

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.2527 OF 2020
IN
WRIT PETITION (L) NO.3130 OF 2020

The Board of Control for Cricket in India	...Applicant
IN THE MATTER BETWEEN	
Ankeet Anil Chavan	...Petitioner
v/s.	
The Board of Control for Cricket in India	...Respondent

....

Mr. Suneel D. Mogre for the Petitioner.
Mr. Nikhil Sadhardam, Senior Counsel with Ms. Mahima Sinha for Respondent/Applicant.

...
**CORAM : A.A. SAYED &
MADHAV JAMDAR, JJ.**

DATED : 03 MARCH 2021

P.C.:

1 The reliefs sought in the Interim Application taken out by the Applicant/Original Respondent-BCCI in the disposed of Writ Petition (L) No.3130 of 2020 filed by the Petitioner-Ankeet Anil Chavan are as follows:

“a) Pass an Order requesting the learned Ombudsman of the Applicant (Original Respondent) to decide the Respondent's (Original Petitioner) Representations within the fresh timelines as directed by this Hon'ble Court as per the procedure adopted by the Hon'ble Supreme Court in Civil Appeal No.2424 of 2019 vide order dated March 15, 2019;

b) In the alternative to prayer clause (a), grant the Applicant (Original Respondent) a further period of 3 months from the date

on which the present Application is allowed to formulate an appropriate mechanism in accordance with the Constitution of the Applicant (Original Respondent) to decide the Representations of the Respondent (Original Petitioner).”

2 Learned Senior Counsel for the Applicant-BCCI has pointed out the judgment and order dated 15 March 2019 of the Supreme Court in **S. Sreesanth vs. The Board of Control for Cricket in India & Ors.**, (Civil Appeal No.2424 of 2019). The operative part of the said order reads as under:

“61. In view of the foregoing discussion, we partly allow the appeal in the following manner:

(i) The order dated 13.09.2013 of the disciplinary committee only to the extent of imposing sanction of life time ban is set aside.

(ii) The disciplinary committee of the BCCI may reconsider the quantum of punishment/sanction which may be imposed on the appellant as per Article 6 of the Anti-Corruption Code. The appellant may be given one opportunity to have his say on the question of quantum of punishment/sanction.

(iii) The disciplinary committee may take decision as indicated above on the quantum of punishment/sanction at an early date preferably within a period of three months from today.

(iv) Appellant shall await the decision of the disciplinary committee and future course of action shall be in accordance with the decision of the Ombudsman so taken. Parties shall bear their own costs.”

By order dated 5 April 2019 the aforesaid order dated 15 March 2019 was corrected by the Supreme Court, which order reads as under:

“Learned counsel for the applicant submits that some of the functions of the disciplinary committee are now exercised by the learned Ombudsman. The word ‘Ombudsman’ be read in place of the ‘disciplinary committee’ in the operative portion of the judgment dated March 15, 2019. The period as indicated in the order be taken from the date of this order.

The miscellaneous application stands disposed of.”

3 Pursuant to the aforesaid orders of the Supreme Court, the learned Ombudsman has decided the case of **S. Sreesanth** vide order dated 7 August 2019.

4 On 15 September 2020, this Court while disposing of the Writ Petition (L) No.3130 of 2020 had passed the following order:

“. In short Mr.Mogre appearing for the petitioner wants respondent to decide the petitioner’s representation, copy whereof is at Exh.E to the petition as expeditiously as possible. Mr.Desouza states that he will advise his client to act on the representation as expeditiously as possible. Original Application was of 13th September 2019 and the reminder was of 16th March 2020. Respondent had enough time to consider the representation and take suitable decision. Therefore, we grant time up to 31st October 2020 to the respondent to take a decision on the representations made by the petitioner.

2 It is made clear that no extension will be granted to the respondent and it has been made amply clear to Mr.Desouza because the representations have been pending for over ten months. Mr.Desouza states that he will communicate the order to the respondent. Statement is accepted.

3 Petition accordingly stands disposed.”

5 Inasmuch as the Petitioner-Ankeet Anil Chavan claims parity with the case of **S. Sreesanth** and it is submitted that unless there is a specific order of referring the Representation of the Petitioner also to the learned Ombudsman, the learned Ombudsman would not be able to consider and decide the Representation, by consent of the learned Counsel for the parties, we pass the following order:

ORDER

- i) Learned Ombudsman, BCCI to decide the Representation dated 16 March 2020 of the Petitioner-Ankeet Anil Chavan ('Exhibit E' to the Petition). Considering the age of the Petitioner, we request the learned Ombudsman to decide the Representation expeditiously and preferably within eight weeks from the date a copy of this order is placed before him.
- ii) The Interim Application to stand disposed of accordingly.

(MADHAV JAMDAR, J.)

(A.A. SAYED, J.)