

**BEFORE JUSTICE DEEPAK VERMA (RETD.) OMBUDSMAN  
DELHI & DISTRICT CRICKET ASSOCIATION**

**ORDER OF MEETING DATED 02.02.2020 AT 2:30 PM TO 4:30 PM**  
**VENUE: D-19 GEETANJALI ENCLAVE, 3<sup>RD</sup> FLOOR, NEW DELHI – 110017**

Appearances:

Sr. No.

- |     |  |
|-----|--|
| 1.  | Mr. Ankur Chawla, Advocate – DDCA                                      |
| 2.  | Mr. Gautam Dutta, Advocate – DDCA                                      |
| 3.  | Ms. Meenakshi Chatterjee, Advocate                                     |
| 4.  | Mr. Akshay Ringe, Advocate for Mr. Rakesh Bansal                       |
| 5.  | Mr. Nitin Gupta, Director, DDCA  |
| 6.  | Mr. Sumit Kumar Siddharth, Advocate-DDCA                               |
| 7.  | Mr. Sanjay Dhawan, Advocate  |
| 8.  | Mr. Vishal Singh, Advocate for Mr. Sunil Jain & Mr. Biswajeet Senapati |
| 9.  | Mr. Ravi Kumar, Advocate   |
| 10. | Mr. Sunil Jain, Complainant  |
| 11. | Mr. Ashok Singh, Advocate  |
| 12. | Mr. Akshay Sahni, Advocate   |
| 13. | Mr. Sanjay Bhardwaj, Director - DDCA                                   |
| 14. | Mr. Jayant Mohan, Advocate   |

1. Presence of Learned Counsel for Parties and esteemed Representatives of Parties is marked in a separate sheet annexed hereto, as also reflected hereinabove.

**In Re: Complaint against Mr. O.P. Sharma**

2. In the Preliminary Hearing held by me on 03.01.2020, it was brought to my attention by Learned Counsel for DDCA that with regard to the post of Treasurer, Mr. O.P. Sharma is holding the said post and he is also a sitting MLA of the Delhi Legislative Assembly. In this regard, a Complaint/Application had been filed by DDCA through its Apex Council before the erstwhile Learned Ombudsman on 11.12.2019 and a hearing in this regard had taken place on 16.12.2019. In the hearing dated 16.12.2019, Mr. O.P. Sharma appeared through his Counsel on the Notice issued to him and a time of 10 days was granted to him in order to file a reply. It was further stated that the proceedings could not attain finality due to change of Ombudsman. However, since at the time of Preliminary hearing, my office had not received the requisite files, therefore said issue was deferred to be taken up in future hearings.

3. After receiving some of the records from the office of erstwhile Learned Ombudsman and critically going through the Application filed by DDCA through its Apex Council, it was incumbent that the said issue be resolved as quickly as possible. After perusing the aforesaid record received from office of previous Ombudsman and on enquiring from DDCA officials, it was found that Mr. O.P. Sharma, had not filed his reply to the Application dated 11.12.2019.
4. In the hearing dated 19.01.2020, after acquainting myself with the Application dated 11.12.2019, filed by DDCA, I had called upon Mr. O.P. Sharma to file a reply to the said Application on or before 30.01.2020. It is pertinent to mention here that, this was a second chance given to Mr. O.P. Sharma to file his reply to the above-mentioned Application. Order of the hearing dated 19.01.2020 was sent on two Email IDs of Mr. O.P. Sharma i.e. [sharmaop77@yahoo.com](mailto:sharmaop77@yahoo.com) & [ops@ddca.co](mailto:ops@ddca.co). Said email IDs were deemed to be functioning and operative as Mr. Sharma had been previously interacting through these Email IDs only.
5. In the hearing dated 19.01.2020, neither Mr. O.P. Sharma or his Counsel appeared nor any reply on his behalf was filed before me. However, Mr. Sharma had sent a letter mentioning therein that he has not received any emails or notice with respect to the hearings. Same was also sent to me a day prior to the hearing dated 19.01.2020 from a new Email Id i.e. [sharmaopmla@icloud.com](mailto:sharmaopmla@icloud.com). Said mail of Mr. O.P Sharma was replied immediately, and all relevant Orders were once again sent therewith. It appears that Mr. O.P Sharma is deliberately trying to

delay the proceedings in one way or the other and Same also finds mention in my Order dated 30.01.2020 wherein it had been stated that,

*“13. ....in the given facts and circumstances, it should not lie in the mouth of Mr. O.P Sharma to say that he has not received the emails sent by me on earlier occasions, moreso when none of the emails have bounced back.*

