

OFFICE OF THE OMBUDSMAN-CUM-ETHICS Officer, PCA, SAS NAGAR (MOHALI)

PIYUSH RANA

Complainant

Versus

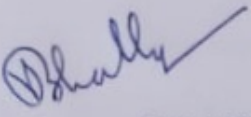
M.P.Pandove & Others.

Respondents.

Present : - Mr. Pyush Rana, complainant in person.
Ms. Sukhpreet Kaur, Advocate for respondents No.1 and 2.
Mr.Anuj Ahluwalia, for respondents No.3 and 4.

ORDER

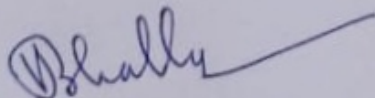
This order of mine shall dispose of the applications filed by Shri M.P.Pandove & applicant-respondent No.1 and Shri R.P. Pandove applicant-Respondent No.2 for dismissing the complaint being not maintainable and barred by law.

 Brief facts of this case are that Piyush Rana son of late Shri Jawahar Lala Rana resident of House No.125-126, Street No.22, Tripdi, Patiala against the applicant-respondents along with two other respondents Shri Gursewak Singh and Shri Janak Raj and proforma respondent-Chief Executive Officer, Cricket Association, Mohali, in which he alleged that respondent No.1 remained Chief Secretary in Punjab Cricket Association, he in collusion and conspiracy with respondent Nos.2 to 4 embezzled funds/aid granted by Punjab Cricket Association, for welfare and betterment of the game of Cricket, in Patiala. Respondent Nos.1 and 3 managed affiliation of a fictitious body i.e. Patiala Cricket Association

(unregistered body) with Punjab Cricket Association, claiming that Patiala Cricket Association is the successor-in-interest of a duly registered body Patiala District Cricket Association (registered). The respondents have also created a private trust i.e. Patiala Cricket Association trust. They managed transfer of possession of Government land in the name of their privately run and managed the Trust. They raised construction of a Cricket Stadium with the funds available from Punjab Cricket Association. Later on the said Stadium was entrusted to another family trust i.e. Dhruv Pandove trust, Patiala. In all, serious allegations have been leveled against the respondent Nos. 1 to 4.

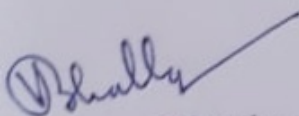
Notice of this complaint was issued to the respondents for filing written replies to the complaint. Resultantly, Respondents No.3 and 4 filed joint short reply on their behalf and kept their rights alive to file detailed written reply later on.

Whereas Respondents No.1 and 2 filed the present application to dismiss the complaint on the ground that the complaint is not maintainable and is barred by law in which they raised the objection that the complainant has raised the issue after Respondents No.1 and 2 have demitted the office of Punjab Cricket Association/Patiala Cricket Association. Applicant/Respondent No.1 has submitted that the complainant has levelled scrupulous and misleading allegations of conflict of interest, which are totally wrong, false and frivolous. Moreover, the concept of conflict of interest was not there in the memorandum of association of Punjab Cricket Association. Respondents No.1 and 2 further alleged that the allegations leveled by the complainant in the complaint are related to the period much prior to the time when there was no consent of confirm of interest or rules and regulations.



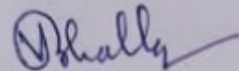
Moreover, the outcome of Hon'ble Supreme Court's directions are being substantive procedure of Regulations and not merely procedural and are to be applied prospectively from the assertions made in the Regulations and not retrospectively. These allegations are also barred by law. Both the Respondents vide their separate applications filed through their Advocates prayed that the complaint may be dismissed primarily on the ground of maintainability and barred by law.

Replies to both these applications filed by respondents no.1 and 2 with similar assertions, was filed by the complainant raising objections that no ground is made out for dismissal of the complaint on the ground of maintainability and barred by law. Respondent No.1 is duty bound to explain financial losses caused to the Punjab Cricket Association for the reasons that he is still life member of Punjab Cricket Association. There are serious allegations of misappropriation of funds, Government property, fraud, alleged to have been committed by the respondents No.1 and 2 in collusion with respondents No.3 and 4. So, the complaint cannot be dismissed only on the ground of maintainability and barred by law. Moreover, the present complaint involves serious allegations which is a matter of fact and not of law and as such, the complaint cannot be dismissed primarily without findings on facts i.e. the main allegations/issues, involved in this complaint.

 After hearing the learned counsel for the applicants/Respondents and after going through the record, I have come to the conclusion that the issues raised by the complainant are based upon question of facts and serious allegations of misappropriation of funds, Government property, fraud etc., have been alleged against Respondent No.1, as such

the present complaint cannot be dismissed primarily without going into the facts of the case and without hearing the parties in detail and without giving any opportunity of producing evidence as well as hearing of the arguments to be raised by the parties. Moreover, the applicants/Respondents No.1 and 2 have failed to bring on record any averment that the complaint is not maintainable or barred by any law. The present applications filed by applicants/Respondents No.1 and 2 appear to have been filed just to delay the disposal of the main case. The allegations leveled in the complaint are required to be decided on merits after giving both the parties full and proper opportunities to produce oral as well as documents documentary evidence in support of their averments. Therefore, at this stage, I do not find any merit in the applications and the same are hereby dismissed. However, the applicants/Respondents No.1 and 2 are entitled to raise these issues in their written reply along with their other replies against the allegations leveled by the complainant in the Complaint.

March 12, 2022



(Justice H.S.BHALLA)
Former Judge