

**REPORT  
ON  
DELHI DISTRICT  
CRICKET ASSOCIATION  
(DDCA)**

**15.11.2015**

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**REPORT OF THE COMMITTEE CONSTITUTED TO INQUIRE INTO THE  
COMPLAINTS OF DELHI & DISTRICT CRICKET ASSOCIATION**

**1. INTRODUCTION:**

1.1 Some complaints were received in the Government of NCT of Delhi regarding irregularities / wrong-doings against Delhi & District Cricket Association (herein referred to as "DDCA"), some of its officials and members. Accordingly, a two-member Committee with Sh. Chetan B Sanghi, Pr. Secy. PWD/UD as Chairperson, was constituted vide order no. Dy. CM/2015/8715-18 dated 12.11.2015 by Dy. Chief Minister, Govt. of NCT of Delhi. (Copy placed at **Annexure-I**).

1.2 The Terms of Reference of the Committee to inquire into the complaints are:

- Summary of the irregularities / wrong-doings, if any, by the DDCA, its officials and members.
- Suggestions for revamping the DDCA to promote Cricket in Delhi.

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## 2. **ABOUT DDCA:**

2.1 DDCA was incorporated under the Indian Companies Act, VII of 1913 on 19<sup>th</sup> February 1936 by the then Registrar of Joint Stock Companies, Delhi in the name and style of "Delhi & District Cricket Association Limited". It was issued certificate no. 407 of 1936-37. It was a limited company by guarantee having no share capital. The Memorandum of Association of DDCA was incorporated as a licensed Company under Section 25 of the Companies Act, 1956 (now Section 8 of Companies Act, 2013). A few of the important objects, among other objects, as contained in the Memorandum of Association of DDCA are given below:

- To encourage and promote the game of Cricket in the Province of Delhi and District of Karnal, Meerut, Aligarh, Bulandshahr, Gurgaon (hereafter called the area) and for the amongst other purposes organize and run club and to take over the assets and liabilities of the Association called the Delhi & District Cricket Association.
- To layout any ground for playing the game of Cricket and for other purpose of the Association to provide pavilion, refreshment rooms and other conveniences in connection therewith, and with a view thereto purchase, lease out otherwise acquire land at such price or rent and for such period and upon such terms and conditions as may seem expedient.
- To finance or assist in financing of teams.
- To assist in the organization or promotion of provincial Cricket Association and of Inter-provincial Tournaments.
- To promote and hold either along or jointly with any other association, club or person, cricket matches and competitions, to give or contribute



  
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towards awards and distinctions and for the purposes of the Association to promote give or support dinners, balls and other entertainments.

- 2.2 As per the Articles of Association of DDCA, the composition of Executive Committee is as follows:

*"The Executive Committee shall consist of a President, three Vice President, one Hony. General Secretary, one Hony. Sports Secretary, one Hony. Club Secretary, one Hony. Treasurer, eight joint Secretaries namely 2 (Two) Joint Secretary (Sports), 2 (Two) Joint Secretary Club), 2 (Two) Joint Secretary (Accounts) and 2 (Two) Joint Secretary (Company Affairs), and Eleven more members, three of whom can be the nominees of the Government of India with full voting rights. The Government nominees shall be the Honorary members of the Association till such time as they remain on the Executive Committee. The Three Government nominees shall have the option to resign from the Executive Committee. The Executive Committee shall have the powers to appoint from time to time a Working Committee with all the powers of the Executive Committee and such other committees besides Sports Committee and the Club Committee, for the benefit of different activities of the Association."*

- 2.3 As per para 47 of the Articles of the Association, the management and control of the Association shall be vested in the Executive Committee.
- 2.4 As per para 53 of the Articles of the Association, the Accounts of the association shall as soon as practicable after the end of the financial year be audited by an Auditor, who shall be appointed at each Annual General Meeting.

- 2.5 DDCA functions from its registered office at Ferozshah Kotla Grounds, New Delhi 110002.
- 2.6 As per Articles of Association, the total number of members can be 4600 including 300 corporate / institutional members without voting right. Every member present in person at AGM entitled to vote shall have one vote and upon poll every member present in person or by proxy shall also have one vote.

  
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3. **PROCEEDINGS OF THE COMMITTEE:**

3.1 The Committee members met with various members of the Executive Committee and the Complainants, separately and heard them in various groups. The group wise hearing took place on 12.11.2015 and 13.11.2015 as per the details given below:

12.11.2015

- A group comprising of Sh. Chetan Chauhan and Sh. Ravinder Manchanda representing DDCA.
- A group of Sh. Bishan Singh Bedi, Sh. Sameer Bahadur, Sh. Surinder Khanna & Sh. Akash Lal representing complainants.

13.11.2015

The Executive Committee of DDCA comprising of 13 members only, out of 27 members (List at **Annexure-II**).

14.11.2015

The Committee members (excluding Secretary Education / Sports) met Sh. Shashank Manohar, President of BCCI at Nagpur in the forenoon.

As part of the understanding of happenings in the DDCA and as to how the Board for Control of Cricket in India can play a role in streamlining the activities of DDCA or dealing with the complaints pertaining to DDCA, the Chairman of the Committee alongwith the Member Shri Rahul Mehra travelled to Nagpur and met the President of Board for Control of Cricket in India (hereinafter referred to as 'BCCI') on 14.11.2015.

A very serious concern was raised during the interaction with the DDCA regarding the feasibility of the forthcoming India-South Africa Test Match tentatively scheduled from 3<sup>rd</sup> of December, 2015. Since the concern was very palpable, it was raised with the President of BCCI in the interest of promoting good cricket in Delhi. The possibility of BCCI directly



conducting the match or the BCCI conducting the match through a Group of Professionals with close support of Government of NCT of Delhi was discussed with the President, BCCI. The BCCI President was not very optimistic about this possibility and he was concerned that similar demands might be raised in other territories also wherever some complaints are pending or might be generated by vested interests in a sensitive sport like Cricket. The President of BCCI was also clear that the BCCI has an exclusive arrangement with the DDCA and hence may not be in a position to encourage any other body or organization to conduct the holding of matches or other activities covered by their arrangement. However, he agreed to provide all support to Government of NCT of Delhi in any effort towards streamlining the management of organization or of cricketing activities and for bringing in transparency and accountability in the way the sport is played in the territory.

- 3.2 Detailed discussions were held with all the groups on various issues related to overage fraud; usage of subvention money; Property Tax, selection of players / coaches / managers, lease deed, entertainment tax, irregularities observed by the Registrar of Companies, perusal of various orders/reports by different agencies, FIRs filed in various Police stations etc. After listening to all of them carefully and detailed deliberations by the Committee, the Committee summarized the alleged irregularities. The Committee also discussed with various Governments departmental Authorities and obtained information from various sources, as could be available in such short time frame. The purpose was to essentially verify the genuineness of the pendency of such complaints and findings by these bodies, if any. The information as obtained has been utilized at various points in report, as applicable. In addition, various court rulings were also studied and utilized to guide the efforts of the Committee.



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4. **SUMMARY OF THE ALLEGED IRREGULARITIES**

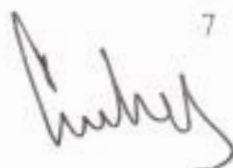
4.1 **Report of the Election Commissioners appointed by Hon'ble Court**


Sh. Vinod Kumar, Addl. District Judge – 13 (Central) Tis Hazari Courts in the case no. CS 266 of 2015 titled Vinod Tihara Vs. DDCA & ors had appointed Sh. G.P. Thareja and Sh. Babu Lal as Election Commissioners, vide its order dated 30.6.2015, for conducting the election of Sports Working Committee of DDCA.

4.2 The said Election Commissioners submitted their report on 19.9.2015 (at **Annexure-III**). In the report, the Commission has observed that they noted lack of transparency, bias and impartiality by the Sports Secretary and the Convenor of Sports Working Committee and also in recognition of club on the basis of inheritance. **They also observed during the hearing, amongst other observations, that private cricket academies are being run under the umbrella of DDCA; there is no scope for the students of schools and colleges to participate in the league matches of DDCA;** a single society is having two teams and both are entitled to vote in the election through their nominees.

4.3 Therefore, the Election Commission demanded the proceedings of the Executive Committee and also the records of the Sports Working Committee whereby rights were being given to one faction and denied to the other. **But the Commission was not supplied any record despite having written to the President, DDCA.**

4.4 The extract of the quotes of the Hon'ble Commissioners is reproduced below which prove the deep malaise in the functioning of DDCA:

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"The Executive Committee of DDCA, it is apparent from the aforesaid articles, enjoys monopoly status as regards regulations of the sports of cricket in terms of its Memorandum of Association and Articles of Association. It controls the sports of cricket and has been empowered to lay down the laws therefrom by their regulations and appointments of sub committees.

The Executive Committee, thus, exercises enormous public functions. It exercises total control over the players, umpires and other officials.

**The aforesaid articles clearly demonstrate that without recognition by the Executive Body of the DDCA or its General Body, no club can be affiliated.**

Having regard to the enormity of power exercised by the Executive Committee of DDCA, the Executive Body of the DDCA which includes Sports Secretary and the Convenor of the Sports Working Committee are bound to follow the doctrine of fairness and good faith in all its activities. Having regard to the fact that it has to fulfill the hope and aspirations of millions of persons living in the National Capital Territory of Delhi, it has a duty to act reasonably. **It cannot act arbitrarily, whimsically or capriciously or with bias.**

The Association or club even if it is in the form of a company, has to frame its regulations and is bound by them. Necessarily the office bearers in terms of the Memorandum and Articles of the Association must not only act within the four corners of article of association and regulations framed there under and to exercise their reasonable powers in an honest and fair manner, keeping in view the public and also the welfare of the sport of cricket. **It is therefore wholly undesirable that a body incharge of controlling of cricket should involve itself in litigation or should encourage litigation completely**





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losing sight of the objectives of the company. It is unfortunate to record that a room for suspicion has been created and that dealings of the Sports Secretary and Convenor of the Sports Working Committee have not been fair."

"We find that Sports Secretary and the convenor the Sports Working Committee did not act in fairness in giving recognition to Shri Pradeep Srivastava in representing K.N. Colts as Krishna Nagar Colts Society. Sports Secretary even kept at bay the Executive Committee which as per article 21 & 22 is competent to allow the affiliation of a club, and even withdraw the affiliation of a club under article 22. **The Executive Committee had demanded the report with respect to K.N. Colts as well as other clubs but no material was given.** The Sports Secretary recognized the K.N. Colts represented by Krishna Nagar Colts as the appropriate club which was against the mandate of the Executive Committee of DDCA. The Sports Secretary ought to have accepted the recommendation of the High Court that one is to bring an order from the court. Even that was not respected."