*14. Not only this, pursuant to the first Notice sent to him with regard to the reference, he actually appeared through his Ld. Advocate before the erstwhile Ld. Ombudsman and took time to file a reply. Thus, his absence today in one pretext or the other is not justified.”*

6. Even though no plausible grounds had been made out to grant further time to Mr. O.P. Sharma, however on the principles of Natural Justice and to give a last opportunity of hearing, matter was again fixed for hearing of arguments on behalf of Mr. O.P. Sharma on 02.02.2020. However, even today neither anyone was present on behalf of Mr. O.P. Sharma nor any kind of reply had been filed by him, except for an email (again from a new Email ID i.e. [omprakashsharmabjp@gmail.com](mailto:omprakashsharmabjp@gmail.com)) wherein he has stated that he had been elected as Treasurer on 02.07.2018 and the Supreme Court's judgment 09.08.2018 in *BCCI v. Bihar Cricket Association & Ors.*, (2018) 9 SCC 624, is not applicable on him as the Supreme Court had allowed elections to be conducted prior to 05.07.2018 on the basis of existing Constitution/Article of Association (AOA) and that the said fact was apparent in various Orders passed by Supreme Court. Therefore, since his election was held in accordance with the previous AOA, he can still continue to hold the position of Treasurer while also holding the post of MLA. However, he did not produce any Order which stated that elections can be conducted on the previous Constitution/AOA.

7. Mr. O.P. Sharma in his letter further stated that, with regard to the AGM, proper notices were not issued and that the AGM was illegally held and further went on to describe the conduct of certain DDCA officials. He further stated that most of the Resolutions, including appointment of Ombudsman had been done illegally. He had further stated that, till date he had not received the copy of Complaint filed by DDCA. Mr. Ankur Chawla, Learned Counsel for DDCA in reply to the said letter stated that, with regard to the AGM and the resolutions passed therein, since DDCA is registered as a Company, remedy lies in filing an Application under Section 241 and 242 of the Companies Act. Till date, Mr. Sharma has neither gone to NCLT nor has he made any complaint before me in this regard. Moreover, since Mr. Sharma is talking about proper notices not being issued, perusal of the original records, video clips and attendance register etc. show that, he himself had attended the AGM.
8. Mr. Ankur Chawla further stated that, with effect from 13.11.2019, Mr. O.P. Sharma had stopped attending meetings and stopped signing the cheques required for meeting day to day expenses. Mr. Chawla further showed me the Minutes of the Meetings of Apex Council dated 05.12.2019 and 09.12.2019. In both these Meetings, Mr. O.P. Sharma was/ remained absent. Mr. Ankur Chawla further placed reliance on Article 8(5)(d) of the Unamended Article of Association of DDCA and Para 42 of *Board of Control for Cricket in India & Ors v. Cricket Association of Bihar & Ors.*, (2018) 9 SCC 624. Mr. Ankur Chawla concluded his arguments with respect to Application dated 11.12.2019, by stating that Mr. Sharma is only trying to delay the proceedings by one way or the other and that principle of natural justice cannot be used to delay the proceedings or to evade from one's liability or fate.

9. Looking at the facts and circumstances, it would be proper to analyse Article 8 of AOA of DDCA which deals with the disqualification of a person holding a public office.

Relevant extract has been reproduced below:

“8. *ELECTION AND TERM OF OFFICE BEARERS*

(1).....

.....

(5) *A person shall be disqualified from being an Office Bearer or a member of any Committee or a representative to BCCI or any similar organization if he or she:*

*(a) not a citizen of India*

*(b) has attained the age of 70 years*

*(c) is declared to be insolvent*

*(d) is a Minister or Government Servant or holds a public office;*

*(e).....”*

10. It is also pertinent to analyse Para 42 of the *Board of Control for Cricket in India & Ors v. Cricket Association of Bihar & Ors.*, (2018) 9 SCC 624. Relevant extract of Para 42 has been reproduced below:

“DISQUALIFICATION

“Clause 6(5) – *A person shall be disqualified from being an Office Bearer, a member of the Governing Council or any Committee or a representative to the International Cricket Council or any similar organization if he or she:*

*(a) ...*

*(b) ...*

*(c) ...*

*(d) is a Minister or Government Servant or holds a public office;*

(e)...”

