

**BEFORE JUSTICE DEEPAK VERMA (RETD.), OMBUDSMAN
DELHI & DISTRICT CRICKET ASSOCIATION
HEARD (THROUGH VIDEO CONFERENCING) ON 01.07.2020
BETWEEN 2 PM TO 2:55 PM, JABALPUR (MP)**

1. Following Learned Advocates and Members of Apex Council were present in today's meeting:
 - i. Mr. Ankur Chawla - Advocate
 - ii. Mr. Gautam Dutta - Advocate
 - iii. Mr. Vinod Tihara – Secretary / Director (through telecon)
 - iv. Mr. Rajan Manchanda – Joint Secretary (Disqualified)
 - v. Mr. Sanjay Bhardwaj – Director (Cricket)
 - vi. Mr. S.N. Sharma – Director
 - vii. Mr. Sudhir Kumar Agrawal – Director
 - viii. Ms. Renu Khanna – Director

2. On 22.06.2020, an Emergent Meeting of the Apex Council had taken place to comply with the directions given by Hon'ble High Court to hold Elections. In furtherance of the same, Apex Council vide Item No. 9 of the Minutes of Meeting resolved as follows:

“Resolved that, the assent of the Apex Council is hereby accorded to the Hon'ble Ombudsman to fix, date, place and time for holding “draw of lots” to ascertain the name of the Directors who would retire by rotation in compliance of the Order of the Hon'ble Delhi High Court in FAO no. 92/2020.”

3. The above-mentioned Minutes were sent to me and after going through the same, and in order to initiate the process of Elections, I had sent an Email dated 29.06.2020, wherein all the Apex Council members were invited to join a Video Conference today. The purpose of calling all the Apex Council members was to carry out the draw of lots, discuss the Agenda of Elections and accordingly fix a suitable date for the said Elections.

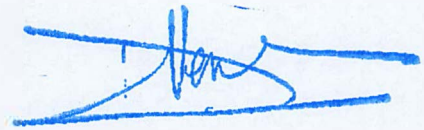
4. After sending the mail dated 29.06.2020, various emails from different members of DDCA have been received wherein it has been alleged that Ombudsman is carrying out the functions of Apex Council and that Agenda of Elections is to be decided by Apex Council and not Ombudsman. This is to make it clear that, I am very well aware that above-mentioned actions have to be performed by Apex Council and the same would obviously be done by Apex council only. I am only facilitating the process. There is no denying the fact that holding of draw of lots and preparing of Agenda of Elections is to be done by Apex Council, however, in order to comply with High Court directions and to show transparency and fairness, they had requested me to carry out the draw of lots, to which I had agreed.
5. To set the record straight, I at the start of the meeting informed everyone that today's meeting is being recorded for future purposes. Moreover, since numerous emails (mentioned above) had been received, I proposed to Mr. Vinod Tihara (Secretary) to call for a Apex Council Meeting wherein Apex Council can invite me as a "Special Invitee" through Video Conference and then the draw of lots can be done and further Agenda of the Elections can be discussed. Mr. Vinod Tihara agreed to the said proposal and suggested keeping the meeting on 04.07.2020 at 12PM as said time slot is already fixed for DDCA Hearing earlier. It was informed to him that, as per Article 18 of AOA, notice of such Apex Council Meeting be sent to all concerned through Email and Whatsapp. Mr. Vinod Tihara further stated that he would also like to invite Mr. Navin Chawla (Electoral Officer) as "Special Invitee" to the said meeting.
6. Therefore, in light of the above, Draw of lots shall be done and Agenda of Elections shall be discussed in Apex Council meeting dated 04.07.2020. It is clarified that even if draw of lots were held and Agenda of Elections was discussed today, it would not have been unlawful, however on my own accord, I have suggested that the same be done through a Apex Council Meeting.

7. After fixing of the above-mentioned Apex Council meeting on 04.07.2020, Mr. Rajan Manchanda and raised his hand and stated the following points:
 - i. In order to announce the Elections, a minimum of 7 days' notice needs to be given.
 - ii. He has further sought clarification as to, under which Article of Association, the current Elections are being held (whether the Old Constitution or New Constitution).
8. In addition to the above, Mr. Rajan Manchanda and Mr. Sudhir Kumar Agrawal, both stated that, if the Elections are being held, as per the New Constitution i.e. AOA dated 29.12.2019, then there will be no need to carry out the Elections for posts of Directors.
9. In reply to the above-mentioned points raised by Directors of Apex Council, Mr. Ankur Chawla clarified that Order of 17.06.2020, passed by Hon'ble High Court is a Consent Order (made with consent of Mr. Rajan Manchanda and Mr. Sudhir Kumar Agrawal) and as it is, it does not refer to any Articles of Association. Order passed by High Court was to hold Elections for 6 posts (President, Treasurer, and 4 Directors) and that is exactly what this Apex Council intends to do.
10. In light of the above, neither the draw of lots was held today, nor was there any discussion on the Agenda of the Elections. The same is to be done in an Apex Council meeting which is to be held on 04.07.2020 at 12PM.
11. I request the Apex Council to send me details of joining Apex Council through Video Conference. The said Apex Council Meeting through Video Conference will also be joined by with one of my Associates who shall be assisting me in the process.

12. It is also clarified that although the 4 members of Apex Council (i.e. Mr. Rajan Manchanda, Mr. Apurv Jain, Mr. Alok Mittal and Mr. Nitin Gupta) are disqualified from carrying out any function for and on behalf DDCA, however, they shall be invited to join& attend the next Apex Council meeting (as an exception to my Order dated 15.04.2020) wherein draw of lots shall be held.
13. It is also made clear to everyone that, I will not be charging any fees for today's meeting.

Date - 01.07.2020

Place – Jabalpur



Justice Deepak Verma

Ombudsman

DDCA