Court, should remain in charge of the affairs of the relevant State Association until the new BCCI Constitution is finalized by the Supreme Court and in these circumstances, we see no prejudice which would be caused to the petitioner by holding of the election which process has already been set into motion.

We have also carefully considered the order dated 15th June, 2018, passed by the High Court of Judicature at Bombay relied upon by the learned Senior Counsel for the petitioner and find that the said order was passed on an application moved by the Mumbai Cricket Association through its Committee of Administrators, seeking extension of time and it is only in these circumstances that the Court has extended the time for holding the election.

In the present case, the respondent is vehemently opposing the relief sought by the petitioner and, therefore, the order passed by the High Court of Judicature at Bombay does not in any way advance the case of the petitioner.

We find absolutely no merit in the present petition, which is dismissed alongwith all the pending applications.

VINOD GOEL
(VACATION JUDGE)

REKHA PALLI
(VACATION JUDGE)

JUNE 25, 2018/aa