11. After critically perusing Article 8 of the AOA and Para 42 of the judgment reproduced above, it can be said without a doubt that a person cannot hold any position in DDCA if he/she is a Minister or holds a public office. In the instant case, it is an admitted fact that Mr. O.P. Sharma is presently an elected member of the Delhi Legislative Assembly. Therefore, by virtue of Article 8(5)(d), Mr. O.P. Sharma should be disqualified from holding the post of Treasurer in DDCA as he is disentitled to hold two offices simultaneously.
  
12. With respect to the averment made by Mr. Sharma that Notices were not issued, it can be inferred that Mr. Sharma is deliberately trying to stall the proceedings by giving new email id every time. Moreover, not even his counsel appeared, though he knew about the meeting dated 02.02.2020. As an abundant caution and to apprise the general people about these proceedings, Orders passed by me are also being uploaded on the DDCA website and anyone can access the said Orders. Therefore, Mr. O.P. Sharma's stand that no notice was issued to him and that he didn't know about the proceedings cannot be taken as correct and a gospel truth. Moreover, principles of natural justice cannot be taken aid of, to evade the proceedings or to delay the same, more so when repeated notices on various emails had been sent to him on earlier occasions.
  
13. On the perusal of the above-mentioned documents, mail sent by Mr. O.P. Sharma and after hearing arguments of the Learned Counsel appearing on behalf of DDCA, it is hereby directed that Mr. O.P. Sharma stands disqualified from being an office bearer of DDCA in terms of Article 8(5)(d) of the Unamended Articles of Association of DDCA, with immediate effect. He is, hereby, directed to vacate the office of Treasurer at the

earliest. Thus, the Reference/Application filed by DDCA through Apex Council in this regard stands finally disposed off.

14. DDCA is further directed to hold the election for the post of Treasurer along with election of President of DDCA. In order to hold election for both the posts, an Electoral Officer needs to be appointed, who shall be a **former member of the Election Commission of India**. Same has also been prescribed under Article 33 and 34 of (Chapter 6 – Elections) of the AOA. In this regard, I have directed DDCA officials to furnish before me a list of individuals meeting the criteria mentioned above within 3 days from today out of which one will be selected to become the Electoral Officer. Moreover, the process of election shall be completed as soon as possible in accordance with Article 14 (Voting at the Annual General Meetings/ Extra-Ordinary, General meetings) and Article 33 (Procedure for Elections) of the AOA.

#### **In Re: Complaint against Mr. Rakesh Bansal**

15. With respect to the Complaints filed against Mr. Rakesh Bansal, it has been stated that various Complaints have been filed by certain members of DDCA. Not all of them can be taken in a single day. However, to deal with the issue, Complaints filed by Mr. Sunil Kumar Jain, Mr. Vishwajit Senapati and Mr. Ajay Sharma were taken up today. No one on behalf of Mr. Ajay Sharma had appeared today.
16. Mr. Vishal Singh, Learned Counsel representing Mr. Sunil Jain and Mr. Biswajit Senapati advanced his arguments on the said issue and had argued that Mr. Rakesh Bansal should be disqualified to be a member of the Apex Council under Article 8(5)(g) and Article 17(4)(g) the Unamended Articles of Association of DDCA as a complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881 against Mr. Rakesh Bansal before the Metropolitan Magistrate, Karkardooma Courts, New Delhi and a notice has

been framed against him under Section 251 of the Criminal Procedure Code, 1973. Learned Counsel further placed reliance on the judgment *Board of Control for Cricket in India & Ors v. Cricket Association of Bihar & Ors.*, (2018) 9 SCC 624 and argued for automatic disqualification of Mr. Rakesh Bansal presently holding the post of Acting President of DDCA.

17. In reply to the arguments advanced by Complainant's Counsel, Mr. Ankur Chawla, Learned Counsel representing DDCA had raised a preliminary objection that according to Article 41(b) of the Unamended Articles of Association, the complaint against Mr. Rakesh Bansal ought to have been filed before the Apex Council of DDCA. The Counsel has further submitted that the framing of notice under Section 251 of the Criminal Procedure Code, 1973 ("CrPC") does not amount to framing of charges under Criminal Procedure Code, 1973 and thus does not fall under the disqualification of Article 8(5)(g) the Unamended Articles of Association of DDCA. The relevant portion of Article 8(5)(g) is being reproduced hereunder:

"8. *ELECTION AND TERM OF OFFICE BEARERS*

...

- (5) *A person shall be disqualified from being an Office Bearer or a member of any Committee or a representative to BCCI or any similar organization if he or she:*

...

- (g) *has been charged by Court of Law for having committed any criminal offence, i.e. an order framing charges has been passed by a court of law having competent jurisdiction.*

..."

