

FACT FINDING/DISCREET ENQUIRY REPORT

GENESIS OF THE ENQUIRY:

Order dated 26.10.2021 passed by the Hon'ble Ombudsman-cum-Ethics Officer, Punjab Cricket Association, Mohali. Relevant portion of which order is reproduced hereunder:

"In order to arrive at the right conclusion and clear the dust, the discreet inquiry is required to be conducted, before proceeding further in this complaint".

"I would not like to observe further in this regard else it might prejudice the parties as the complaint is pending and final decision is yet to be taken after fact finding inquiry report from the inquiry officer".

"Keeping in view the allegations levelled in the complaint, the inquiry officer would be at liberty to inspect the record of the PCA and the record of the Association."

BASIS AND SOURCES OF THE ENQUIRY:

Basis and sources of this enquiry are as under:

1. Record produced by the Complainant in the form of compendium mentioned in this report as Complainant's Compendium (CC).
2. Record produced by the CEO, PCA in the form of compendium mentioned in this report as PCA Compendium (PCA-C).
3. Additional Record produced by the CEO, PCA in the form of Additional compendium mentioned in this report as PCA-Additional Compendium (PCA-AC).
4. Complaint submitted to Hon'ble Ombudsman-cum-Ethics Officer, PCA, Mohali mentioned in this report as CO-OD).
5. Office file of the Enquiry Officer mentioned in this report as Office File (OF).
6. Order Sheet of the Enquiry Officer mentioned in this report as Order Sheet (OS).

It is to be specifically mentioned that vide statement dated 18.12.2021, CEO, PCA has stated that he has no more documents concerning this enquiry except the documents already submitted

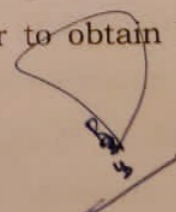
ABBREVIATIONS USED IN THIS REPORT:

Abbreviations used in this Report are Explained as below:

- CC- Complainant's Compendium
- PCA-C – PCA Compendium
- PCA-AC- PCA Additional Compendium
- CO-OD – Complaint filed before Hon'ble Ombudsman-cum-Ethics Officer, PCA, Mohali
- OF- Office file
- OS- Order Sheet

REPORT:

- 1) Vide order dated 26.10.2021 (Page No. 1-5 of the Office file hereinafter referred to as 'OF'), the Hon'ble Ombudsman-cum-Ethics Officer, Punjab Cricket Association, Mohali directed the Chief Executive Officer, Punjab Cricket Association, Mohali to appoint an Inquiry Officer. The aforesaid order has been passed at the instance of one Amrit Pal who is a resident of Ferozepur and *inter-alia*, his grievance in his complaint before the Hon'ble Ombudsman-cum-Ethics Officer is that allegedly both the aforesaid Associations are being run by same set of persons, using same PAN Card Number to obtain illegal benefits.



- 2) In view of the order dated 26.10.2021, the undersigned received a communication dated 29.10.2021 (Page 6 of the OF) from the office of Chief Executive Officer, Punjab Cricket Association and I was requested to take up the assignment as indicated in the order dated 26.10.2021. In response thereto, I accepted the assignment of an Inquiry Officer and conveyed the same (Page Nos. 7-11 of the OF).
- 3) Vide e-mail dated 17.11.2021 from this office, the Ferozepur District Cricket Association was called upon to produce certain documents enumerated in the said mail at email id fzrdca@gmail.com. (Page Nos 15-16 of the Office File (hereinafter referred to as 'OF')). Finding no revert of the said mail, fresh request was made by office of the undersigned on 24.11.2021 to the District Association at mailing address fzrdca@yahoo.com to send the said documents listed therein (Page No. 21-22 of the OF). This office received revert on 29.11.2021 from fzrdca@yahoo.com revealing that the association has sought more time (Page No. 21 of the OF) to supply the documents sought for.
- 4) Then proceedings were conducted on 01.12.2021 but no documents were received from the District Association (Order as A-1 in the Order Sheet-hereinafter referred to as 'OS'). Thereafter, proceedings were held on 11.12.2021. Having received no documents/revert from the District Association, till 11.12.2021, it was ordered on 11.12.2021 (Order as B-1-B-2 in the OS) that some responsible official of the District Association be available at 04:30 on 18.12.2021 to produce the said records of Ferozpur District Cricket Association and Ferozepur District Cricket Association was called upon to produce some more documents, details of which were given in a separate e-mail sent on fzrdca@gmail.com and fzrdca@yahoo.com dated 11.12.2021 itself from this office (Page 26-27 of the OF). The said documents were specifically directed to be produced by 18.12.2021.