- 4.5 The said report goes on to note that the DDCA did not assist the two judges who had been appointed to oversee the electoral process. This two-judge committee, when looking at the cases of individual clubs and their representatives that sought to vote in the elections, **concluded that there were massive and continuing illegalities in the affiliation of these clubs and thus concluded that they were not eligible to vote.** There is a categorical finding that clubs have been granted affiliation without following any process at all.
- 4.6 Regarding the case of one Shri Sanjay Bhatia of Roop Nagar Cricket Club the following has been observed, "Even though benefits are being given

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to Shri Sanjay Bhatia representing Roop Nagar Cricket Club **we find that benefits have been given illegally, arbitrarily and without authority."**

  
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#### 4.7 Internal Fact Finding Committee of DDCA

Pursuant to the allegations of large scale financial irregularities against Sh.S.P.Bansal, President and Mr. Anil Khanna, General Secretary of the Association, an emergent meeting of the Executive Committee of DDCA on 13.12.2014 resolved to conduct fact finding enquiry into the allegations of the financial irregularities and misappropriation of funds of the Association by the office bearers of the Association.

The Executive Committee of the DDCA set up a fact-finding committee to look into allegations of large scale financial irregularities which did so, albeit only for the financial year 2013-2014 and records till 09 December, 2014. Even for this limited period, the Committee found that there is evidence of "huge financial irregularity". The Committee goes on to note that "On enquiry, it has been revealed that many spurious and illegitimate payments have been made to certain companies in 2013-2014 and till 09.12.2014. **Not only this, it is an apparent fact that Association is overstaffed, still a lot of money has been spent on hiring superfluous workers. Apart from this, large scale payments have been made in the form of overtime."**

4.8 The Committee's findings include the following:

- a) An amount of Rs. 1.55 crore was loaned by the DDCA to three different companies, Vidhan Infrastructure Pvt. Ltd., Shri Ram Tradecom Pvt. Ltd., Maple Infrareality Pvt. Ltd. A charitable company cannot give a loan for commercial purposes but when confronted, Sh. S.P. Bansal, President of the DDCA President stated that these were an investment to earn interest. However, when the General Secretary of the DDCA was confronted with these unauthorised loans, he diverged from the

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statement of the President and stated that the loans given were actually payments made on behalf of BCCI. When questions were raised, the money was returned after a few months without any interest. **There is no documentation regarding this transfer apart from account entries and this *prima facie* seems a case of theft and/or criminal breach of trust.**

- b) Substantial payments were made to 9 companies which, on investigation, turned out to have the same registered office, same e-mail IDs as well as common directors. **Duplicate bills were issued and the reasons for payments are falsified by ledger entries including a case where one Manu Technical & Financial Consultant (P) Ltd. And Neofam Trading Co. were paid for work that had already been done by one Ritu Where Engineers and Contractors in June, 2013.**
- c) Transfer of funds without the knowledge and approval of the Executive Committee: Since the internal Auditor in his report had clearly observed that the payments had been made without any supporting document and in grave violation of settled practice, so the Committee noted that **despite keeping the money for good more than months no interest had been paid on it, which further showed that money was never transferred with an intent to earn interest, but with some other ulterior motives.**
- d) Transactions with Inter-related Companies: The Committee noted that **payments have been made to companies which have never done any job/work** or assignment for which the payments were made to them. This fact was detected on the basis of the data available from the portal of Ministry of Corporate Affairs.

- e) Unauthorized/Unapproved payments to professionals: The Committee noted that **heavy professional charges were being paid to many personal firms on account of duplication of works.** The Committee reported payment of Rs. 1.15 crores to 16 such firms.
- f) Irregularity in financial transactions: The Committee observed that huge **payments have been made in a hurry by the President, Mr. S.P. Bansal and General Secretary, Mr. Anil Khanna, without following the financial manual and authentication by proper authorities** which clearly shows the irregularity in the financial transactions of the Association.
- g) Irregularity in payment of legal matters: The Committee observed that payments were made for legal matters to companies for appearing against the Association. In another incident, it was observed by the Committee that Mr. J. S. Bakshi was appearing as an advocate on behalf of the Association but he was raising bills in name of his son, Mr. Amitesh Bakshi. This was done so because Mr. J. S. Bakshi, being a member of the Association is not entitled to receive any remuneration / payment in any form whatsoever. Therefore, the Committee was of the opinion that this amounts to proxy litigation / proxy billing. **The Committee has noticed that bills have been cleared and paid without verifying the same.**
- h) The Committee has noted gross irregularity in making payment to Decorators, Tent Services etc. and the work was awarded without inviting any quotations.
- 4.9 The Fact Finding Enquiry Committee submitted its report on 29.12.2014 and concluded as follows:

**"That in conclusion, the Fact Finding Committee is of the opinion that the magnitude and extent of improprieties, irregularities**



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and misconduct committed by various officials mentioned in the report is quite complicated, gigantic and now it is upto the Executive Committee of the Association to take it to its logical conclusion. We feel that steps and procedure that are generally followed in such situation be followed in letter and spirit in the present case also”.

The Fact-Finding Inquiry committee report found the accounts of the DDCA to be in disarray and a perusal of the same will reveal that the accounts have been in disarray for a significant period. The report is placed in **Annexure – IV**.

DDCA officials further submitted before the Committee that action has been taken pursuant to the observations and findings of the Fact Finding Committee as the President Mr. S.P. Bansal has been removed from office. This argument has been disputed by the Complainant Mr. Kirti Azad who has termed such a belated step by DDCA as a complete eye wash simply to thwart registration of criminal cases against them for having committed serious criminal offences punishable under the law. He further highlighted the fact that no action till date has been taken against such other officials of DDCA who have been indicted in the Fact Finding Committee Report, Internal Audit Report, Election Commission Report, amongst others. Even the belated removal of Mr. Bansal is allegedly a ploy by DDCA to shield him from punishment under the law.



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4.10 **Payments regarding construction of Ferozeshah Kotla Stadium**

The reconstruction of the Ferozshah Kotla stadium was carried out from 2002-2007. The initial budget was Rs. 24 crore but it eventually ended up costing Rs. 114 crores as per the reply furnished dated December 1, 2012 by DDCA to the Dy. Director of Serious Frauds Investigation Office (SFIO) and the Inspecting Team of the Ministry of Corporate Affairs. There is unauthorized construction without requisite permissions from the Municipal Corporation of Delhi and the Delhi Urban Arts Commission. **The DDCA has also constructed corporate boxes without appropriate approvals from the Municipal authorities and without permissions from the lessor i.e. the Ministry of Urban Development, Govt. of India.** These need to be regularized as per law.

4.11 There is no record of tenders being issued for most of the contracts that were awarded by the DDCA for the construction of the stadium. Reply to Inspection Notes No. 14 and 13 of the SFIO dated December 1, 2012 lists all the companies contractors to which payments were made. This same document also admits that the scope of work was expanded much beyond the original tender and the same seems to have been done without any further tender or formal authorisation from the DDCA. This document also reveals that the total amounts paid for construction and allied civil works as on March 31, 2010 was Rs. 114.00 crores. **Engineering Projects India Limited (EPIL) which was awarded the original tender for Rs. 24.26 crores was ultimately paid more than double the amount,** that is over Rs. 57.00 crores.

4.12 Further, an allegation has been made by Sh. Kirti Azad, a Hon'ble member of parliament and a reputed retired cricketer, that many of the companies which have been awarded such civil works are actually just fronts for

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DDCA office-bearers and that the amount spent on the stadium has been inflated for this reason, that is, to benefit DDCA office-bearers.

Many contracts, which amounted to the excess of Rs.57 crores over and above what was paid to EPIL, were awarded on nomination basis without following the due procedure.

- 4.13 Another irregularity related to stadium construction that has been raised is the issue of the lack of lease for the Ferozeshah Kotla stadium. It was claimed by the DDCA to the Investigation Team that the lease renewal has been put on hold because of the insistence of Ministry of Urban Development (L&DO) on a completion certificate for the stadium. The DDCA is operating the Ferozeshah Kotla Stadium under a license from the Ministry of Urban Development paying an annual license fee of approximately Rs. 24.64 lakh. The terms of this license allow the DDCA to utilise the Stadium for a yearly license fee of Rs. 24.64 lakh. **Based on the submissions of the Ministry for Urban Development before the full bench of Central Information Commission, the annual lease rent for the stadium works out to more than Rs. 16 crores per annum which shows that a massive subsidy is being afforded to the DDCA at the cost of the exchequer for the purpose of promotion of sport.**
- 4.14 DDCA has illegally constructed 10 Corporate Boxes in the stadium and have sub -leased these boxes for 10 years to corporates for a collective approximate amount of Rs 36 crore. The fact that the Corporate Boxes are illegal is apparent from the fact that there are no building approvals or completion certificate. Further, these illegally constructed corporate boxes have been leased without the approval of the land owners i.e. Government of India which is a clear violation of the license conditions.

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#### 4.15 Forgery of age-verification certificates

FIR No. 538/2014 and 312/2015 PS I.P. Estate have been registered on the basis of a complaint filed by Shri Kirti Azad. The said FIR under Sections 420, 468 and 471 of the Indian Penal Code reflects the fact that forged age-verification certificates are being prepared and accepted in a systematic manner by the DDCA in collusion with one School name Vidya Jain Public School, Rohini to allow over-age players to play in younger age groups. Investigation in the FIR is pending. **The FIR names specific players who have benefited from forged date of birth and school certificates. Investigation is yet to be completed in the instant case.** It is pertinent to note here that this is a case in which not only the office-bearers of the DDCA but the DDCA itself is under the purview of investigation. Copies of FIRs are at **Annexure 'V'**.



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4.16 **Inspection by Committee set up by the Ministry of Corporate Affairs including Serious Fraud Investigation Office (SFIO)**

On the basis of complaints of Hon'ble M.P. Shri Kirti Azad, the Ministry of Corporate Affairs, Govt. of India ordered an inspection of DDCA, their books of accounts and other records of DDCA. The complaints from Hon'ble MP related to admission/termination of members, election process of office bearers, payment of arrears/fees to the Members and Directors without approval of Central Government, non-compliance of relevant provisions of the Companies Act, various financial irregularities and weak internal control system etc.

