

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

Complaint No.01 of 2021.

Decided on:-11.04.2022.

District Cricket Association, Mohali, Plot No.268, Phase-IX, Industrial Area
SAS Nagar Mohali (Pb) through authorized person Shri Gagandeep Singh
Dhaliwal son of S. Karora Singh Dhaliwal, resident of H.No.2650 Phase-VIII,
SAS Nagar Mohali.

..... Complainant

Versus

1. G.S.Walia, resident of H.No.3204, Sector 32, Chandigarh.
2. M.P.Pandav, resident of H.No.426, Sector 35-A, Chandigarh also
resident of Laxmi Niwas, Arya Samaj Park, Patiala.
3. Mohali Cricket Association/Mohali District Cricket Association, PCA
Cricket Stadium Phase-IX, SAS Nagar Mohali.

..... Respondents

4. Chief Executive Officer, Punjab Cricket Association, IS Bindra Cricket
Stadium Phase-IX, SAS Nagar Mohali.

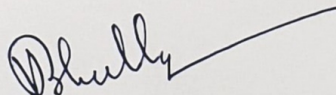
..... Proforma respondent.

Present :- Mr. S.S.Grewal, Advocate for the complainant.

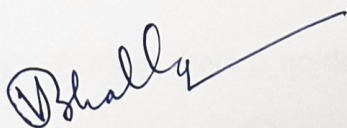
Mr. Kailash Chander Advocate, for respondents No.1, 2 and 3.

ORDER

The facts required to be noticed for the disposal of this
complaint are that the complainant- District Cricket Association, Mohali

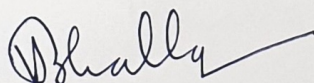


(hereinafter referred as DCAM) through its authorized person Gagandeep Singh Dhillon filed the present complaint under Section 46 of the Rules and Regulations of Punjab Cricket Association against the respondents No.1 and 2 namely Gagandeep Singh Walia and M.P.Pandav (hereinafter referred to as the MCA) by pleading therein that the Mohali Cricket Association through the above-mentioned respondents have misappropriated, embezzled the funds of Punjab Cricket Association (hereinafter referred as –PCA) which were released to the MCA against the Rules in spite of the fact that the PCA has not recognized them and no affiliation certificate have been issued by the PCA. The complainants have also pleaded that in case any affiliation certificate have been issued by the PCA, the same is liable to be cancelled. It is further pointed out by the DCAM that they have also moved an application before the PCA for the affiliation of association as they fulfilled all the requirements laid down in the Rules and by pleading other facts in the complaint they have finally prayed that their complaint be allowed and the respondents be debarred from taking any part in the affairs of the PCA and as well as the affiliation certificate of MCA, if issued, be cancelled.

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On the other hand the complaint was contested by the respondents and all the respondents except Performa-respondent (hereinafter referred as CEO) filed a joint written statement wherein the averments contained in the complaint were denied and it was also pointed out that they have been using the facilities such as play ground, office and wash-rooms at the Stadium of the PCA and the funds were also released to them and they fulfilled all the requirements and in fact it is not the DCAM but their association is liable to be recognized and in fact it has been recognized and that is why they participated in the inter-district Cricket Tournament organized by the PCA and the prize money also released to the winners and runners up and they have further categorically pleaded in their reply that they are also going to purchase the land to develop its own cricket ground and office and finally they pleaded that all the allegations leveled by the DCAM are false and frivolous and the complaint is liable to be dismissed.

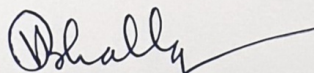
The Chief Executive Officer filed a separate reply and also furnished its comments. He has categorically pleaded that respondents No.1 and 2 are the life members of PCA and also remained office bearers of the PCA but there is no document or any material on the record of the

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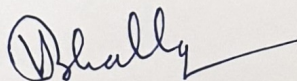
PCA in order to prove that the MCA applied for the affiliation certificate which was granted by the PCA and it is also admitted by the CEO in his reply that the DCAM has also applied for affiliation with the PCA and the decision is yet to be taken. It is also categorically pleaded by the Performa-respondent that there is no application available on the record of the PCA moved by the MCA for the grant of affiliation certificate; therefore, the question of issuance of any certificate/cancellation does not arise.

I have heard the counsel on either side and have gone through the records.

Before I proceed further in the matter, I would like to observe, at this stage, that the entire case of the parties rests on the platform of "affiliation certificate". In other words, the entire controversy revolves around the affiliation certificate. It is also admitted case and record also clearly spells out that the respondents No.1 and 2, who are part and parcel of the MCA were Secretary, Joint Secretary and Treasurer of the PCA and were at the helm of affairs and could release the funds to the MCA. After having gone through the record of the PCA, I further find that while these respondents were Secretary, Joint Secretary and Treasurer of the PCA,



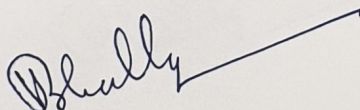
they became members of MCA, meaning thereby they were keenly interested in establishing the MCA and that is why to my mind, they released the funds and permitted the MCA to use play ground, office and wash-rooms in the building of the PCA, Stadium at Mohali even in the absence of affiliation certificate. In spite of number of opportunities granted to the MCA and respondents No.1 and 2, have not been able to produce before me any document which could spell out that they ever applied to the PCA for the issuance of affiliation certificate. For the sake of arguments, it may be presumed that CEO is concealing the record with regard to the affiliation certificate, if any, granted to the MCA but as far as the application moved by the MCA to the PCA for obtaining the affiliation certificate is concerned, would be available on the record of the MCA because in normal course if any such important application is moved before any forum, then the receipt of that application is always obtained by the concerned party and particularly when the active members of the MCA were the office bearers with the PCA, they will not take a chance by not securing the acknowledgement of such an important application. All this clearly spells out that the MCA is trying to build a castle on the sandy foundation which is bound to collapse and then again non-production of



application, discussed above, by MCA has added another nail to the coffin of the case of the respondents.