- 5) Tenor and temperament of order dated 11.12.2021 sent through mail dated 11.12.2021 to the District Association was that some responsible official of the association was expected to be present with documents sought for but these directions were followed more in breach.
- 6) Instead of appearance of some responsible official of the District Association, an advocate namely Sh. Mandeep Kaushik appeared with a Memo and purported e-mail (On file as C-6 - C-7 of the OS) of District Association authorizing him to appear in this enquiry.
- 7) An opportunity was granted to the District Association to produce the relevant record, no record was produced. Even when some responsible official of the District Association was called upon to attend the enquiry on 11.12.2021, no seriousness was shown. Even on 18.12.2021, Mr. Kaushik, an advocate appeared on behalf of the District Association. He simply sought some more time. It may be noticed that instead of cooperating and helping this enquiry officer in accomplishing the given task, the approach has been to delay and dilate without showing any responsible conduct. There was no justification for giving any further time to the District Association for production of record. No more time thus, was granted. Adv Mandeep Kaushik appearing for the District Association was made clear about this.
- 8) It is a fact finding and discreet enquiry. Necessary documents were sought for. Those never came. No seriousness has been shown by the District Association. Due to casual and indifferent approach of the District Association, this enquiry officer has to depend upon other sources for collection of relevant documents. Because of their indifferent approach, the district Association has lost its chance of production of documents so as to be of help in conduct of the enquiry.

- 9) However, in compliance of order dated 11.12.2021, Sh. Ajay Pal Singh Madaan (for the Complainant) submitted photocopies of documents of possession of the Complainant which he has procured from different sources concerning the present enquiry in indexed form which is kept on record as Complainant's compendium (hereinafter referred to as CC). A separate statement of Sh. Madaan to this effect was recorded on 18.12.2021 which is at page No. C-4 of OS.
- 10) Similarly, Sh. Deepak Sharma, CEO, PCA, Mohali has found out, arranged and properly indexed documents available with the PCA (which he states that the same were already sent through e-mail dated 17.11.2021). The same have been prepared in the shape of a compendium for convenience and clarity. The said compendium with index appended thereto has also been taken on record. hereinafter referred to as PCA Compendium (PCA-C). His statement also has been recorded to this effect (Page No. C-5 of the OS). Additionally, there were few more documents which Sh. Deepak Sharma found in official record maintained in regular course of business by the officials in discharge of their duties, copies of which have also been submitted in the form of an additional compendium (hereinafter referred to as PCA Additional Compendium (PCA-AC).
- 11) Role of the undersigned is limited to verify the contents of the complaint filed by the complainant. Relevant portion of the order dated 26.10.2021 of the Hon'ble Ombudsman-cum-Ethics Officer, Punjab Cricket Association, Mohali is reproduced hereunder:

"In order to arrive at the right conclusion and clear the dust, the discreet inquiry is required to be conducted, before proceeding further in this complaint."

"I would not like to observe further in this regard else it might prejudice the parties as the complaint is pending and final decision is yet to be taken after fact finding inquiry report from the inquiry officer".

"Keeping in view the allegations levelled in the complaint, the inquiry officer would be at liberty to inspect the record of the PCA and the record of the Association".

- 12) The undersigned has gone through the records obtained during the course of inquiry and the contents of the complaint pending before the Hon'ble Ombudsman-cum-Ethics Officer. This inquiry report as a whole is consequential to the order of the Hon'ble Ombudsman-cum-Ethics Officer, PCA, Mohali and thus is expected to be of avail and desired advantage in the enquiry proceedings underway before the Hon'ble Ombudsman-cum-Ethics Officer, PCA, Mohali.

FINDINGS

- i) The abbreviation for **Ferozpur District Cricket Association** and **Firozpur District Cricket Association** is same that is, FDCA and it is being used by both the entities.
- ii) On record, Ferozpur District Cricket Association is an unregistered body having its office at 8th, The Mall, Opposite Town Hall, Krishna Marg, Firozpur City-152002 (Page No. 3 of PCA-C) claiming affiliation with Punjab Cricket Association. However, in some communications, address has been mentioned to be 32, Kirti Nagar, Ferozpur City (Page Nos. 36 & 37 of PCA-C).
- iii) The Firozpur District Cricket Association has also claimed to be having its office at 32, Kirti Nagar, Ferozpur City 152002 (Page No. 21 of PCA-C).

iv) Ferozpur District Cricket Association is a registered Society claiming to be affiliated with Punjab Cricket Association (Page 38 of PCA-C).

v) As per the record, Ferozpur District Cricket Association is an unregistered body and it is shown to be affiliated with Punjab Cricket Association as per its official website (Page No. 15 & 16 of Complaint submitted to Hon'ble Ombudsman-cum-Ethics Officer hereinafter referred to as 'CO-OD').

