

**HIGH COURT OF TRIPURA
AGARTALA**

W.P. (C) No.589/2018 (D/O)

Sushanta Kr. Roy

----- Petitioner(s).

Versus

B.C.C.I & another

----- Respondent(s).

W.P. (C) No.590/2018 (D/O)

Cosmopolitan Club

----- Petitioner(s).

Versus

B.C.C.I & another

----- Respondent(s).

W.P. (C) (PIL) No.03/2019

Sankar Prasad Datta

----- Petitioner(s).

Versus

Tripura Cricket Association and others

----- Respondent(s).

W.P. (C) No.54/2019

Neeloy Bhattacharjee

----- Petitioner(s).

Versus

Tripura Cricket Association and others

----- Respondent(s).

W.P. (C) (PIL) No.08/2018

Sandipan Ghosh

----- Petitioner(s).

Versus

Tripura Cricket Association and others

----- Respondent(s).

Connected with

I.A. No.02/2019 in W.P. (C) (PIL) No.08/2018

I.A. No.03/2019 in W.P. (C) (PIL) No.08/2018

I.A. No.04/2019 in W.P. (C) (PIL) No.08/2018

I.A. No.05/2019 in W.P. (C) (PIL) No.08/2018

For Petitioner(s) : Mr. D.K. Biswas, Advocate.
Mr. R. Chakraborty, Advocate.
Mr. A. Roy Barman, Advocate.
Mr. S. Ghosh, Advocate.

For Respondent(s) : Mr. Somik Deb, Advocate.
Mr. Sankar Lodh, Advocate.

HON'BLE THE CHIEF JUSTICE MR. SANJAY KAROL
HON'BLE MR. JUSTICE ARINDAM LODH

Order

W.P. (C) No.589/2018

W.P. (C) No.590/2018

31/01/2019.

Vide order dated 05.07.2018, Mr. Justice Alok Baran Pal (Retd.), was appointed as an Administrator of Tripura Cricket Association, for the purposes of administering day to day affairs of the Association, pending elections to be further guided by the orders passed by the Apex Court or by the Committee of Administrators appointed by the Apex Court.

Such order of appointment was passed by the then Chief Justice. Later the Administrator addressed certain communications to the Chief Justice of this Court (one of us, Sanjay Karol, J), which were taken on record and kept in a sealed cover, which fact stands recorded in the order dated 11.12.2018. He also sought personal appointment which request was not acceded to.

On 21.12.2018, when the matter came up for hearing before the learned Single Judge, it was observed that the matter be listed along with analogous matters before the appropriate Division Bench. As such, all these petitions were listed and heard together.

On 24.01.2019, this Court passed the following order:

“Initially when the matter was taken up, Shri Justice A.B. Pal (Retd.), administrator appointed by this Court, who

is present, expressed his desire of addressing the Court in person and not through his lawyer. After he was heard for some time, his lawyer intervened and prayed that the matter be adjourned for another date. At that time, the administrator expressed his desire of being represented by the very same lawyer representing him. Accounting for the reason that the learned administrator is a retired Judge of this Court, we adjourn the matter for tomorrow, clarifying that no further adjournment shall be granted and all issues shall be heard tomorrow or any other date subsequently fixed for such purpose.

However, at this stage we may take note of four facts (a) The learned administrator, who is a nominee of this Court has incurred huge expenditure of 18 crores (approximately) without leave, knowledge, information or permission of this Court (b) He took a decision to stop construction of a cricket stadium of international level. (c) The constitution of the body i.e. Tripura Cricket Association was modified and changed without leave of this Court (d) At some stage during the course of hearing, the learned administrator expressed lack of proper functioning of his faculties, precisely loss of memory.

Regardless of the allegations and counter allegations made by the parties with regard to the manner in which the affairs of the association are now being carried out, we request all the learned counsel representing the parties to sit with the learned administrator and make him understand the advantages and benefits of honorably relieving his duties so conferred upon him by the Court. This we say so for the reason that we do not want reputation of a retired Judge of this Court to be sullied in any manner.

Record of all the expenditure incurred and the basis on which new appointments were made be also made available in the Court.

Issue notice.

Mr. Somik Deb, learned counsel appears and waives service of notice on behalf of the respondent No.1.