18. Extensive arguments were advanced by both the parties on the same, however, at this stage the said Issue cannot be decided as there are other complaints filed and pending



against Mr. Rakesh Bansal. Therefore, with regards to the issue of disqualification of Mr. Rakesh Bansal, the same will attain finality after dealing with all the other Complaints pending before me.

#### **Mails sent by Mr. Kirti Azad**

19. Mr. Kirti Azad, who is the Complainant in the age-fraud case against Mr. Manjot Kalra & Ors., vide his email dated 31.01.2020 alleged that he had not received any notices with regard to the Hearings. To the said Email sent by Mr. Azad, I had replied that his Email ID was marked in every mail sent by me and I had even reproduced relevant extract of the mails and Orders sent to him on the same email id, being used by him. Mr. Azad responded to the Email sent by me vide his email dated 01.02.2020 that he stands by what he said in his previous mail and that no notice was served. He further stated that, I should check whether the mails have bounced back or not. In short, he may be doubting whether the mails were actually sent or not. To put an end to this issue, I am hereby attaching the screenshots of the mails sent from my email id in which Mr. Kirti Azad's email has been marked and highlighted. Said screenshots are attached as Annexure A of this Order. It can be clearly seen that Mr. Azad's correct email ID has been marked in every mail. I must further add that, none of the emails have bounced back, meaning thereby that the same must have been received by him This puts an end to the controversy and Mr. Azad's objections.

#### **Directions to the DDCA Officials**

20. DDCA is directed to furnish its Bank Account details for the past three months i.e. for November 2019, December 2019 and January 2020 reflecting every expenditure/income being debited/credited in such account. This is to see whether the funds have been utilized in a proper manner or not. Let this be done within 10 days from today.

21. DDCA is further directed to hold the election for the post of Treasurer along with election of President of DDCA. In order to hold election for both the posts, an Electoral Officer needs to be appointed, who shall be a **former member of the Election Commission of India**. Same has also been prescribed under Article 33 and 34 of (Chapter 6 – Elections) of the AOA. In this regard, I have directed DDCA officials to furnish before me, a list of individuals meeting the criteria mentioned above within 3 days from today out of which one will be selected to become the Electoral Officer. Moreover, the process of election shall be completed as soon as possible in accordance with Article 14 (Voting at the Annual General Meetings/ Extra-Ordinary, General meetings) and Article 33 (Procedure for Elections) of the AOA.

Next Date(s) of Hearing shall be intimated by my Office shortly, after receiving the requisite details asked to be furnished by DDCA Officials

Date: 03.02.2020  
Place: New Delhi



Justice Deepak Verma  
Ombudsman  
DDCA

**DDCA HEARING DT.: 02/02/2020**

Sr. No.	Name	Tel. No.	Email Id	Sign
1	Advocate Mr. Ankur Chandra			
2	Advocate Mr. Gautam Puri			
3	Mr. Nitin Gupta (Director, DDCA)	9910240855	FEPLNITIN@GMAIL.COM	
(4)	Mr. Sumit Kumar Siddhant (Advocate)	8800443717	sumitk@id@gmail.com	(Advocate DDCA)
(5)	Sanjay Dhanwan (Advocate)	9871325271		(Advocate DDCA)
(6)	Meenakshi Chatterjee		meenak.law@gmail.com	(Advocate DDCA)
(7)	Akshay Ringe	9910664137	akshayringe@gmail.com	(Advocate Rakesh Bansal)
(8)	VISHAL SINGH (Adv)	9971226529	adv.vishal.singh@gmail.com	
(9)	RAVJ KUMAR (Adv)	9919112926	adv.ravi79@gmail.com	
(10)	Sumit Jain Sunil Jain v/s Rakesh Bansal	9810000001	suniljain@gmail.com	(Complainant)
11	ASHOK LIMWU	9871182601	singh ashok7@gmail.com (with Mr. Sewal Jais)	(Advocate)
12	AKSHAY SAHNI	9899939665	Sahniakshay9@gmail.com	(Advocate)
13	SANJAY BHARDWAJ	9811034519	bhardwajsanjay962@gmail.com	(DIRECTOR DDCA)
14	JAYANT MOHAN for DDCA	9650606272	jayant.mohan@chambers.net.in	(Advocate DDCA)

Place: New Delhi

Justice Deepak Verma (Retd.)  
Ombudsman / Ethics Officer



ANNEXURE - A

Deepak Verma <justicedverma@gmail.com>

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## Request for urgent hearing (Manjot Kalra case)

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Deepak Verma <justicedverma@gmail.com>

