

Cricket Association of Bihar

v.

Board of Control for Cricket in India & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE A.K. PATNAIK HON'BLE MR. JUSTICE J.S. KHEHAR

Interlocutory Application No. 2 In Slp (C) No. 26633 Of 2013 | 08-10-2013

Heard the learned counsel for the parties.

We had passed an order on 27-9-2013 (Cricket Assn. of Bihar v. Bank of Control for Cricket in India, (2014) 7 SCC 394), in the interlocutory application that the proposed annual general meeting of the Board for Control of Cricket in India (BCCI) may be held on 29-9-2013 as scheduled and election in the annual general meeting may also be held and in case Respondent 2 (N. Srinivasan) is elected as President, he will not take charge until further orders.

After the aforesaid order, the annual general meeting of BCCI as well as the election in the annual general meeting were held and Respondent 2 was elected as the President. Considering the fact that in PIL Petition No. 55 of 2013 which was filed by the petitioner before the Bombay High Court, the petitioner had challenged the constitution of the Probe Committee comprising two retired Judges of the Madras High Court and the Bombay High Court in the impugned order (Cricket Assn. of Bihar v. Board of Control for Cricket in India, (2013) 5 AIR Bom R 598), had held the constitution of the Probe Committee as ultra vires the IPL Rules and considering the fact that Respondent 2 has been re-elected as the President of BCCI, we need to constitute a Probe Committee for inquiring into the allegations of betting and spot fixing against Gurunath Meiyappan, who happens to be the son-in-law of Respondent 2, as well as the team owner of IPL, franchisee Rajasthan Royals.

Without casting any aspersion on the two retired Judges of the Madras High Court who constituted the earlier Probe Committee, and considering the fact that Mumbai Police has submitted the charge-sheet against Gurunath Meiyappan, we are of the view that a Probe Committee comprising members who can function independently of BCCI and its President (Respondent 2) should be constituted for probing the allegations referred to in the PIL petition filed before the Bombay High Court.

When the matter was taken up in the Court on 7-10-2013, we suggested that a fresh Probe Committee comprising Mr. Justice Mukul Mudgal (retired Chief Justice of the Punjab and Haryana High Court); Mr. L. Nageswara Rao, Senior Advocate and Additional Solicitor

General; and Mr. Nilay Dutta, Senior Advocate, who are well-acquainted with the sport of cricket, should constitute the Probe Committee. We, therefore, requested the learned counsel for the parties, to offer their comments on the proposed Probe Committee.

When the matter was taken up today, the rival parties had no objection to the composition of the proposed Committee. We, therefore, appoint a Committee comprising;

(i) Mr. Justice Mukul Mudgal (retired Chief Justice of the Punjab and Haryana High Court as Chairman.

(ii) Mr. L. Nageswara Rao, Senior Advocate and Additional Solicitor General as Member.

(iii) Mr. Nilay Dutta, Senior Advocate, Gauhati High Court as Member.

The Registry will send a copy of PIL Petition No. 55 of 2013 which was filed before the High Court and which is also part of the record of this Court to the Chairman and other two Members of the Committee with copies of this order and the Probe Committee so constituted will inquire only into the following allegations which are the subject-matter of Prayers (a) and (b) of the PIL petition filed before the High Court:

(a) The allegations of betting and spot fixing in the IPL matches against Gurunath Meiyappan, allegedly the team principal of Chennai Superkings, the 3rd respondent and the player and the 4th respondent/team owner of IPL franchisee Rajasthan Royals.

(b) The allegations against Gurunath Meiyappan, Respondents 3 and 4 with regard to their involvement in spot fixing and betting.

BCCI will bear all the expenses of travel, boarding and lodging. The Chairman and the Members of the Committee will also be entitled to a fee of rupees one lakh per working day from BCCI.

In view of the constitution of the Probe Committee and exclusion of BCCI as well as Respondent 2 from the probe, it will be open for Respondent 2 to take charge of BCCI as its President. We, however, make it clear that BCCI or Respondent 2 will not in any way interfere with the probe conducted by the Probe Committee and shall cooperate with the probe by giving all necessary information and documents and materials to the Probe Committee.

List this matter immediately after the receipt of the report from the aforeconstituted Committee along with the records of SLP (C) No. 25027 of 2013.