- 4.17 Some observations of the Inspecting Committee, which had representation from Serious Fraud Investigation Office (SFIO) are as follows:-

'Since the company is registered under the Companies Act, the compliance of the provisions of the Companies Act has been examined during the course of inspection. **It has been noticed that the company has contravened certain technical provisions of the Companies Act, 1958 such as Section 36 read with Memorandum & Articles of Association (MOA & AOA) of the company provisions relating to transaction with directors and managerial remuneration, Section 211, relating to disclosures in Annual Accounts. Accounting Standards, sec.209 for non-maintenance of account on accrual basis and Sec.303 & 150 relating to statutory registers which have been discussed at length in Part A, B & C of the Report...."**

"...Sh. Azad has also alleged about fraud/irregularities in membership and proxy system during general meeting. In this regard, it has been found

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that the **company and its directors have not followed the procedures laid down in MOA and AOA including approval of the Board of Directors for the appointment/termination of members.** However, the company has placed a list of the current members of the DDCA before the board meeting held on 24.12.2012 which has been duly ratified by the Board..."

"...In view of above, it is observed that Directors, namely, Shri S.P. Bansal, General Secretary and Shri C.K. Khanna, Vice-President did not comply strictly with the clause 4 of AOA read with section 36 of the Companies Act, 1956 for admission of new members and they have acted ultra-vires to Articles of Association. Thus, **the company and Directors had not complied with clause of 4 of AOA read with section 36 of the Act** in respect of passing of necessary resolution of Board of Directors and adoption of procedures for admission of new members prescribed in AOA since 2001..."

"...During the course of inspection the audited accounts for financial year 2008-09 to 20-11-12, the IOs have observed that **company has not complied with Accounting Standards i.e. AS-18, AS-19, AS-5, AS-22, AS-29 r/w 211(3A) (3C) and requirement of Schedule VI of the Act.** The detailed analyses of non-compliances are mentioned at para No.8 relating to Section of the Act, in Part-B of the report.

- 4.18 In addition to above, it is also observed that **company has weak internal control system, non-maintenance of fixed assets registers, major transactions in cash over Rs.20,000 and transaction & payments to the director/members without approval of Board of Directors and or Central Government,** the detailed analysis of non-compliance/IO observation in this regard are



  
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mentioned at para No.7,8,9,10,11,12,13,16,17 and 18 respectively to this report.

4.19 The Auditors of the company have not qualified any non-compliance of Accounting Standards, Schedule VI of the Act and other violation of the Act...". The report is placed at **Annexure – VI.**

4.20 Officials of the DDCA while appearing before the Committee emphasized that some of the violations committed by the DDCA and/or it's office bearers stand compounded. However, complainant Mr. Kirti Azad has vehemently disputed this assertion of the DDCA officials by submitting that compounding of a few violations/offences had indeed been admitted as having been committed. He further contended that this entire exercise of compounding is highly vitiated and stands totally discredited due to the fact that one Mr. UK Chaudhary, Advocate who in the past had been representing DDCA before the Company Law Board and other for a as their lawyer was also a member of the Lok Adalat which compounded those violations/offences due to his influence. It is alleged that Mr.UK Chaudhary, Advocate ought to have recused himself from the Bench of the Lok Adalat before which the matters for compounding had come up.



  
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#### 4.21 MCD Issues

The DDCA, since 2005 onwards has been holding international cricket matches without obtaining occupancy certificate and by obtaining provisional occupancy permission from MCD, as and when matches are held. Since such events remain matter of national pride and provisional permission is sought at very last moment, SDMC is left with no option but to consider it irrespective of the fact that no such provision exists in Building Bye-Laws-1983 or DMC Act-1957. A number of provisional permissions have been granted so far. **Initially, the applicant DDCA used to seek provisional occupancy certificate citing the reason of incomplete structure and importance of event, but such plea does not apply any more since the structure is complete.**


4.22 With a view to settling the issue in a legal manner, the South DMC on its own took initiative and requested the DDCA on 26.9.2013 and dated 5.11.2013 to submit the statutory clearances requirements in connection with Occupancy/Completion Certificate. In the above mentioned letter, requirements were specifically conveyed so as to enable the DDCA to get acquainted with as to what is required on their part. One of the compliances to be carried out pertains to demolition of unauthorized structure booked vide file 28/B/UC/CZ dated 28.6.2010. **DDCA has not complied with this so far.**

4.23 There is a court case before Hon'ble High Court in respect of said site, which primarily pertains to dispute in respect of Property Tax and being contested by the House Tax Department of MCD. The Hon'ble High Court, vide its orders dated 03.10.2011. passed in WP © No. 7215/2011 & CM No. 16416/2011 (for stay) and 16671/2011 (for direction) titled "Delhi & District Cricket Association Vs MCD & Ors." had inter-alia directed MCD to



  
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issue provisional occupancy certificate and also **directed DDCA to file Affidavit to the effect that DDCA shall continue to take steps to obtain the completion certificate within 06 months. The compliance of said direction remains unfulfilled on the part of the DDCA.** The report of MCD is at **Annexure-VII.**



CHEZAN B. SANGHI  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi

#### 4.24 Deficiencies observed by District Disaster Management Authority

Inspection was conducted by District Disaster Management Authority (Central) regarding preparedness of DDCA for IPL 2014 as a fire broke out on 03.05.2014 at the rear portion of the stadium. The District Disaster Management Authority has raised serious points of concern in its inspection report dated 04.05.2014 at **(Annexure-VIII)**. A few of them are that **the Incident Command Post (ICP) was found ill equipped despite repeated directions; No search and rescue team was found available; No Completion certificate has been issued by the Building Deptt. of MCD despite the fact that the building of the stadium was constructed many years ago; Valid lift license was not available in the lift car installed in Old Club House; Medical relief Camp was not found during the inspection etc.**

- 4.25 DDCA has been directed by DDMA to submit copies of 6 NOC / license from various departments Delhi Fire Services; Delhi Police Licensing Unit; Delhi Police Law and Order; South Delhi Municipal Corporation for provisional occupancy; Electrical Inspector for Electrical installation safety and for Structural Engineering Design Certificate of New Stand of stadium comprising of wings A, B & C and the new pavilion block, and as on 14.11.2015 are pending.



  
**CHETAN B. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi

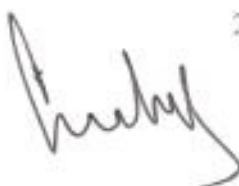


4.26 **Observations against Office Bearer of DDCA in various reports and complaints**

The office bearers of the DDCA have been adversely commented upon by various authorities and by office bearers of the DDCA themselves:

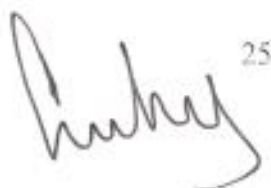
The two Hon'ble Judges, who were appointed by the Additional District Judge as Election Commissioners have said in September, 2015 that **the Sport Secretary of the DDCA and the Convenor of the Sport Working Committee lacks transparency and impartiality and were biased.** Sh. Sunil Dev was the Sports Secretary of the DDCA and Sh. Vinod Tihara was the Convenor of the Sports Working Committee.

- 4.27 The Fact Finding Inquiry Committee having Mr. Sunil Jain as Chairman, Sh. Vinod Garg, Member Sh. Salil Seth, Member and Sh. Sidharth Verma, Member gave its report on 29.12.2014. This was appointed by the DDCA itself.
- 4.28 **This Committee was highly critical of the functioning of the President Sh. S.P. Bansal and Joint Secretary Sh. Anil Khanna regarding illegal and irregular transfer of funds.**
- 4.29 The Fact Finding Committee also said that **Sh. Pritam Panwar was not maintaining the true accounts for DDCA and has committed large scale irregularities in connivance with Sh. S.P. Bansal and Sh. Anil Khanna.** The Committee also said that Sh. A.K. Chaurasia, Civil Engineer, DDCA did not cooperate with the Inquiry and had something to hide.
- 4.30 Chief Administrator of the DDCA Sh. Pankaj Bhardwaj's role was found most detrimental to the Association. **It was held by the Committee that he was making payments and ignored financial norms and**



**the payments were made for the personal benefits to the loss of the Association.**



- 4.31 **The Joint Secretary and Director of DDCA Shri Dinesh Kumar has filed a complaint dated 08.08.2015** against Shri C.K. Khanna, Vice President, DDCA for amassing huge wealth by manipulation, unfair means and irregularities committed in the DDCA. The complaint is pending under enquiry in the I.P. Police Station.
- 4.32 **The Joint Secretary and Director, DDCA Shri Dinesh Kumar has filed a complaint dated 24.9.15 in the I.P. Police Station** against Sh.Ravinder Manchanda, Treasurer, Sh.Anil Khanna, General Secretary, Sh.C.K. Khanna, Vice President, Sh.Chetan Chauhan, Vice-President, DDCA and other DDCA officials in the Police Station. The complaint is regarding theft of CD of minutes of meeting, forgery and criminal intimidation.
- 4.33 **Shri Vinod Tihara, Convenor, Sports Working Committee, DDCA has filed complaint dated 24.8.15** against Shri C.K. Khanna, Vice President and Sh.Anil Khanna, General Secretary, DDCA for forgery and manipulation in membership register of DDCA. A complaint has been filed with I.P. Police Station.
- 4.34 **Sh.Sunil Dev, Sports Secretary, DDCA has filed a complaint against Shri Chetan Chauhan, Vice President, DDCA, Sh.Ravinder Manchanda, Treasurer, DDCA and others for opening an illegal bank account and for transferring Rs.6.5 crores illegally by indulging in forgery etc.** An FIR has been registered by the IP Estate Police Station vide an FIR No.699/15 u/s 406/409/420/468/471/120(B)/34 IPC and is currently under investigation.

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**CHITAN B. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi

4.35 These serious observations have been made by various authorities against DDCA's office bearers and also by DDCA's own office bearers. Copy is placed at Annexure-IX.