Wed, Jan 15, 2020 at 5:06 PM

To: Naveen Raheja <naveen@dlrpartners.com>

Cc: kirtiazad.mp@gmail.com, ddca@ddca.co, Vinod Tihara <secretary@ddca.co>, rakeshbansalddca@gmail.com, Gautam Dutta <gautamdutta@icloud.com>

Dear All,

In view of the application for recall and request for urgent hearing received earlier today from Mr. Naveen Kumar Raheja on behalf of Mr. Manjot Kalra, the concerned parties i.e. DDCA and the Complainant (Mr. Kriti Azad) are directed to file their response to the same by 17.01.2020. The applicant is also directed to file legible hardcopy of the application and accompanying documents with the office of the Ombudsman by 17.01.2020.

Looking at the urgency of the matter, the hearing shall take place at the office of the Ombudsman on 18.01.2020 at 6 pm.

Office Address:

D-19, Third Floor,  
Geetanjali Enclave  
New Delhi-110017

Kind Regards

Justice Deepak Verma  
Former Judge, Supreme Court of India  
Ombudsman- DDCA

[Quoted text hidden]

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**Request for urgent hearing (Manjot Kalra case)**

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Naveen Raheja <naveen@dlrpartners.com>  
To: justicedverma@gmail.com  
Cc: kirtiazad.mp@gmail.com, ddca@ddca.co

Tue, Jan 14, 2020 at 8:20 PM


Respected Sir,

I am writing to Your Lordship as a representative of Manjot Kalra, who represents Delhi and India in the discipline of cricket.

This e-mail is made with a request to kindly accommodate urgent hearing in a matter, where Ombudsman, Hon'ble Mr. Justice Badar Durrez Ahmad, vide order dated 16.12.2019, directed Manjot Kalra to give an undertaking. Said order has gravely prejudiced the player. Details and the factual matrix are in the application attached along-with the present mail. The attachment contains the application as well as all the relevant documents.

It is a prayer to kindly consider urgent hearing, since the ongoing Ranji matches are on and irreparable loss would occur, if the order dated 16.12.2019 is not recalled/modified.

Best Regards  
Naveen Kumar Raheja  
Managing Partner  
DLR Partners  
E-150, Lower Ground Floor  
Greater Kailash - II  
New Delhi - 110048 INDIA  
+91-98101 29691 (Mob.)

 Pages 101-124.pdf

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


**CONFIDENTIALITY NOTICE**

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**4 attachments**

-  **Index.pdf**  
901K
-  **Application.docx**  
128K
-  **Pages 8-50.pdf**  
7978K
-  **Pages 51-100.pdf**  
15141K

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**Order dated 18.1.2020**

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**Deepak Verma** <justicedverma@gmail.com>

Sat, Jan 18, 2020 at 8:32 PM


To: Gautam Dutta <gautamdutta@icloud.com>, Vinod Tihara <secretary@ddca.co>, vice.president@ddca.co, rakeshbansalddca@gmail.com, chambersofac@gmail.com, sahniakshay@gmail.com, devashish@chambersofdc.com, Naveen Raheja <naveen@dlrpartners.com>, adi\_chamoli@yahoo.in, kohli.purva@gmail.com, bhardwajsanjay1962@gmail.com, [kirtiazad.mp@gmail.com](mailto:kirtiazad.mp@gmail.com)

Dear All concerned,

**Please find enclosed herewith Order dt. 18.01.2020.**

Justice Deepak Verma  
Former Judge, Supreme Court of India  
Ombudsman  
Delhi & District Cricket Association

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 **Order dt. 18.1.2020.PDF**  
2406K

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**Order dated 19.1.2020**

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**Deepak Verma** <justicedverma@gmail.com>

Sun, Jan 19, 2020 at 2:24 PM


To: Gautam Dutta <gautamdutta@icloud.com>, Vinod Tihara <secretary@ddca.co>, vice.president@ddca.co, rakeshbansalddca@gmail.com, chambersofac@gmail.com, sahniakshay@gmail.com, devashish@chambersofdc.com, Naveen Raheja <naveen@dlrpartners.com>, adi\_chamoli@yahoo.in, kohli.purva@gmail.com, bhardwajsanjay1962@gmail.com, **kirtiazad.mp@gmail.com**, manjotkalra22@gmail.com

Dear All concerned,

**Please find enclosed herewith Order dt. 19.01.2020.**

Justice Deepak Verma  
Former Judge, Supreme Court of India  
Ombudsman  
Delhi & District Cricket Association

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 **DDCA Order dated 19.01.2020.pdf**  
1308K