

(2017) 01 SC CK 0079

In the Supreme Court Of India

Case No : Civil Appeal No. 4235 of 2014

Board of Control For Cricket

APPELLANT

Vs

Cricket Association of Bihar

RESPONDENT

Date of Decision : 24-01-2017

Acts Referred:

Citation : (2017) 1 Scale 665 : (2017) 6 SCC 742

Hon'ble Judges : Dipak Misra, J;A.M. Khanwilkar, J;Dr. D.Y. Chandrachud, J

Bench : Full Bench

Advocate : M.P. Vinod, Advocate, for the CP(C) 47 of 2017; Mr. Mukul Rohatgi, AG Mr. Siddharth Garg, Snehasish Mukherjee, R. Balasubramonian, Ms. Ananya Mishra, Prabhas Bajaj, Raj Bahadur, Mukesh Kumar Maroria, Mr. Senthil Jagadeesan, Mr. Kapil Sibal, Senior Advocate, Mr. P.R. Raman, Mr. Gautam Raman, Amol Chitale, Nirnimesh Dube, Santosh Krishnan, Gagan Gupta, A. S. Bhasme, E. C. Agrawala, K. K. Mohan, Puneet Bali, Senior Advocate, Ms. Gunjan Rishi, Vibhav Jain, Shree Pal Singh, Shreekant N. Terdal, Ms. Manju Sharma, Praveen Swarup, Kapil Sibal, Senior Advocate, Ms. Neela Gokhale, Devanshu Sharma, Ms. Kamakshi S. Mehlwal, Ms. Sonia Mathur, Chirag M. Shroff, B.K. Sampath Kumar, Balaji Srinivasan, Abhishek Bharti, Ms. Srishti Govil, Ms. Vaishnavi Subrahmanyam, Ms. Pratiksha Mishra, Arunava Mukherjee, Mayank Kshisagar, Raghavendra S. Srivatsa, Ms. Liz Mathew, Kapil Sibal, Senior Advocate, Mr. Siddharth Garg, Snehasish Mukherjee, Tushar Mehta, Senior Advocate, Mr. P.R. Raman, Gautam Raman, Amol Chitale, Ms. Pragya Baghel, Vikash Singh, Senior Advocate, Mr. P.R. Raman, Gautam Raman, Amol Chitale, Pragya Baghel, Shyam Divan, Senior Advocate, Mr. P.R. Raman, Gautam Raman, Amol Chitale, Ms. Pragya Baghel, Amit A. Pai, Venkita Subramonyam T.R., Rahat Bansal, Nitesh Ranjan, Gaurav Sharma, V. K. Biju, AOR Ms. Rashmi Singh, Anish R. Shah, Anshuman Ashok, Radha Rangaswamy, Hari Shankar K., Vipin Nair, Rahul Pratap, Mishra Saurabh, Deeptakirti Verma, M. Yogesh Kana, Ms. Nithya, Vikas Singh Jangra, Ms. Tamali Wad, Ms. Pooja Dhar, Sangram Patnaik, Ms. Sonal Bhalla, Gautam Dass, Advocates, for the Respondents; Mr. Vibas Muth, Rajat Sehgal, Chandrashekher Verma, Ms. Anushree, Advocate Mr. Gagan Gupta, Advocates, for the CA 4236 of 2014; Gopal Subramaniam, Senior Advocate (A.C.) Mr. Santosh Krishnan, Ankur Kashyap, Pavan Bhushan, Anil B. Divan, Senior Advocate (A.C.) Mr. Arvind P. Datar, Senior Advocate, Radha Rangaswamy, Ms. Ranjeeta Mukerji, Abhinav Mukerji, Advocates, for the Appellants; Mr. Vikas Mehta, Advocate, for the CA 1155 of 2015; Ashish Mohan, K.K. Mohan, Advocates, for the CP(C) 46 of 2017

Judgement

1. When the matter was called today, as per the order dated 20th January, 2017, Mr. Kapil Sibal, learned senior counsel appearing for some of the State Associations has submitted that due to inadvertence, he could not suggest the names to be included in the Committee of Administrators, when such liberty was granted in paragraph 25(vi) of the order dated 2nd January, 2017. For the sake of convenience, the said paragraph is reproduced below:-

"25(vi) This Court shall by a separate order nominate the persons who shall form part of the Committee of administrators. In order to enable the Court to have the benefit of objective assistance in making the nominations, we request Mr Fali S Nariman, learned Senior Counsel and Mr Gopal Subramaniam, the learned Amicus Curiae to assist the Court by suggesting names of persons with integrity and experience in managing a similar enterprise. We request the learned Counsel appearing on behalf of the parties to also place their suggestions before the Court so as to facilitate a considered decision."

2. Be it noted, earlier on the learned Amicus Curiae and Mr. Anil B. Divan, learned senior counsel had suggested certain names for the Committee of Administrators for the BCCI. We had opened the sealed cover on the last occasion and, thereafter, got it sealed again so that we can choose the names for nomination of the Committee of Administrators. However, as leave was granted to the learned senior counsel, we do not intend to curtail the said right.

3. At this juncture, Mr. Mukul Rohatgi, learned Attorney General for India has submitted that the Central Government may be permitted to suggest certain names so that a Committee having a holistic approach can be constituted.

4. Having heard Mr. Rohatgi, learned Attorney General and Mr. Sibal, learned senior counsel for some of the State Associations, we permit them to suggest names for Committee of Administrators for the BCCI in a sealed cover. However, it is hereby made absolutely clear that the names that will be suggested should be in consonance with the principal judgment and the subsequent orders passed thereafter. If any one suffers from any kind of disqualification, that shall not be suggested to and considered by this Court. After the names are submitted in a sealed cover, this Court, keeping in view, the names given by Mr. Anil B. Divan and Mr. Gopal Subramaniam, learned Amicus Curiae and the names to be given by Mr. Mukul Rohatgi and Mr. Kapil Sibal, shall constitute a Committee of appropriate number of members to do the needful.

5. At this juncture, Mr. Arvind P. Datar, learned senior counsel appearing for the BCCI has submitted that there is a meeting of the Executive Committee of the ICC in the first week of February, 2017. According to Mr. Datar, the said meeting is to be attended by one nominee from the BCCI. The said position is not

disputed by Mr. Gopal Subramaniam, learned Amicus Curiae assisting the Court.

6. In view of the aforesaid, we permit Mr. Datar to give three names in a sealed cover after following the due process and, needless to say, the names that will be given should not be disqualified under the principal judgment or any of the orders of this Court.

7. Let the names be given by Mr. Mukul Rohatgi, learned Attorney General and Mr. Kapil Sibal, learned senior counsel for the Committee of Administrators for the BCCI and Mr. Arvind P. Datar, learned senior counsel for the BCCI for a nominee to attend the meeting of the ICC, be given by 27th January, 2017.

8. The documents that have been filed by the learned Amicus Curiae be kept in a sealed cover.

9. Let the matter be listed at 3.00 p.m. on 30th January, 2017.