**CHETAN B. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi



4.36 **Complaint filed by two office-bearers of DDCA**

The Committee received copy of complaint filed by the Club Secretary and Joint Secretary (Company Affairs) Shri Sunil Jain and Shri Dinesh Saini respectively. **The two officers of DDCA on 13.11.2015 have alleged that the DDCA has submitted improper and invalid accounts for the period 2013-14 to the BCCI.** They have mentioned that the DDCA has not got these accounts approved by the meeting of the Executive Committee as per the obligations cast upon it under the various provisions of the Companies Act, 2013. They have also alleged that the statement of accounts purport to illegally regularise the irregularities as earlier brought out by the internal fact finding committee of the DDCA. They have complained that the fact finding committee had exposed misappropriation of crores of rupees and the same has not sought to be ignored/regularised by the office bearers of the DDCA. Copy of the complaint dated 13.11.2015 is attached as **Annexure X.**

4.37 **The continuous flow of complaints to this Committee from former cricketers, eminent sport persons, citizens and responsible office bearers of the DDCA lends credence to the allegations that all may not be well in the DDCA and matters need comprehensive and thorough probe.**



**CHETAN B. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi

4.38 **Complaints made by Hon'ble MP, Sh. Kirti Azad**

Various complaints from Hon'ble MP Shri Kirti Azad have been made regarding admission of members, termination of members, election process of office bearer including proxies, payment of remuneration/fees to the members and directors without approval of Central Government, non-compliance with the relevant provisions of the Companies Act, 1956, financial irregularities in construction of stadium building, safety of stadium, financial irregularities and weak internal control system etc. Sh. Bishan Singh Bedi, ex-cricketer handed over a compendium of letters of Hon'ble M.P. Kirti Azad. It contained the letters written by him on several occasions to various authorities in the past several years. **This includes his representation dated 13.9.2015 containing details of irregularities and mismanagement in the functioning of DDCA.** (copy enclosed at **Annexure-XI**).

  
**CHETAN B. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi



#### 4.39 Some other allegations:

In continuation to the irregularities which have been examined earlier many other issues have also been raised which have not got into due to paucity of time. Some of these issues are:

- (a) The DDCA has punctured the DJB sewer lines unauthorizedly;
- (b) The CBI has registered a preliminary enquiry vide No.55845/PE 4 (S)/2015/SCU.V/SC-II/CBI/ New Delhi in October, 2015; (at **Annexure – XII**)
- (c) The DDCA did not provide water to the players in the Ranji Season and players were made to play with old balls;
- (d) The DDCA has not paid match fees for a couple of years and several players have moved to other states due to the mis-management;
- (e) The DDCA had no money for players, empires, scorers;
- (f) Suppliers are not willing to supply to DDCA on account of lack of funds;

Some complaints have documentary backing also but the Committee could not get into the same, since the time was too short.



**CHEZAMB. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi

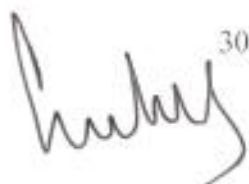
#### 4.40 **Inaction by BCCI:**

Further, the Committee referred to the Memorandum and Rules and Regulations of the Board of Control in India (as revised in the 15<sup>th</sup> September, 2012 taken from their official website [www.bcci.tv](http://www.bcci.tv)). As per regulation 3(a) (ii) (7), the DDCA is a full member of BCCI.

However, **regulation 32(iv), which is reproduced below shows that the BCCI has to discharge some duties regarding misconduct of its members.**

#### "32 MISCONDUCT AND PROCEDURE TO DEAL WITH

- (i) If any Member or Associate Member or any Administrator of the Board commits any act of indiscipline or misconduct or acts in any manner which may or likely to be detrimental to the interest of the Board or the game of cricket or endanger the harmony or affect the reputation or interest of the Board or refuses or neglects to comply with any of the provisions of the Memorandum and/or the Rules and Regulations of the Board and /or the Rules of conduct framed by the Board, the Hony. Secretary of the Board, on receipt of any complaint and/or suo motu shall, in consultation with the President, forthwith issue Show Cause Notice calling for explanation and on receipt of the same and/or in case of no cause or insufficient cause being shown, shall refer the same to the Committee. The Committee shall after providing opportunity of hearing to the parties concerned shall submit its findings to the Board. The Board shall at the Special General Meeting specially convened take appropriate decision by majority of 3/4<sup>th</sup> members present and voting at the said meetings."

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CHETAN SANGHI  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi



4.41 The regulation 32(vii) actually allows the BCCI to suspend the members pending enquiry. **The regulation 32(vii) is also reproduced below for ready reference.**

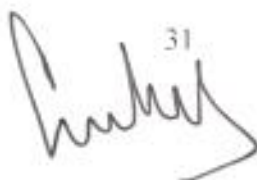
**"(vii) Pending inquiry and proceeding into complaints or charges or misconduct or any act of indiscipline or violation of any Rules and Regulations, the concerned Member, Associate Member, Administrator, Player, Umpire, Team Official, Referee or the selector (including the privilege and benefits such as subsidies to the member or Associate Member) may be suspended** by the President from participating in any of the affairs of the Board until final adjudication. However, the adjudication should be completed with six months."

4.42 The Committee also was aware of the observation of the CBI in the Hansie Cronje affair regarding match fixing in the year 2000. To quote:

**"It is also quite clear that the BCCI never seriously addressed this problem till the lid was blown after Hansie Cronje affair. It is obvious that, in spite of their public posturing now, all the office-bearers of BCCI over the past decade or so have been negligent in looking at this problem in spite of clear indications of this malaise making inroads into Indian Cricket.**

4.43 The primary reason behind this is the lack of accountability of the BCCI to anyone. The structure of BCCI is such that it is very difficult for any person who has not previously held a post in BCCI or affiliate units to get into Cricket administration in India."

4.44 The Committee is of the opinion that BCCI ought to step in immediately as per its own charter to clean up the sport of cricket in Delhi in the public eye.

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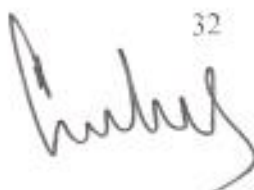


  
**CHETAN B. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi




5. **REVAMPING OF CRICKET IN DELHI.**

- 5.1 The DDCA regulates and controls the sport of cricket in Delhi to the exclusion of all others. It formulates the norms and standards covering all aspects of the sport and exercises the power of choosing the selectors, coaches, managers and players of all seniorities and levels in Delhi. These individuals ultimately form the team in Delhi at various levels. It spends crores of rupees in building and maintaining infrastructure for cricket and in supporting various clubs.
- 5.2 It has been upheld by the Hon'ble courts, including the Hon'ble Supreme Court of India that any organization or entity that has such control over the game and its affairs cannot be said to be undertaking any private activity. Therefore, the DDCA discharges duties and performs functions which are akin to "public duties" as has been held by Hon'ble Supreme Court of India in Zee Telefilms Ltd. Vs UOI (2005 (4) SCC 649) and BCCI Vs Cricket Association of Bihar (2015(3) SCC 251)
- 5.3 Although, the work of the DDCA can be done by the Government by enacting a law, the Government assists the DDCA and helps the DDCA in the discharge of its functions. Just because the Government has not brought out a law to manage cricket in Delhi, it does not mean that DDCA is not discharging public functions.
- 5.4 The DDCA is a member state association of the BCCI and as such recognized for promotion of cricket within Delhi.
- 5.5 The office bearers of the DDCA in their capacity as office bearers are authorized and required to perform their duties. When the DDCA has the monopoly in controlling cricket in Delhi, including selection of cricket team for Delhi, controlling the activities of the players and others



  
ANIL K. SANGHI  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi

involved in the game, the duties authorized or required to be performed by such office bearers of the DDCA are public duties. In terms of the Prevention of Corruption Act, 1988 any person who holds an office by virtue of which he is authorized or required to perform any public duty is a "public servant". Even though such duties are not mandatory by virtue of any law it cannot be said that they are discharging duties as some voluntary activity. These are public duties since, the public or the community at large has an interest in it. The monopoly enjoyed by DDCA over cricket in Delhi is complete. It has been again widely held that cricket in India is the most popular game and people, including in Delhi look forward to the activities of the DDCA and the performance of the players with utmost passion, enthusiasm and interest.



CHETAN B. SANGHI  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi

6. **RECOMMENDATIONS:**

- 6.1 Keeping the aforementioned in view as well as the various complaints that are under investigation in a variety of fora, the following **recommendations** are made:-
- 6.2.1 DDCA is responsible for promotion and development of cricket and for the fate of the budding cricketers in the State of Delhi. It is therefore necessary that **affairs of DDCA should be managed primarily by cricketers.**
- 6.2.2 BCCI, being a parent body governing cricket in India, has recognized DDCA as the exclusive Association for promoting, developing and managing cricket in Delhi. Therefore, **BCCI cannot continue to have a hands-off approach and should suspend DDCA as per the Memorandum and Rules and Regulations of the BCCI per Regulation 32(vii) and streamline the administration of DDCA. In the interim, professional cricketers should manage the affairs of cricket in Delhi.**
- 6.2.3 **Government should legislate on various sports, including cricket in Delhi-** specially regarding prevention of sports frauds and provision of infrastructure, facilities, coaching, training, transparent selection, free and fair elections and with a view to bring in professionals to deal with the same.
- 6.2.4 The Government to consider **appointing a Commission of inquiry under the Commission of Enquiries Act** to probe various wrongdoings/allegations among other related issues against DDCA.
- 6.2.5 DDCA holds monopoly over the affairs of arguably the most popular sport in Delhi region, including selection of Delhi State's team. It is performing

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**CHETAN B. SANGHVI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi





public functions and should be able to withstand the test of accountability, fairness, probity and transparency in all its activities. Its office bearers are therefore subject to **the Prevention of Corruption Act, 1988 like public servants** by the vigilance apparatus of the GNCT of Delhi.

- 6.2.6 The Justice Lodha Committee was formed by the Hon'ble Supreme Court of India to suggest amendments to the process followed by BCCI with a view to prevent sporting fraud and conflict of interest and also to streamline the Board's working.

Considering the large number of allegations against DDCA, it is recommended that the **Delhi Government should request the Hon'ble Supreme Court with request to have Hon'ble Justice Lodha Committee advice regarding streamlining the DDCA's working.**

- 6.2.7 The DDCA, which is substantially (directly/indirectly) funded by Government **should be brought under the ambit of Right to Information Act** at the earliest since this would allow people to know as to how players are selected and what basic facilities are made available to the players.

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**CHETAN B. SANGHI**  
Principal Secretary  
Urban Development Department  
Govt. of NCT of Delhi



V

ANN-I

OFFICE OF THE DEPUTY CHIEF MINISTER  
GOVT. OF NCT OF DELHI  
DELHI SECRETARIAT : I.P. ESTATE  
NEW DELHI-110002

No. Dy. CM/2015/ 8715-18

Dated: 12 November, 2015.

ORDER

Some serious complaints have been received in the office of Hon'ble Chief Minister regarding irregularities / wrong-doings against Delhi & District Cricket Association (D.D.C.A.), some of its officials and members. A two-member Committee, detailed below, is hereby appointed to inquire into the complaints:-

- |   |   |          |
|---|---|----------|
| 1. Sh. Chetan B. Sanghi, Pr. Secretary (UD/PWD)           | - | Chairman |
| 2. Smt. Punya S. Srivastava, Secretary (Education/Sports) | - | Member   |
| 3. Sh. Rahul Mehra  | - | Member   |

The Committee will report, among other things, (i) a summary of the irregularities / wrong-doings, if any, by the D.D.C.A., its officials and members (ii) suggestions for revamping DDCA to promote cricket in Delhi. The Committee shall submit its report to this office within 03 days.