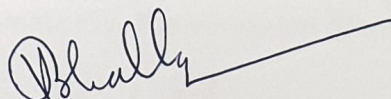
Keeping in view the facts and circumstances discussed above, it is *ipso facto* clear that there is conflict of interest as the respondents No.1 and 2, who were the office bearers of the PCA became active members of the MCA and the funds were also released to MCA by them. The Chief Executive Officer would be at liberty to pass an appropriate order with regard to the funds which were released to the Mohali Cricket Association in spite of the fact that the Association was not affiliated with PCA in accordance with rules.

It is further admitted case that some time MCA were using the public ground Park No.10 for practice of the players but later on this facility was withdrawn when this park was taken over by Municipal Corporation, Mohali. The CEO has categorically pointed out in his reply and comments that PUDA has allotted and permitted the park No.10 to MCA and correspondence in this regard must be in PUDA files. However, the correspondence, if any, MCA must put the same on record. He has further pointed out that as per new guide-lines, the maintenance of park is

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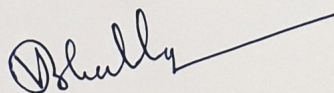
now under the purview of the Municipal Corporation, Mohali instead of PUDA and the newly registered DCAM, has also submitted a letter dated 29.11.2021 from Municipal Corporation, SAS Nagar informing the handing over of the said park to District Cricket Association, Mohali. It is also admitted case that when it came to the notice of the PCA regarding use of facilities by the MCA in their building, the PCA instructed its official to stop un-approved uses of facilities by the MCA and a meeting of PCA was called on 14.07.2021, in which following decisions were taken :-

- "i) The Curator, PCA shall identify the equipment of the Mohali Cricket Association and handover the same to Mohali Cricket Association as per ownership/assets records and entitlement.
- ii) Mohali Cricket Association is required to make their own arrangements for hiring of grounds men.
- iii) The usage of washrooms, considering there are no facilities in MCA ground, was allowed against gate pass, so that crickets and game should not suffer.
- iv) Mohali Cricket Association is required to make their own arrangements for running of sprinklers.
- v) Denied permission for taking any trials/usage of PCA nets for selection of players.
- vi) The ground equipment as per Punjab Cricket Association policies for all affiliated units."

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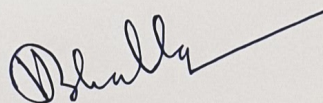
All this clearly spells out that the MCA has no legs to stand and in fact since their active members i.e respondents No.1 and 2 were the office bearers of the PCA, they were enjoying all the facilities including the funds of the PCA. It appears that the respondents No.1 and 2 in order to help the MCA mis-used their position and power in the PCA to provide undue favour to MCA. They released funds of the PCA to MCA, fully knowing that MCA is not affiliated with the PCA and moreover, even the registration of the MCA is under challenge before the Hon'ble Punjab and Haryana High Court.

The grant of funds to MCA by the office bearers of the PCA (respondents No.1 and 2) does not prove that the MCA is affiliated with the PCA unless all the formalities are fulfilled and that PCA granted certificate of affiliation to the MCA and at the cost of repetition, I would again like to observe that there is nothing on record to show that PCA ever granted affiliation to the MCA and nor the use of facilities for some time, proves the affiliation of MCA in any manner and if in connivance with the office bearers of the PCA they had used the play ground and other facilities available in the PCA building, that does not mean that affiliation has been granted to them automatically. The admission of the MCA in the

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reply that they were going to purchase land to develop its own cricket ground and office, proves beyond doubt that they do not fulfill all the norms in order to obtain the affiliation certificate and that is why they could not place on record the copy of the application because no such application was moved in the absence of fulfilling the requirements and since the respondents No.1 and 2 were the office bearers, who later on became active members of the MCA, the facilities were being enjoyed by the MCA and when it came to the notice of the PCA, the same was stopped.

All the questions, as emerged out from the record of the PCA, which have been discussed above, there is no escape from the conclusion that the MCA was not recognized by the PCA in any manner. I have no other option but to observe finally that in view of what has been discussed above and also considering the record of the PCA and the other facts put forward by all the parties, present conflict is liable to be declared as intractable and I order accordingly. While exercising powers under Rule 46(3) (b) of Rules and Regulations of the PCA, as they (respondents No.1 and 2) have exercised their powers as office bearers and also released the

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funds to association which was not recognized by the PCA, in any manner.

They are debarred for life from involvement with the game of cricket.

April 11, 2022



(JUSTICE H.S.BHALLA)
(FORMER JUDGE)
OMBUDSMAN-CUM-ETHICS OFFICER,
Punjab Cricket Association, SAS NAGAR
(MOHALI)