

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

INTERIM ORDER DATED 15.04.2020

1. I am in receipt of an Urgent Application dated 15.04.2020 (received at 1:40AM) filed by Mr. Sanjay Bhardwaj wherein he has brought my attention towards a Resolution, which has been initiated by Mr. Rajan Manchanda for establishment of a new Committee which shall deal with appointment of a new Standing Counsel for DDCA. It was further stated that, within a few minutes, three directors i.e. Mr. Alok Mittal, Mr. Apurv Jain and Mr. Nitin Gupta along with one Sudhir Kumar Aggarwal approved the said resolution.
2. I have also been informed that said resolution has already been rejected by 4 members of Apex Council who are Mr. Rakesh Bansal, Mr. Vinod Tihara, Mr. Sanjay Bhardwaj and Mr. S.N. Sharma.
3. Application further stated that the resolution is per se illegal and contrary to the interests of DDCA. It has been further stated in the Application that, said resolution is vitiated by Conflict of Interest as the persons who have presented and approved the said resolution are facing disciplinary enquiry before me.
4. A mail has also been received from Mr. Rajan Manchanda in the morning at 10:30 AM stating that Apex Council with requisite majority has approved all the three proposed resolutions, whereby the engagement of Mr. Gautam Dutta, Legal Advisor and Standing Counsel has been terminated by Apex Council with immediate effect and is no more authorised to represent DDCA in any capacity. However, he has failed to produce as to how such a majority has been achieved because Apex Council consists of 10 members and whether the rest of the 6 members approved the said Resolution is not known. As per Section 175 of the Companies Act 2013, if one-third of the total number of directors of the company for the time being require that any resolution under circulation must be decided at

a meeting, the chairperson shall put the resolution to be decided at a meeting of the Board.

5. As mentioned above, 4 members of Apex Council have already rejected the resolution and in such a case, the same needed to be considered at a meeting of the Apex Council. Even otherwise, such a resolution is unlawful as the persons who have presented and approved the said resolution are facing disciplinary enquiry before me. Such an action speaks volumes of their conduct as they have throughout attended the online hearing yesterday and have presented & approved the resolution late in the night. They never raised any objection either with regard to holding of the meeting on Skype or raise any objection with regards to continuance of Gautam Dutta as Standing Counsel of DDCA.
6. On one hand they have sought time to file their written replies and on the other hand, they are trying to remove the Counsel who is arguing against them, in the Complaints pending before me.
7. Such members cannot be allowed to alter the working of DDCA till the time Complaint/Disciplinary Enquiry against them (pending before me) attains finality. In light of this urgency, I hereby direct that Mr. Rajan Manchanda, Mr. Apurv Jain, Mr. Alok Mittal and Mr. Nitin Gupta are not to perform any DDCA function till the time their Complaint/Disciplinary Enquiry against them (pending before me) attains finality and a Status Quo be maintained till then.
8. Members mentioned above in Para 7 are not to engage in any administrative work, financial work or in anyway be involved in any decision-making process for and on behalf of DDCA. Said resolution dated 15.04.2020 received at 10:30 AM is hereby stayed and Mr. Gautam Dutta shall continue to perform his functions as DDCA Standing Counsel at least till the time Complaints pending before me attain finality.
9. I further direct that a Status Quo be maintained till the time this issue (pending complaints and disciplinary enquiry) attains finality and in the meantime, if any

function/action on behalf of DDCA is to be carried out, same be done by intimating the Ombudsman.

10. Signed copy of the same shall be circulated to all shortly.

Date - 15.04.2020

Place – New Delhi

Justice Deepak Verma

Ombudsman

DDCA