*Manish*  
12/11/2015  
(MANISH SISODIA)  
DEPUTY CHIEF MINISTER

To

1. Sh. Chetan B. Sanghi, Pr. Secretary (UD/PWD)
2. Smt. Punya S. Srivastava, Secretary (Education/Sports)
3. Sh. Rahul Mehra

Copy for information to:-

1. Hon'ble Chief Minister

Recd 2:30 PM  
on 12/11/15

Attendance Sheet

Sub: Meeting regarding Enquiry of DDCA

Date: 13.11.2015 at 3.00 PM

S No.	Name, Designation & Organization	Contact No.	Signature	E-mail
1.	S. P. BANSAL	9810024529		spbansal-ddca@h
2.	CHITRA CHAUDHARI	9810223882		chitra.chaudhary@h
3.	ANIL KHANNA	9810039954		anil.khanna@h
4.	C. R. KHANNA	9810363737		cr.khanna@h
5.	Ravi I. Jain	9811088061		rajivjain526@h
6.	RAVINDER KUMAR CHANDRA	9810015345		rajivjain526@h
7.	VICENT SHARMA	9810311222		vicent.sharma@h
8.	VINOD SHARMA	9810311222		vinod.sharma@h
9.	Surya Kumar Sharma	9810311222		Surya.Kumar@h
10.	HARSH KUMAR	9810311222		harsh.kumar@h
11.	SUBHASI SUNDAR	9810400902		Subhasi.Sundar@h
12.	SIBBHARATI SATHI	9811394002		sibbharati.sathi@h
13.	MANJIT SINGH	9810311222		manjit.singh@h



IN THE COURT OF HON'BLE DISTRICT JUDGE, DELHI (CENTRAL)

SUIT NO. CS - OF 2015



IN THE MATTER OF:-

VINOD TIHARA

..... Plaintiff

VERSUS

DDCA & Ors

..... Defendant

(DELHI & DISTRICT CRICKET ASSOCIATION)

SUIT FOR DECLARATION, PERMANENT &  
MANDATORY INJUNCTION

Most respectfully sheweth:

1. That the plaintiff is the Convener of the incumbent 10 Member Sports Working Committee that got elected for a term of 1 year in an election held on 31<sup>st</sup> July 2014. The plaintiff and the SWC assumed office on 4<sup>th</sup> August 2014.
2. The Plaintiff is a cricket player himself and a cricket enthusiast and for has been pursued his passion for cricket till this day through his "philanthropic" involvement in the game and devoting all his life for improving the Cricket sport in Delhi and exposing and fighting for the eradication of "corrupt practices" in sports, more particularly in cricket.
3. That the Defendant No.1 (DDCA) is a Company duly incorporated and registered under Sec 25 of the Companies Act, 1958 (now Sec 2 of the Companies Act 2013) with no share capital. A license under Sec 25 of the Companies Act was issued by the Regional Director to the DDCA on 28.06.1985. The Defendant No.1 is having its registered office at Kofla, Ferozshah, New Delhi. The Memorandum & Articles of Association of DDCA is Annexure-A.



In the Court of Shri Vinod Kumar, ADDJ, District Judge-13 (Central)  
TIS HAZARI Court, Delhi

C.S. No 266 of 2015

Vinod Tihara

PLAINTIFF

DDCA & Others

DEFENDANTS

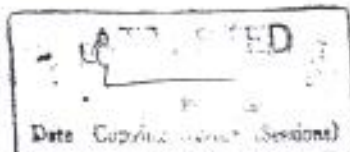
## INDEX

Papers / Files submitted to Hon'ble Court

S. No.	Files / Papers	Pages
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2	Proceeding of Election Commission with Register	1 - 33
3	Ashoka C.C.	1 - 134
4	Chand Khanna CC	1 - 9
5	Goswami Ganesh Dutt CC	1 - 496
6	K. N. Colts	1 - 543
7	Rani Bagh CC	1 - 466
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9	Youngster CC	1 - 445
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13	Patel Nagar Gym.	1 - 9
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16	Common File / Letter	1 - 61
17	Ballot Box ( Votes Polled, Ballot Counter files & Votes kept sealed)	Sealed Packet
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19	Withdrawal Forms	58
20	Invited Nomination	6 Files

(Babu Lal)  
Election Commissioner

(G. P. Thareja)  
Election Commissioner



05 OCT 2015

IN THE COURT OF SHRI VINOD KUMAR, ADDL. DISTRICT JUDGE-13 (CENTRAL) TIS HAZARI  
COURTS, DELHI

C.S. NO. 266 OF 2015

VINOD TIHARA.....

.. PLAINTIFF

VS

DDCA & OTHERS

.. DEFENDANTS

REPORT OF THE ELECTION COMMISSION

19.9.15

In the aforesaid suit, vide order dated 30-6-2015, the Hon'ble Court was pleased to appoint the undersigned as members of Election Commission for conducting the election of Sports Working Committee of DELHI & DISTRICT CRICKET ASSOCIATION [hereinafter referred to DDCA] Defendant NO. 1 in the suit with the directions as follows:

"All the objections of the parties in respect of the issues arising for the purpose of conducting the elections including the voters list/list of affiliated clubs and as to who will supply relevant records and documents shall be decided by the Commission"

"The Commission will start working from today itself and election shall be completed within a span of six weeks starting from today."

"All the office bearers as well as parties to the suit will assist the Election Commission to conduct the elections. However, the members of the election commission will be at liberty to appoint their own ministerial staff for the purpose of election process for which they will pay out from their own fees."

"It is made clear that this is all powerful election commission to conduct the elections and to take any decision in this regard. The Commission may also take assistance from any quarter in conducting their functions. The Election Commission will decide the entire procedure and programme of election."

As per the wishes in the aforesaid order, we the members of the Election Commission assembled at the office of DDCA on 30-6-2015 and proceeded with the work to be done by us.

We met almost every working day since 30-6-2015, unless it was necessary to defer the work after some days in connection with the election of the Sports Working Committee of DDCA. We gave hearing to every member/representative who appeared before us on behalf of the club as well as the DDCA. We discussed with every person appeared before us how to hold the fair election and prepare the electoral roll.

We were supplied by the DDCA the forms available with the DDCA which were filled by the affiliated clubs. We came to know from the forms that cheques enclosed with forms have not been encashed in





certain cases. We felt that an affiliated club can be in the electoral roll when the dues are cleared. We, therefore, thought it appropriate that reasonable time is given to affiliated clubs so that dues of the clubs are deposited. We were also told that certain clubs/institutions have not filled the forms. After hearing the grievances told to us, we on 7<sup>th</sup> July, 2015 issued a circular, relevant portions of which reads as follows:



"ARTICLE- 23. Article 23 of Articles of Association of DDCA provides that Sports Working Committee Consisting of 10 members shall be elected by the affiliated clubs amongst the members nominated by the affiliated clubs. DDCA has provided to us a list of clubs affiliated with DDCA which includes teams of affiliated institutions with names of nominees mentioned in the list which is being displayed on the NOTICE BOARD OF DDCA as well as on the conspicuous places of the DDCA. Any club or its member who has any objection/reservation in respect of the information contained in the said list of the affiliated clubs/institutional teams, may submit the same in a sealed envelope addressed to the court appointed Election Commission by dropping the objections, if any, in the BOX meant for the purpose KEPT outside the room of the Court appointed Election Commission latest by July 20<sup>th</sup>, 2015 15.00 hours. Such Clubs/institutional teams are at liberty to submit fresh nomination which will supersede the earlier nomination, if submitted. Nomination forms can be obtained from Election Commission or DDCA. Nomination forms can be submitted by 20<sup>th</sup> July, 2015.

"These objections/reservations, if any, will be scrutinized on 22<sup>nd</sup> July, 2015 at 16.30 hrs in the office of Court appointed Election Commission. The final list will be displayed after the scrutiny."

"It is made clear that only those affiliated clubs/institutional teams or their nominees will be included in the electoral rolls whose subscription fee/affiliation fee has been cleared with DDCA. Therefore, affiliated member clubs/institutional teams are requested to ascertain at their end from DDCA if their application fee/subscription fee has been cleared and if the same has not been cleared as yet, they may clear the same by 20<sup>th</sup> July, 2015 positively. Any assistance from the court appointed Election Commission, if required, may be sought. The members of the court appointed commission will be available on 14<sup>th</sup> and 15<sup>th</sup> July, 2015 at 16.30 hrs at office of the court appointed Election Commission in old club."

After the aforesaid circular, we considered the nomination as well as the objections which were made to us in pursuance of the circular issued by us. We had received objections in the matter of following clubs:

1. Ashoka Cricket Club
2. Goswami Ganesh Dutt Cricket Club
3. Chand Khanna Club
4. N.K. Khanna Cricket Club
5. Rani Bagh c.c.
6. Roop Nagar c.c.
7. Youngsters c.c.
8. K.N. Colts
9. Young Association cc
10. Mohan Meakin cc
11. Paragon cc
12. Ravi Brothers
13. Patel Nagar Gym

ATTESTED  
Date 05 OCT 2015

We gave preliminary hearing to the Objectors as well as to nominated Secretaries of the club as well as other members of the clubs who intended to appear before us. We passed the appropriate order with respect to the above clubs. We also checked the nominations submitted to us and approved the names of the nominees where record was complete. In certain cases, we were compelled to proceed with names already recognized by DDCA as no fresh nominations were sent to us by any club or institution.



There were few cases where it was not possible to decide disputes immediately, we gave opportunity to the clubs to submit their claims/objections in the form of affidavit or other substantive evidence available with them. Where such disputes were there, disputing parties were allowed to cast their votes. We took such votes separately with observation that such votes will be counted, if need be, after counting process.

We finalized the list of voters and published the same and invited even objections against the list which was prepared by us. After no objection was received, we fixed the date for the withdrawal of the candidature as according to our interpretation of Rule 23 (2) all the nominees of the clubs were for the candidates for the post of ten members Sports Working Committee. Some of the nominees did not opt for the election to the 10 members Sports Working Committee. Hence, they were allowed to withdraw from the electoral contest.

Some of the clubs did not allow fresh nominees to stand in the election. After considering every aspect of the matter, we finalized the list of the contesting candidates. Even against this list, we invited objections, if there was any.

There being no objection to the list of candidates as well as list of voters, we published the candidatures of 26 candidates.