List the matters on **25th January, 2019**, as prayed for."

Thereafter, when the matter came up for hearing on 25.01.2019, the Court passed the following order:

"Today we are informed that perhaps learned counsel representing the parties could not interact with the learned Administrator.

On our suggestion, learned counsel representing the parties are in agreement that perhaps this Court may request some elder and senior members of the Bar, in undertaking such exercise, more so, in the spirit of our order dated 24.01.2019.

On our request, Mr. AK Bhowmik, learned senior counsel, Mr. S Deb, learned senior counsel & President of the Tripura Bar Association, and Mr. PK Biswas, learned senior counsel & Chairman, Bar Council of Tripura have agreed to freely interact with the learned Administrator in the light and spirit of our order dated 24.01.2019, which suggestion is also acceptable to the learned Administrator, as is so conveyed through his counsel.

As such, all the three senior members of the Bar are requested to undertake such and endeavour.

List on 28.01.2019 at 4.00 p.m"

On 28.01.2019, the Court passed the following order:

"This is in continuation of our earlier order dated 25.01.2019.

Today, we are informed by the three elderly and senior members of the Bar, whom we had requested to interact with the Administrator, that though they have had a meeting but no fruitful result could be arrived at.

We fully appreciate the efforts put in by Mr. A.K. Bhowmik, learned Sr. Counsel, Mr. S. Deb, learned Sr. Counsel & President of the Tripura Bar Association, and Mr. P.K. Biswas, learned Sr. Counsel & Chairman, Bar Council of Tripura, in going out of their way of meeting the Administrator and that too, at his residence.

List these matters tomorrow (29.01.2019)."

On 29.01.2019, the Court had passed the following order:

"Yesterday, though we had not reduced in writing but had only asked Sri Deb to make available the Special Leave Petition (SLP), stated to have been filed before Hon'ble the Supreme Court. Copy thereof has yet not been brought to our notice.

Let the needful be positively done during the course of the day for which purpose matter be listed today at **4.00 p.m.**

Also the Administrator shall inform the date on which such SLP is listed before Hon'ble the Supreme Court.

We are passing this order for earlier at some point of time, on a pointed query, we were informed that no proceeding stands initiated by the Tripura Cricket Association and that long adjournment of the instant matter was sought only for observing as to what Hon'ble the Supreme Court would decide in relation to other applicants.

We find that the response on behalf of respondent No.1 is already on record.

Let respondent No.2, if so requires and desires, file response positively by tomorrow."

Yesterday i.e. 30.01.2019, the matter was heard for some time and fixed for today i.e. 31.01.2019.

Today, when the matter was taken up for hearing, Mr. Somik Deb, learned counsel, in Court has handed over an application duly sworn by a personal affidavit of the Administrator. The contents of the application read as under:

"The applicant was appointed as Administrator, Tripura Cricket Association, by the Hon'ble High Court of Tripura, vide Order dated 05-07-2018, passed in WP(C) 589 of 2018 connected with WP(C) 590 of 2018, to administer the day to day affairs of the Association pending elections and be guided by the Order(s) passed by the Apex Court or by the Committee of Administrators appointed by the Apex Court.

The applicant states that presently he is not keeping in good health and therefore, he may not be able to devote enough time to effectively discharge the duties as

Administrator of the Tripura Cricket Association. In the above circumstances, the applicant urges this Hon'ble High Court to relieve him from the duties of the Administrator, Tripura Cricket Association, with effect from 07-02-2019.

This application is made bonafide and for fair ends of justice.

The rest would be verbally submitted at the time of hearing."

Reliefs sought for:

"In the premises whereof, it is humbly submitted that Your Lordships would be graciously pleased to consider the above facts and circumstances, and pass appropriate Order(s), relieving the applicant from the duties of the office of Administrator, Tripura Cricket Association, w.e.f. 07/02/2019."

During the course of the hearing, Mr. Deb, learned counsel appearing for the Administrator, under instructions, states that in the application date 07.02.2019 be substituted as 31.01.2019.

Accounting for all the attending circumstances we deem it appropriate to accept such prayer for not only it would be in the interest of justice; game of Cricket in Tripura but also public interest. Also, we are duty bound to protect and safeguard the image of all institutions, more so from the emerging controversy in the public domain.

