

**BEFORE HON'BLE MR. JUSTICE M.M. KUMAR (RETD.)
FORMER CHIEF JUSTICE, HIGH COURT OF J&K,
OMBUDSMAN-CUM-ETHICS OFFICER
DELHI & DISTRICT CRICKET ASSOCIATION (DDCA)**

IN THE MATTER OF:

ANAND SINGH

... Complainant

Versus

AVDESH SHARMA & ORS.

... Respondents

APPEARANCES:

For Complainant: None

For Respondents: Mr. Gautam Dutta, Advocate.

For DDCA: Mr. Saurabh Chadda and Mr. Rohit Bhagat, Advocates.

ORDER
(Dated 11.03.2024)

Pursuant to the Order dated 21.02.2024, the Respondents were granted 2 (two) weeks time to file a reply to the present Complaint as well as the Show-Cause Notice issued by the Interim CEO, DDCA. However, no reply has been filed by the Respondents.

Instead of complying with the Order dated 21.02.2024, Mr. Gautam Dutta, Ld. Counsel for the Respondents argued that vide Order dated 10.02.2024 the Complainant was directed to file an Affidavit in support of his complaint. However, since no such Affidavit has been filed, the present complaint is not maintainable and ought to be dismissed.

It is pertinent to mention that no such issue was raised by Mr. Dutta, on the last date of hearing, wherein he had sought time to file a reply to the present Complaint as well as the Show-Cause Notice issued by the Interim CEO, DDCA.

Mr. Saurabh Chadda, Ld. Counsel for DDCA has submitted that, in any case, as per Article 19 of the Articles of Association of DDCA ("AoA") the DDCA



has concurrent jurisdiction and control inter alia over Players. Further, the Show-Cause Notice has been issued by the Interim CEO, DDCA in terms of Article 20 and 21 of the AoA read with Article 42 of the AoA. He has also relied upon the 'Additional Measures to eradicate age and domicile fraud in Cricket' issued by the BCCI on 31.10.2020. Hence, he has submitted that the Respondents ought to file a reply to the aforesaid Show-Cause Notice, so that the inquiry can be concluded by the Interim CEO, DDCA.

Though it is correct that the Complainant was directed vide Order dated 10.02.2024 to file an Affidavit in support of his complaint. However, the Ld. Ombudsman-cum-Ethics Officer vide the same Order, after being prima facie convinced regarding the allegations, had issued show-cause notice to the Respondents. Therefore, the non-filing of the Affidavit by the Complainant cannot be any reason for the Respondents not to file a reply.

Furthermore, it has been rightly pointed out by the Ld. Counsel for DDCA, that the Inquiry before the Interim CEO, DDCA is being conducted in terms of Article 20 and 21 of the AoA read with Article 42 of the AoA. The said inquiry can be initiated on any complaint received from any quarter or on its own motion. In this regard, it is worthwhile to reproduce Article 42 (1) (c) of the AoA:

“(a) Misconduct or Breach by Others

In the event of any complaint being received from any quarter or based on any report published or circulated or on its own motion of any indiscipline or misconduct or violation of any of the Rules and Regulations by any player, Umpire, Team Official Selector or any person associated with the DDCA, the Apex Council shall refer the same within 48 hours to the CEO to make a preliminary enquiry.

Procedure: The CEO shall forthwith make a preliminary inquiry and call for explanation from the concerned person(s) and submit his report to the Apex Council not later than 15 days from the date of reference being made by the Apex Council. On receipt of the report, the Apex Council shall forward the same to the Ombudsman, who shall call for all particulars and unless it decides that there is now prima facie case and accordingly drops the charge, hearing shall commence on the case and the same shall be completed as expeditiously as possible by providing a reasonable opportunity to the parties of being



heard. If, despite due notice, any party fails to submit any course or submit insufficient cause, the Ombudsman shall after providing reasonable opportunity of hearing to the parties concerned pass appropriate order in the event any party refuses and or fails to appear despite notice, the Ombudsman shall be at liberty to proceed ex-parte on the basis of the available records and evidenced."

(emphasis supplied)

In light of the above, there is no reason for the Respondents not to file a reply to the Show-Cause Notice issued by the Interim CEO, DDCA.

However, in the interest of justice, the Respondents are granted one last opportunity to file their reply to the present Complaint, as well as, to the Show-Cause Notice issued by the Interim CEO, DDCA, within one week from today.

Further, to put the controversy to rest, the Complainant is directed to file an Affidavit in support of the Complaint, within one week from today.

Thereafter, the DDCA is directed to file a supplementary Status Report of the Interim CEO, DDCA.

The matter to come up for hearing on 28.03.2024 at 5:00 PM via virtual hearing.



**JUSTICE M.M. KUMAR (RETD.)
FORMER CHIEF JUSTICE, HIGH COURT OF J&K
OMBUDSMAN-CUM-ETHICS OFFICER (DDCA)**

11.03.2024