After the list was published, we finalized the Ballot Papers. We may note that for this purpose, we even worked on Sundays, in the afternoon of 15<sup>th</sup> August and even on Raksha Bandhan day. We may note that Ballot papers were not got prepared by DDCA inspite of our consuming precious time. When the Ballot Papers could not reach, even upto 5.25 p.m. on 31<sup>st</sup> August, 2015 we ultimately got prepared ballot papers on computer with the assistance of Mr. Chander Mohan Jha who has been assisting us with all humility at his command. We had to do so for maintaining the sanctity of the ballot papers. We put our seal at the appropriate place. This task continued till late night at home prior to the date of election.

We conducted the election as per list of voters and the candidates published by us. We supplied sample ballot papers to the candidates so that there may not be any grievance. We took the assistance of two Advocates namely Shri Kuljeetan Sidharth and Shri Kunal Kalra Advocate whom we made suitable award. We had fixed 1<sup>st</sup> September, 2015 as the date of the election and the counting of vote. The election was conducted in peaceful manner. In the election, 104 ballots were used by the club or institutional team's nominees for which there was no dispute. Ballot Nos. 102 to 122 were used by the voters of disputed clubs.

After the closure of the election at 3 p.m., we conducted the counting from 3.30 p.m. to 6.10 p.m. The counting was done in the presence of S/Shri P.K. Sen, Anil K. Passi, Maqsood Karim, Ashok Malhotra, Sanjeev Bati, Anun Kumar Mahajan, Umash Sharma peacefully.





The following was position of votes secured by each candidate after counting of votes

S. No.	Candidate Name	Vote Polled
1	A. K. Katyal	50
2	Anil Kr. Chaudhary	50
3	Anil Kr. Sharma	53
4	Anil Passi	49
5	Bikker Bahadur	00
6	Dr. Ahmed Tameem	50
7	Dr. S. S. Sareen	05
8	Gautam Vadhera	57
9	J. B. Jain	46
10	Lalit Sharma	03
11	Mahesh Kumar Bhati	57
12	N. C. Bakshi	01
13	Narender Kumar Sharma (N.K.Sharma)	51
14	Naresh Sharma	58
15	Padam Singh Chauhan	54
16	Pradeep Kashyap	57
17	Pradeep Kr. Gupta	45
18	Pradeep Kr. Aggarwal	53
19	Praveen Kumar Soni	50
20	Rajiv Malhotra	48
21	Rakesh Kaushal	00
22	Ramesh Sachdeva	45
23	Satish Kr. Thakkar	00
24	Vijay Bahadur Mishra	55
25	Vinod Sharma	45
26	Vinod Tihara	53

After the said counting, we did not declare the result considering the number of candidates who had secured 50 votes, so we felt that the decision in the matter of votes of disputed clubs would be necessary.

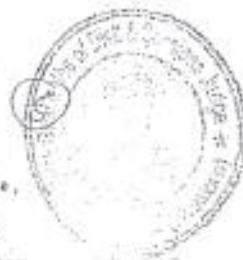
Accordingly, from 2<sup>nd</sup> September, 2015 onwards, we heard the respective parties of the disputing clubs. We also invited the representatives of the DDCA to assist us in the matter of hearing by providing us the documents available with them.

**ATTESTED**  
 Date: \_\_\_\_\_  
 Counting Agency (Sessions)

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After hearing the parties, we demanded the record from the DDCA i.e. Mr. C.K. Bhardwaj, Administrator, Mr. Pritam Panwar Accounts Incharge. We even sent request to the Sports Secretary, President of the DDCA to provide us the record but no record was provided to us.



Ultimately after considering the submission, considering the Memorandum and Articles of Association and the copy of minutes of the Executive Committee of DDCA and Sports Committee, which was provided to us by one of the parties, believing the same to be correct, we passed a detailed order with respect to all the clubs regarding which the disputes were raised before us. We made our observations wherever we felt necessary about the working of DDCA and its officers.

By separate order dated 16-9-2015, a copy of which is enclosed with this report, we did not allow the counting of votes of any of the disputing clubs. The detailed reasons are given in the said order.

Ultimately we declared the results by Notice dated 16-9-2015.

We record high appreciation for Shri Chander Mohan Jha, Assistant Sports Officer, Shri Sat Pal, Sports Officer, Shri Sunny peon and Shri Pardeep Pawar peon who assisted us in the matter of conducting the election. We had opted for their services keeping in view the fact that they being familiar with the working practice & procedure of DDCA would be of immense assistance and facilitate us in conducting our proceedings efficiently. Without the assistance of them, it was not possible for us to conduct free and fair elections of the voters to quality of which we have experienced.

We make a request to the Hon'ble Court to direct DDCA for suitable award to these officials as the Court may deem fit and proper.

We did note lack of transparency, bias and impartiality by the Sports Secretary and the Convenor of Sports Working Committee and also in recognition of club on the basis of inheritance. We have noted about the same in the orders with respect to the respective club. We need not repeat the same in this.

During the hearing, we felt that private cricket academies are being run under the umbrella of DDCA.

We noticed that from one address three clubs were affiliated. Two clubs each were also being run under the control of the administrative authorities of DDCA.



We felt as submitted before us, that under the banner of DDCA, there is no scope for the students of schools and colleges to participate in the league matches of DDCA.

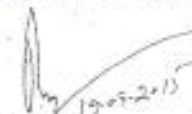
There is need that under the banner of DDCA, the schools and colleges also get chance to play in the league matches of DDCA. We make these observations so that the Executive Body of the DDCA and General Body of DDCA take note of it and if it finds appropriate, make provision in the league matches for students of schools in Delhi so that poorest of poor of Union Territory of Delhi who have passion for cricket at least get a chance to show their talent in the cricket field of DDCA.

We also noticed that certain clubs are functioning under the banner of Societies. Societies are Institutions. Therefore, such teams ought to be affiliated as institutional teams and not as clubs.

It is all the more important to note that a single society is having two teams. Both are entitled to vote in the election through their nominees. It has to be taken care of that if two teams of the same institution are recognized or given two votes such an institute may organize more teams to get weightage in the election. This should be prohibited.

We also note that ultimately fees are paid on behalf of the club/institutional team. However it is not known if the fee was paid by the institution itself or by the nominee as individual. Therefore, it should be ensured that only club/institution pays the fees on behalf of the club/institution and not the individuals.

We enclose herewith the list of proceedings, various circulars issued, lists also displayed, result of election notified and final result of election etc. in original along with ballot papers and files of disputed cases and other misc. records which are contained in box being submitted to Hon'ble Court through Shri Chander Mohan Jha.

  
SHRI BABU LAL  
ELECTION COMMISSIONER

  
SHRI G.P. THARJA  
ELECTION COMMISSIONER



16-9-2015

We the undersigned had been appointed by the Court of Shri Vinod Kumar, Additional District & Session Judge as Election commissioner to conduct the election of ten members of the Sports Committee for the year 2015-16 in accordance with Article 23 of Articles of Association of Delhi & District Cricket Association, Ferozeshah Kotla Grounds, New Delhi ( hereinafter referred to as DDCA).

"Article 23 of the Articles of Association of DDCA provides that Sports Working Committee consisting of ten members shall be elected by the affiliated clubs amongst the members nominated by the affiliated clubs.

DDCA provided us a list which they claim was the list of clubs affiliated with DDCA. Such a list which was provided to us also included the names of institutions nominees affiliated with DDCA.

When we assembled in the room provided to us in the DDCA, oral as well as in writing representations were made to us regarding lack of fairness on the part of Sports Working Committee. The affiliation fees of several clubs were not deposited although cheques were received of the amount of affiliation fee from certain clubs and institutions. It came to our notice from administration also that the cheques given by the clubs and the institutions had not been encashed.

We hereby come to know of the discrepancies from objections submitted to us, We displayed on the NOTICE BOARD OF DDCA the list of clubs affiliated with DDCA which included the names of affiliated institutions with names of the nominees mentioned in the list provided to us.

We invited objections/reservations from the clubs in respect of the information contained in the list of affiliated clubs/institutional teams in sealed cover addressed to the Election Commission by dropping objections, if any, in the BOX MEANT FOR THE PURPOSE, and kept by us outside the room of the Election Commission by 20<sup>th</sup> July, 2015



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We further gave liberty to the clubs/institutions to submit fresh names of the nominees which will supersede earlier one.



It was noted in the notice circulated by us that the objections/reservations if any will be scrutinised on 22<sup>nd</sup> July, 2015 at 16.30 hrs in the room of the Election Commission. The final list will be decided after it is scrutinized.

We sent the notices on the respective addresses of the clubs available in the list or in the records of DDCA.

Since the matter of non-receipt of affiliation fee was brought to our notice, we also noted in the circular issued by us that only those affiliated clubs/institutional teams or their nominees will be included in the electoral roll whose subscription fee or affiliation fee was cleared with the DDCA. Therefore, all affiliated clubs/institutions had been requested to see that the affiliation fee is duly cleared.

Since aspersions were made with regard to the working of Sports Working Committee, we wrote to the clubs that if any assistance in the matter was required from the Election Commission, the same could be sought from the Election Commission.

On our circular, objections were received in the matter of the following clubs.

- 1 Ashoka Cricket Club
- 2 Goswami Ganesh Dutt Cricket Club
- 3 Chand Khanna Club
- 4 N.K.Khanna Cricket Club
- 5 Rani Bagh c.c
- 6 Roop Nagar c.c.
- 7 Youngsters c.c
- 8 K.N.Colts
- 9 Young Association cc
- 10 Mohan Meakin c.c
- 11 Paragon cc
- 12 Ravi Brothers.
- 13 Patel Nagar gym



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Before publishing the list of the clubs whose nominees were entitled to cast vote in the election of ten members of Sports Working Committee, we gave the preliminary hearing before finalizing the list for purposes of election to the representatives of the clubs as well as to the objectors.

In the preliminary hearing, we passed the orders with respect to all the clubs. The gist of the order with respect to the respective clubs is noted as below.

In the matter of GOSWAMI GANESH DUTT CC & ASHOKA CRICKET CLUB vide order dated 19-8-2015 which was passed for both clubs, we noted as follows;

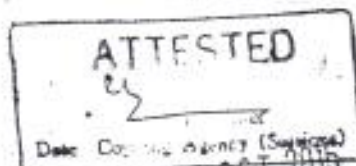
" It is clear that there is a dispute between the persons managing Goswami Ganesh Dutt Memorial Society under whose aegis Goswami Ganesh Dutt Cricket Club was being run which is affiliated with DDCA. Can Goswami Ganesh Dutt Cricket Club and Cultural Society which is not Goswami Ganesh Dutt Memorial Society represent Goswami Ganesh Dutt Cricket Club?"