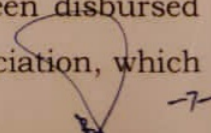
vi) The office of Chief Executive Officer, Punjab Cricket Association could not provide any affiliation letter or records in this regard. It may be noted that no address has been published on the website of Punjab Cricket Association.

Thus, the claim of Ferozpur District Cricket Association that it is affiliated with Punjab Cricket Association is not substantiated from the documents and material on the file.

vii) The Ferozpur District Cricket Association claims to be a Society registered under the Societies Act, 1860, however, despite opportunity neither Ferozpur District Cricket Association nor Punjab Cricket Association could provide any certificate issued by the Registrar, Firms and Societies, Punjab or its District Office, Ferozpur (Page No. 1 of CC).

Conclusion is that Ferozpur District Cricket Association (as claimed on Page No. 4 (b) of PCA-AC as part of PAN card) is not a registered Society under the Societies Act, 1860.

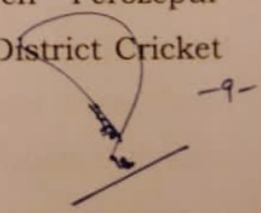
viii) It is evident (Page No. 17 of PCA-AC) that from 2004-05 till September, 2021 various sums have been disbursed in favour of Ferozpur District Cricket Association, which is an unregistered Society.



- ix) *Sine-Qua Non* for all financial transactions including receipt of monetary benefits is a Permanent Account Number (PAN) Card and Ferozepur District Cricket Association has been using PAN Card No. AAAAF4329G and copy of the PAN card is on record as Page No. 17 of CO-OD and perusal thereof would show that date of incorporation of the alleged Society is 17.02.1987 (Page No. 4-b of PCA-AC).
- x) The complainant has provided another copy of the PAN Card containing identical PAN Card No. AAAAF4329G (Page 12-B of the OF) in the name of Ferozpur District Cricket Association. This PAN Card also contains all other details identical to the document at (Page No. 4-b of PCA-AC) carrying the name of Ferozepur District Cricket Association including the date of incorporation.
- xi) It is beyond comprehension that two different entities have been issued same PAN Card No. AAAAF4329G having same date of incorporation - 17.02.1987 but on this date, neither of the Societies is found to be registered under the Societies Act, 1860. Genuineness of PAN Card itself is under cloud.
- xii) In absence of any clarification from the FDCA, it appears that same PAN Card number is being used by both the Societies, Ferozepur District Cricket Association being an unregistered body and Ferozpur District Cricket Association being a registered body. The undersigned cannot give beyond this observation on this issue and it is for the Hon'ble Ombudsman-cum-Ethics Officer, Punjab Cricket Association to further look into this aspect.
- xiii) Ferozpur District Cricket Association is a registered Society and there is a registration certificate bearing No. FZR.1852 of 2005 (26.07.2005) (Page No. 4-b of PCA-AC) and it was obtained based on an affidavit dated 11.05.2005 (Page No. 3 of CC) submitted by the then

President of Firozpur District Cricket Association Sh. R.N. Maini drawing support from a resolution dated 08.05.2005 (Page No. 4 of CC) drawn on a plain paper. Proper resolution for registration of Firozpur District Cricket Association had been passed on 12.06.2005 (Page 15 of CC) and it appears that affidavit dated 11.05.2005 was executed even before passing of a formal resolution and the resolution dated 12.06.2005 bears signatures of Inderjeet Saggar (Page No. 15 of CC) as Treasurer, whereas on this date, Mr. Ashok Manchanda was the Treasurer (Page No. 14 of CC).

