

**IN THE OFFICE OF OMBUDSMAN-CUM-ETHICS OFFICER, PCA,  
MOHALI**

**Complaint No: 9 of 28-10-2022**

**Manjinder Singh Versus Gulzarinder Singh Chahal & Ors.**

**ORDER**

**4-11-2022 Present:- For the Complainants : None**

**For the Respondent No 1 : Sh Gauravdeep Singh**

**Dhaliwal Convener.**

**For the Respondent No 2 : Sh Jastaran Chhatwal**

**Authorised Representative.**

**For the Respondent No 3 : Sh Deepak Sharma CEO.**

This order of mine shall dispose of a complaint filed by Sh. Manjinder Singh under Rule 45 & Rule 46 (2) & (3) of the Memorandum and Rules and Regulations of The Punjab Cricket Association.

2. Succinctly put, it is the case of the Petitioner that Sh. Gulzarinder Singh Chahal has misused his position and status as President of the Punjab Cricket Association to appoint M/s Ajay Alipuria & Co. Chartered Accountants, as the Auditors of PCA for the year 2022-23 despite the fact that he was having individual and prior personal commercial relationship with the said Auditors. In support of the said contentions, the Petitioner has placed reliance on minutes of the AGM dated 26.05.2022, appointment letter dated 26.05.2022, auditor reports etc.

3. Notice of the said complaint was issued to the parties.

4. On 28.10.2022, Sh. Shekhar Verma Advocate has appeared on behalf of the Complainant and sought time to file replication to the written submissions filed on behalf of the respondents as well as to address arguments.

5. Sh. Anurag Chopra Sr. Adv. with Sh. Rishab Bajaj Advocate has put in appearance on behalf of Respondent No. 1 Gulzarinder Singh Chahal and submitted his written submissions. The Ld. Senior Counsel submitted that respondent no.1 has resigned from the post of the President Punjab Cricket Association on 13.10.2022 and is no longer associated with the affairs of the Association. It has been further submitted that the companies of respondent no.1 were one of the many clients of Respondent No.2 Chartered Accountant firm and there was no exclusive professional arrangement between the two. It has also been submitted that since his companies were one of the many clients of M/s Ajay Alipuria & Co., the conflict of interest, if any, at best could be said to be a 'Tractable Conflict' and the same was resolvable. It was finally submitted that since he has ceased to hold the office of the President, PCA, the said conflict has also ceased to exist and the present complaint deserves to be dismissed. It was further submitted that the present complainant is a disgruntled individual who is in the habit of filing frivolous and vexatious litigations against the PCA and its office bearers.

6. Sh. Jastaran Chhatwal Advocate had put in appearance on behalf of Respondent No.2 M/s Ajay Alipuria & Co. and filed the written submissions as well. Analogous stand has been taken by Respondent No. 2 M/s Ajay Alipuria & Co. in its submissions. It has been submitted that M/s Ajay Alipuria & Co. has also ceased to represent Punjab Cricket Association from 13.10.2022 onwards. M/s Ajay Alipuria & Co. has canvassed that they have no individual & personal

commercial relationship with the Respondent No. 1 as they cater to multiple clients. It has also been submitted that as the auditors of Punjab Cricket Association they have never been allotted any office space in the premises of the PCA and neither any room has been occupied by the Firm in the said premises till date. It has also been submitted that the respondent Firm is having more than 30 years of professional experience and the allegations that the firm did not appear before the Income Tax authorities in two pending matters is factually incorrect. It has been further submitted that since they have ended their professional association with PCA, the present complaint does not survive and deserves to be dismissed.

7. On request of counsel for the complainant, the matter was adjourned for 04.11.2022.

8. None appeared on behalf of the complainant today. The complainant filed rejoinder to written submissions of the respondents along with letter stating as under:-

*'Respected Sir,*

*The attached rejoinders are being filed to complete the pleadings. It is point out that in this case, despite passing of 07 days, necessary disclosure as requested for in my email dated 28.10.2022 regarding impartiality has not been given by you, accordingly, it is requested that the present complaint may kindly be adjourned and no order on merits of the case should be passed. You are requested to recuse from the case. You are also requested to keep in mind the fundamental principle of law that no person shall be a judge in his own cause ("Nemo iudex in causa sua").*

9. Sh. Gauravdeep Singh Dhaliwal appeared on behalf of Respondent No.1 and reiterated the arguments advanced on the last date by the Ld. Senior Counsel on behalf of the said respondent no.1.

10. Sh. Jastaran Chhatwal, authorized representative had put in appearance on behalf of Respondent No.2 M/s Ajay Alipuria & Co.

11. After having carefully perused the record, I am of the considered view that the present complaint deserves to be dismissed. It is a matter of record that both the Respondents i.e. Gulzarinder Singh Chahal & M/s Ajay Alipuria & Co. have since ceased to continue on their respective positions in PCA w.e.f. 13.10.2022. Thus the conflict of interest as being alleged by the Complainant no longer exists as none of the respondent is holding any position in PCA. Further from the pleadings of the parties it is clear that there was no individual and personal commercial relationship between Respondent No.1 and 2 as M/s Ajay Alipuria & Co. was having multiple clients and the companies of Respondent No.1 were not their only client. Thus in my opinion, the said conflict would be categorized as a 'Tractable Conflict' as defined under Rule 45 (3) of the rules and regulations governing the Association and is resolvable. However, in the case at hand, since none of the answering respondents are having any association with the PCA anymore, this issue deserves no further deliberation.

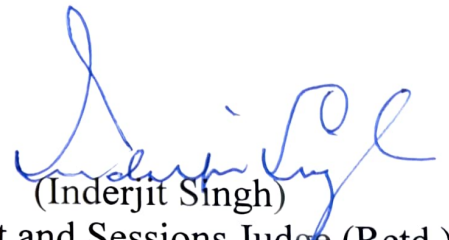
12. The complainant, after preferring the present complaint, is now seeking to wriggle out of the same by asserting that since necessary disclosure regarding the impartiality as requested vide e-mail dated 28.10.2022 has not been given by this office, the present complaint be adjourned and no order on merit be passed. This request is hereby declined as the same tantamounts to interfering in the administration of justice. The conduct of the complainant is derogatory towards

this office as there is no provision in the PCA constitution for providing any disclosure by this office.

13. The complaint even does not disclose a prima facie case and the same merits dismissal and is hereby dismissed. Copy of this order be communicated to the parties.

File be cosigned to record.

Date: 04.11.2022



(Inderjit Singh)  
District and Sessions Judge (Retd.)  
Ombudsman-cum-Ethics Officer,  
PCA Mohali