The question also before us is out of two persons nominated-Shri V.P.Sareen by one group and Shri Vinod Katyal by the other group who should be allowed to vote.

We made the following observations..

"We therefore think it appropriate that we should allow both of them to vote but their votes will be kept secret duly sealed and at the time of counting the votes, it shall be decided by us whose vote should be counted for the purpose of ten members Committee."

Accordingly in the matter of Goswami Ganesh Dutt cricket club, we allowed Shri V.P.Sareen and Shri Vinod Katyal to vote in the election for and on behalf of Goswami Ganesh Dutt Cricket Club but their votes will be kept separate in a sealed cover.



After the election we shall decide to give reason as to what should be done by us with respect to the votes cast by aforesaid two persons.

So far as ashoka Cricket Club is concerned on the basis of records produced before us vide detailed order dt. 19-08-2015, we came to conclusion that nomination of Sh. A. K. Katyal registered with DDCA was correct and accordingly we recognized A. K. Katyal as Nominee to cast vote and to contest election of Sports Working Committee.



**CHAND KHANNA CLUB & N.K.KHANNA CRICKET CLUB**

Next in the objections list is Chand Khanna Club and N.K.Khanna Cricket Club. Both the clubs are affiliated with DDCA. In N.K.Khanna Cricket Club Smt. Shashi Khanna the wife of Shri C.K.Khanna is the President while Shri C.K.Khanna is the Secretary. In Chand Khanna Club, Shri C.K.Khanna is the President while his wife is the Secretary.

With regard to these clubs, Lal Bahadur Shastri Cricket Club under the signatures of Shri Vinod Tihara who is the convenor of the DDCA Sports Working Committee filed objections but did not come forward to press the objections.

Since objections were not pressed, we allowed the nominees of the respective clubs to represent the clubs as a candidates and voters. We recognize these clubs since there is no objection against these clubs. Under the circumstances, we have no other alternative but to give their nominees right to vote and right to contest election of Sports Working Committee.

**K.N. COLTS**

We received representations from Kailash Nagar Colts (K.N.Colts). We also heard Shri Pradeep Srivastav representing Krishna Nagar Colts. With respect to them, we noted as follows:

"Since their matter require the detailed hearing, we made a proposal to them that we allow both of them to cast vote with respect to clubs affiliated with DDCA as K.N.Colts but their votes will be kept secret. Their fate vote will be decided by us at the end, if need be, and at that point of time, we will give them an opportunity of detailed hearing.

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Accordingly right to vote is allowed but it is made clear that this order will be without prejudice to claims and rights of either of the parties nor any of the party will take advantage of this order in any forum including courts, DDCA or any other relevant forum."

The objections were accordingly kept pending.

#### RAVI BROTHERS CRICKET CLUB

With regard to Ravi Brothers Cricket Club, we passed a detailed order dated 4-8-2015. We allowed Shri Ashok Sharma to represent Ravi Brothers Cricket Club in the ensuing elections as nominee of the club for the purpose of election as well as voting.

#### YOUNG ASSOCIATIONS CC

As far as objections relating to Young Association Cricket Club were concerned vide order dated 1-8-2015, we observed as follows:

"We dispose of the dispute raised before us. As far as election of Sports Working Committee is concerned, Shri Ajay Bansal will vote. Our order is limited to the election of this year only."

#### MOHAN MEAKIN CRICKET CLUB

The institution club of Mohan Meakin Ltd. club is affiliated with DDCA with Secretary Shri Madan Lal. Letters were received on 4-8-2015 from one Shri Umesh Sharma Secretary Kishanganj Gymkhana cc stating that Mohan Meakin c.c has been granted affiliation by the DDCA under the institutional club category although the club is having its office at Noida which falls under the jurisdiction of U.P. Cricket Association, so the said club cannot participate in the said election, so the club and its nominee cannot be allowed to take part in the election of Sports Working Committee 2015-16 for having violated article 21 of Articles of Association of DDCA.

We also received letter from Shri R. C.Jain, Additional Secretary of Mohan Meakin Ltd. We also called Shri Madan Lal, the Secretary recognized by DDCA. With regard to this institution, we passed the order, the relevant portion of which reads as follows:



"A person who is not an employee of the institution cannot be nominated for the purpose of election when admittedly he is no more an employee of the institution.

The institution club is affiliated with DDCA with the sole idea to represent the institution and its club provided one who is representing, is an employee or the son of the employee who has passion for cricket. One who is not an employee cannot be permitted."

Now the question before us who will represent Mohan Meakin c.c. . Certainly Shri Madan Lal cannot represent Mohan Meakin c.c. Col. Pushpender being an employee of Mohan Meakin Ltd. has only been permitted to vote on the day of the election by Mohan Meakin Ltd. who can vote provided dues are cleared by the institution. Shri Madan Lal is not competent to vote or contest election, yet if he wants to vote, we will take the separate vote in a separate cover. However, we made it clear that his vote will not be counted on behalf of Mohan Meakin C.C.

Vote of Mohan Meakin Ltd. will be of Col. Pushpender if he exercises. The vote of Shri Madan Lal is allowed only for the purpose that if subsequently any court or other forum decides otherwise, the election is not countermanded.

Accordingly we dispose of the case of Mohan Meakin Ltd. as has come before us for purpose of election only. This order pertains to election only and will not be utilized by any party."

#### ROOP NAGAR CRICKET CLUB

Vide detailed order dated 29-7-2015, we allowed Shri Kapil Anand and Shri Sanjay Bhatia to vote for an on behalf of Roop Nagar Cricket Club. We made the following observations;

"Both these votes will be kept separate. Considering, further order in this behalf will be made on the day of the election if the eventuality arises, considering our convenience."

#### PARAGON C.C



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We had received objections from United India c.c. but none appeared to press the objections before us. We therefore allowed Shri Rajeev Malhotra to represent the club for the election and get elected unless he decides otherwise. Accordingly, the objections were disposed off as not pressed.

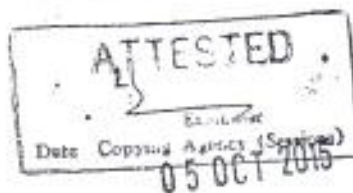
#### PATEL NAGAR GYMKHANA

In the list of DDCA, Mrs. Alpna Kohli was disclosed as the Secretary of Patel Nagar Gymkhana and one Shri Lalit Kr. Sachdeva as nominee. In the Patel Nagar Gymkhana, we made the following observations:

"When the matter came before us at the time of election, we enquired whether there can be any inheritance of the club as we understand club is the association of persons and therefore, there cannot be inheritance of club. Club is affiliated with DDCA. It is association of persons for the club who is to decide who will be the nominee of the club for the purposes of election and who will be the secretary of the club for the purpose of dealing with DDCA. Since the order of the court is there, we abide by the order of the court but make it clear that it is the duty of the Convenor of the Sports Working Committee and the Sports Secretary to see that club means club i.e. the association of persons who have interest in the cricket as far as DDCA is concerned. Since in the order of the High Court, only right to vote is given, we only allow the right to vote in the special circumstances of the case which will be taken by us on the date of the election.

It is the duty of the DDCA to see that club affiliated with DDCA functions like a club and not like a private entrepreneur. Accordingly, we dispose of question of right to vote with a special remark that inheritance should not be the criteria for affiliation for purposes of dealing with DDCA and for casting of vote for the election of Sports Working Committee of DDCA. The DDCA for purposes of future election shall take appropriate step so that such situation does not repeat for the election of subsequent years.

In this manner, we give respect to the order of the court for the ensuing election.





REG. DECISION ON THE QUESTION AS TO WHOSE VOTE TO BE COUNTED ON  
BEHALF OF K.N. COLTS.

Now we have heard Shri R.D.Singh representing Kailash Nagar Colts(K.N.Colts) and also Shri Pradeep Srivastava representing Krishna Nagar Colts. The detailed reason and discussion we will make hereinafter.

We have noted the history from the affidavits of the parties from which we find that a club in the name of K.G. KHOSLA CRICKET CLUB was affiliated with DDCA long long back and it is such club which was playing DDCA league matches.

We have also received a representation from NCT Cricket Association Regd. of which Shri Bishen Singh Bedi, former Captain of the Cricket Team of India, is the President.

This letter of NCT Cricket Association dated 11-9-2015 also shows that name of K.N.Colts is K.G.Khosla Cricket Club. The said K.G.Khosla Cricket Club was described in DDCA subsequently as K.N.Colts. Later on, this K.N.Colts was recorded in the records as "Krishan Nagar Colts" of which Shri Pradeep Srivastav is claimed to be the incharge. In the affidavit of Shri R.D.,Singh s/o late Shri Balwant Singh who claim, to be the Sports Secretary of "Kailash Nagar Colts", it is stated that K.G.Khosla Cricket Club was affiliated with DDCA since many years DDCA league matches were played in the name of "K. G. Colts." The management of K.G.Khosla cricket club was taken over by K.N.Colts. The reference in this behalf was made by the Secretary of K.G.Khosla Cricket club by letter dated 24-9-1993.

We checked the letter dated 24-9-1993. One Shri Vinod Sharma in the letterhead of K.G.Khosla Cricket Club, 1 Desh Bandhu Road, New Delhi of which as per letterhead, Shri Vinod Sharma was the Captain and one Shri K.L.Mehra was, the President has written the letter. Later on there were some meetings with Mr. V.P.Sharma/Shri Vineet Sharma and others for taking over the management of K.G.Khosla Cricket Club. Shri Vinod Sharma authorized Sports Secretary of K.N.Colts to take charge of the affairs K.G.Khosla Cricket club and it was further stated in the letter that Shri Vinod Sharma shall have no interference in future.

It seems that K.G.Khosla Cricket Club was "taken over" by such a letter by K.N.Colts and it is after such taking over of K.G.Khosla Cricket Club, the



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management was done in the name of K.N.Colts and in this manner some new management came into existence.

It is claimed by Shri R.D.Singh that a representation was made to DDCA by K.N.Colts to allow them to play in the league matches. Thereafter on 26-11-2001, K.N.Colts applied for the registration of the Club before the Registrar of Societies. The Registrar of Societies declined to register K.N.Colts Club stating that a society cannot be registered in the abbreviated name. Full name was required.

It is on the demand of the Registrar that K.N.Colts Club is written as "Kailash Nagar Colts."

Kailash Nagar Colts was registered with the Registrar against registration No. 43039 of 2000.