- xiv) On the PAN Card of Firozpur District Cricket Association the date of incorporation is mentioned as 17.02.1987, whereas, it is on 12.06.2005 that for the first time a resolution was passed to get Firozpur District Cricket Association registered under the Societies Act, 1860. The necessary corollary is that from 17.02.1987 till 26.07.2005, Firozpur District Cricket Association was an unregistered Society and its existence is also doubtful because the representative member (Page No. 50 of PCA-C) as per Articles of Association of PCA are in the name of Ferozepur District Cricket Association, which is an unregistered Society till date.
- xv) Letter Head of Firozpur District Cricket Association (Page No. 3 of PCA-AC) has been used to submit the PAN Card of Ferozepur District Cricket Association (Page No. 4-b of PCA-AC), the Articles of Association of Ferozepur District Cricket Association and its amended articles of association (Page Nos. 4-e of PCA-AC). In the Articles of Association, abbreviation FDCA has been used apparently to create confusion between Ferozepur District Cricket Association and Firozpur District Cricket Association.




- xvi) It is Ferozpur District Cricket Association, which claims to have affiliation with Punjab Cricket Association. On record made available there is neither any request of DCS nor any other document to show that Ferozpur District Cricket Association has any affiliation with Punjab Cricket Association.
- xvii) Both Ferozpur District Cricket Association and Ferozpur District Cricket Association are using same Bank Account No. 09410210001462- UCO Bank, Mochi Bazar, Ferozpur (Page Nos. 4 to 4-e of PCA-AC). The balance sheets of Ferozpur District Cricket Association are on record (Page Nos. 5-16 of PCA-AC) and thus, it is evident that an unregistered society was receiving monetary benefits from Punjab Cricket Association. The funds released by Punjab Cricket Association apparently are being utilized by Ferozpur District Cricket Association, which has no affiliation (on record) with Punjab Cricket Association.
- xviii) It appears that all the documents pertaining to different years i.e. from the year 2006 to 2019 (Page Nos. 23-61 of CC) have been submitted on the same date just to complete the records in pursuance of a communication dated 24.10.2019 (Page No. 62 of CC) bearing Memo No. 1168 issued by the office of Additional Registrar-cum-General Manager, Ferozpur. The communication dated 24.10.2019 is in vernacular language and is addressed to Sh. Nitin Mehta, Office Secretary, FDCA. There is no document on record showing change of address of Ferozpur District Cricket Association from 8th Mall, Ferozpur to 32, Kirti Nagar, Ferozpur City.
- xix) The Articles of Association on record are in name of Ferozpur District Cricket Association and these have been shown to be adopted by Ferozpur District Cricket Association on 17.02.1987. In the aims and objects as

mentioned in Articles of Association of Ferozpur District Cricket Association, it has been mentioned that Firozpur District Cricket Association shall strive for promotion of the game of cricket.

- xx) It is on record that Ferozpur District Cricket Association/Firozpur District Cricket Association has been maintaining different versions of memorandum of Articles of Association. There is no record available to show sending of any intimation to Punjab Cricket Association and office of Registrar, Firms and Societies, Government of Punjab.
- xxi) The resignation (Page No. 60 of CC) allegedly submitted in January 2017 and accepted on 01.01.2017 is not vouched by any other record. Certain members Gurdip Singh and Anoop Kaura were respectively taken as Ordinary Members in the General House conducted on 24.06.2012 (at Sr. No. 2 of Agenda item No. 4, Page No. 36 of CC) and 22.06.2014 (at Sr. No. 13 of Agenda item No. 4, Page No. 40 of CC) but their presence has been shown in the minutes of General Body meeting and schedule 'A' (Page Nos. 16 & 17 of CC at Sr. Nos. 15 & 17) with reference to meeting dated 17.02.1987. These are irreconcilable.
- xxii) This inquiry report is based on the documents and records obtained during the course of the inquiry. The FDCA has been given due opportunity to submit documents concerning the enquiry. However, they have chosen not to participate in the inquiry proceedings except to the extent that they have been asking for adjournments. It was expected from the FDCA to produce their records but they have withheld the records playing truant with the enquiry officer.

xxiii) However, being saddled with a very limited role, the undersigned cannot go any further and very humbly submitting it is for the Hon'ble Ombudsman-cum-Ethics Officer, Punjab Cricket Association to look into all other aspects while adjudicating the complaint forming basis of this enquiry pending before his lordship.

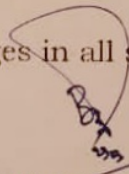
Submitted please.



19/12/2021

Justice Dr. Bharat Bhushan Parsoo, Enquiry Officer,
Former Judge, Punjab and Haryana High Court, Chandigarh.
19.12.2021

12 pages in all signed by me



19/12/2021

Justice Dr. Bharat Bhushan Parsoo, Enquiry Officer,