As such, prayer of the Administrator is accepted with immediate effect. Accordingly, Sri Justice Alok Baran Pal (Retd.), the Administrator stands forthwith relieved of his duties of the Office of Administrator, Tripura Cricket Association.

At this stage, more so, in view of the aforesaid developments, learned counsel appearing for the writ petitioners in the analogous matters, state that they would have no objection to their writs being disposed of as having been withdrawn subject however, to the passing of certain further orders, particularly with

regard to the appointment(s) of certain persons on the roles of Tripura Cricket Association, be it as an employee or advisor etc. Also consideration as to whether amendment of the Constitution of the Tripura Cricket Association carried out by the Administrator is in tune with and on the lines of the directions issued by the Apex Court and/or the recommendations made by Justice Lodha Committee. Further, the issue of expenditure incurred during the tenure of office of the Administrator be also examined.

Well insofar as the issue of expenditure and financial transactions are concerned, as brought to our notice, we are of the considered view that interest of justice only warrants that quietus is given to the same.

Also we are of the considered view that the issue of management of the affairs of the Association by the Administrator should not be unnecessarily highlighted in the media. We only hope the fourth pillar shall exhibit the required sensitivity and maturity in the matter. Of course, it shall be open to report the factum of tendering of resignation and the passing of the order etc.

Insofar as the amendments carried out in the Constitution are concerned, the issue is left open to be considered at an appropriate stage, clarifying that steps taken for holding the elections shall not be taken to its logical end, save and except for complying with the directions issued by the Hon'ble Apex Court/in terms of the recommendation of Justice Lodha Committee/and unless mandated otherwise without leave of this Court.

Insofar as the issue of appointments be it that of advisors, ministerial or other staff including the General Secretary, Treasurer etc. are concerned, we are of the considered view that since they were made without approval of this Court, such appointments shall stand terminated forthwith. This we say so also for a reason that no steps for making such appointments were taken as was so required in accordance with law.

We further clarify that all orders passed by the Administrator, during the pendency of the present petition, shall not be given effect to, unless mandated otherwise by Hon'ble the Apex Court, without leave of this Court.

Ordered accordingly. All pending applications stand disposed of.

W.P. (C) (PIL) No.03/2019

In view of order of even date passed in W.P.(C) No.589/2018 titled as *Susanta Kr. Roy vs. B.C.C.I & another* and W.P. (C) No.590/2018 titled as *Cosmopolitan Club vs. B.C.C.I & another* seeks permission to withdraw the contents and the present petition.

Ordered accordingly.

W.P. (C) No.54/2019

In view of order of even date passed in W.P.(C) No.589/2018 titled as *Susanta Kr. Roy vs. B.C.C.I & another* and W.P. (C) No.590/2018 titled as *Cosmopolitan Club vs. B.C.C.I & another* seeks permission to withdraw the contents and the present petition.

Ordered accordingly.

W.P. (C) (PIL) No.08/2018

In view of order of even date passed in W.P.(C) No.589/2018 titled as *Susanta Kr. Roy vs. B.C.C.I & another* and W.P. (C) No.590/2018 titled as *Cosmopolitan Club vs. B.C.C.I & another* seeks permission to withdraw the contents and the present petition.

Ordered accordingly.

I.A. No.02/2019 in W.P. (C) (PIL) No.08/2018
I.A. No.03/2019 in W.P. (C) (PIL) No.08/2018
I.A. No.04/2019 in W.P. (C) (PIL) No.08/2018
I.A. No.05/2019 in W.P. (C) (PIL) No.08/2018

In view of order of even date passed in W.P.(C) No.589/2018 titled as *Susanta Kr. Roy vs. B.C.C.I & another* and W.P. (C) No.590/2018 titled as *Cosmopolitan Club vs. B.C.C.I & another* seeks permission to withdraw the present applications.

Ordered accordingly.

Mr. Deb, learned counsel for the Association states that SLP filed by the Tripura Cricket Association shall be withdrawn as having become infructuous. Statement accepted and taken on record.

(ARINDAM LODH), J

(SANJAY KAROL), CJ