It is apparent from the affidavit of one Shri Mohinder Srivastava, the younger brother of Shri Pradeep Srivastava who was the Sports Secretary of Kailash Nagar Colts, resigned from the club on 21-5-2005 and constituted a club in the name of "KRISHNA NAGAR COLTS SOCIETY" and became the President of the said Society. Said Shri Mohinder Srivastava along with his brother Shri Pradeep Srivastava got registered Krishna Nagar Colts Society on 21-3-2006. Subsequently the Registrar of Societies issued an amended certificate of Registration with the name i.e. Krishna Nagar Colts Society (K.N.Colts) on 11-8-2011.

The litigation started thereafter. Civil Suit No. 1463 of 2006 had been filed. DDCA appeared in the said suit and stated that Kailash Nagar Colts was affiliated with DDCA for the purpose of playing league matches. There is a dispute who represents K.N.Colts Club - Kailash Nagar Colts or Krishna Nagar Colts.

Further representations were made to us and documents were filed that Kailash Nagar Colts is entitled to the affiliation and participate in the DDCA league matches and is playing under the said name since 1995. On the other hand, we received an affidavit from Shri Pradeep Srivastava who stated that K.N.Colts (Krishna Nagar Colts Society) is duly affiliated with DDCA and has been participating in the cricket affairs which include annual DDCA Cricket League as well as Sports Working Committee election as voters since last many years.



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This club by virtue of this affiliation has been receiving annual financial grants, refreshment money for the players and awards etc.



Both the groups stated about the Bank account and participation previously in the elections.

In order to decide who is the right club whose vote is to be counted by us, we called for the records of DDCA to find out how K.G.Khosla Cricket Club came to be changed into "K. N.Colts" and how "K.N .COLTS" club became Krishna Nagar Colts Society or Kailash Nagar Colts.

We are sorry to point out that DDCA has not assisted us. We demanded the resolution of the Sports Committee. We even sent a request to the executive Committee of DDCA through its President. We regret that nothing has been provided to us in original of the documents which we expected from the DDCA. One of the parties supplied us the minutes of the meeting of the Executive Committee of DDCA held on 31-05-2012 at Ferozeshah Kotla Grounds. Which shows that a committee was formed as per the decision taken in the Executive Committee meeting held on 31-5-2012 under the Chairmanship of Shri Arun Jaitley, President, DDCA, to verify and ascertain from the record of DDCA regarding the bonafide of the Secretaries of the undermentioned clubs:

- 1 Young Association
- 2 Patel Nagar Gym
- 3 Rani Bagh Cricket Club
- 4 Roop Nagar Cricket Club
- 5 K.N.Colts

"It was observed by Executive Committee of DDCA that without prejudice, the Committee is of the view that the claimants who have gone to the Court in such cases, the verdict of the court shall be binding on the Association."

The committee consisted of the followings:-

- |   |                       |                    |
|---|-----------------------|--------------------|
| 1 | Shri C. K.Khanna..... | Vice President     |
| 2 | Shri Suresh K.Chopra  | Vice President     |
| 3 | Shri S.P.Bansal       | Hony.Gen.Secretary |

The Committee had the meeting on 05-06-2012. It called Mr. Sat Pal, Sports Officer DDCA and advised him to ascertain from the DDCA's records the names





of the Secretaries and in case of death of Secretary whether any affidavit/resolution is on record, otherwise who has been the Secretary of the club after his death and for how many years.

The Sports Officer has been advised to verify and submit to the committee very soon.

Mr. Sat Pal, Sports Officer has verified from DDCA records, that upto the year 2010-2011, following were the Secretaries/Representatives of the following clubs:

- 1 Mr. Rahul Bansal, Secretary, Young Association cc 16/1510, Shiv Ashram, S.P.Mukerjee Marg, Delhi-110 006.
- 2 Mr. Satyender Pandey, Secretary, Patel Nagar Gym.Club, J-32 FF West Patel Nagar, New Delhi-11- 008
- 3 Mr. Chetanya Bajaj, Secretary, Rani Bagh Cricket Club, WZ-960, Rani Bagh, Shakur Basti, Delhi-110 034
- 4 Mr. Sanjay Bhatla, Secretary, Roop Nagar Cricket Club, 4/42, Ground Floor, Delhi-110 007.
- 5 Mr. Pkradeep Srivastava, Secretary, K.N Colts, H.No. IX/3062, Gali No.3, Dharampura, Gandhi Nagar, Delhi-110 031.

We asked for the report of this committee consisting of Shri C.K.Khanna, Vice President, Shri Suresh K. Chopra, Vice President and Shri S.P.Bansal, Hony. Gen. Secretary regarding the club mentioned in the resolutions. No report has been submitted to us.

It seems that no report was given by the committee. Then we questioned DDCA when there is no report how DDCA allowed K.N.Colts to be represented by Krishna Nagar Colts. How the money was disbursed by DDCA in the name of K.N.Colts. In the matter of parting with money to K.N.Colts, nothing has been produced before us.

We again questioned the DDCA who is represented by Shri C.K. Bhardwaj, Administrator of DDCA, how this is happening. How the Chartered



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c) To finance or assist in financing of teams.

d) To assist in the organization or promotion of provincial Cricket Associations and of later provincial tournaments.

e) To promote and hold either along or jointly with any other Association, club or person cricket matches and competitions, to give or contribute towards awards and distinctions and for the purpose of the Association to promote give or support dinners, balls and other entertainments.

The things have changed today. Members of the DDCA today are various clubs mention of which we have made earlier. Only one institution outside Delhi is Mohan Meakin club of Mohan Meakin Ltd.

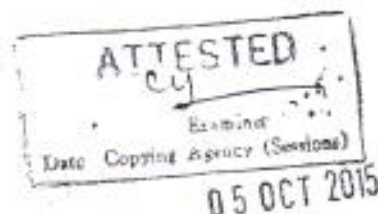
To perform the objectives of the Association, an Executive Committee of the Association has been prescribed in the Articles of Association.

In the matter of membership of the Association, the limit of members is upto 4600.

With regard to the affiliated clubs & institutions, the following is prescribed in the Articles of Association as mentioned in Article 21 to 23 which read as follows:

#### ARTICLE 21

Any "club" from the area controlled by the Association whose objects are similar to those of this Association or is formed to promote the game of Cricket, may apply for affiliation to the Executive Committee on the prescribed form giving list of its members alongwith a copy of its constitution, accompanied by affiliation fee as prescribed from time to time for the year. Any Club or "Association" when affiliated may become entitled to use of Association's grounds and other amenities with the prior approval of the Executive Committee that may be granted to such affiliated bodies.



**ARTICLE 22**

The affiliation of such a club or Association may withdrawn by the Executive Committee.

**ARTICLE 23**

(a) The Executive Committee will form a Sports Working Committee consisting of 10 members who shall be elected by the "affiliated clubs amongst the members nominated by the affiliated clubs."

b) The election of the members of Sports Working Committee as specified in clause 23(a) shall be held in such manner as may be prescribed by the Executive Committee in this behalf.

It is apparent from the reading of the aforesaid Articles that affiliation of a club or Association is in the hands of the Executive Committee of the Association.

Even as per Act 22, the Executive Committee is empowered to withdraw the affiliation of a club

In Article 47, powers of the Executive Committee have been defined. Article 47 reads as follows:

"The management and control of the Association shall be vested in the Executive Committee, who shall be the Governing Body of the Association and who may exercise all such powers and do all such acts and things as the Association, is by statute or by its Memorandum of Association, or by these Articles or by statute directed or required to be exercised or done by the Association statute or by these Articles to such regulations and directions and directions as may from time to time be determined upon or given in General Meeting, provided that no such regulation or direction shall invalidate any prior act of the Executive Committee which would have been valid if the regulation or direction had not been made or given."

In addition to aforesaid powers, Article 48 expressly declares function, powers and duties which are to be performed by the Executive Committee.

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The Executive Committee of DDCA, it is apparent from the aforesaid articles, enjoy monopoly status as regards regulations of the sports of cricket in terms of its Memorandum of Association and Articles of Association. It controls the sports of cricket and has been empowered to lay down the laws therefrom by their regulations and appointments of sub committees.

The Executive Committee, thus, exercises an enormous public functions. It exercises total control over the players, umpires and other officials.

The aforesaid articles clearly demonstrate that without recognition by the Executive Body of the DDCA or its General Body, no club can be affiliated.

Having regard to the enormity of power exercised by the Executive Committee of DDCA, the Executive Body of the DDCA which includes Sports Secretary and the Convenor of the Sports Working Committee are bound to follow the doctrine of fairness and good faith in all its activities. Having regard to the fact that it has to fulfill the hope and aspirations of millions of persons living in the National Capital Territory of Delhi, it has a duty to act reasonably. It cannot act arbitrary by whimsically or capriciously or with bias.

The Association or club even if it is in the form of a company, has to frame its regulations and is bound by them. Necessarily the office bearers in terms of the Memorandum and Articles of the Association must not only act within the four corners of article of association and regulations framed there under and to exercise their reasonable powers in an honest and fair manner, keeping in view the public and also the welfare of the sport of cricket. It is therefore wholly undesirable that a body incharge of controlling of cricket should involve itself in litigation or should encourage litigation completely losing sight of the objectives of the company. It is unfortunate to record that a room for suspicion has been created and that dealings of the Sports Secretary and Convenor of the Sports Working Committee have not been fair.

It is for this reason that the Sports section of the Executive Committee of DDCA has been accused before us by various clubs as noted above in the matter of their double standard. It is for this reason that we heard complaints of various clubs.

We have noted hereinbefore the resolution of the Executive Committee under the Presidentship of Shri Arun Jaitley dated 30-5-2012, provided to us by the parties and not by the DDCA inspite of our asking.



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Accountants who checked and reacted in their report. We could not get any answer and instead a discreet silence was adopted by Mr. C.K. Bhardwaj

Even the Joint Secretary Shri Subhash Sharma appeared before us. He also feigned ignorance about record asked by us. The club in the name of K.G.Khosla was affiliated with DDCA. DDCA is answerable to us to tell how they allowed Krishna Nagar Colts to be described as K.N.Colts which was registered in 2006 in the name of Krishna Nagar Colts Society (name was changed with effect from 11-8-2011 as Krishna Nagar Colts Society (K.N.Colts) It was not K.N.Colts till 2011.

Merely because DDCA without any legal procedure, paid money to such a club we cannot recognize such a club as the club which has been affiliated with DDCA in accordance with law and in particular in breach of the resolution passed by the Executive Committee of DDCA where the report of the committee constituted was insisted upon. Explanation has been made before us that since they are depositing annual fee and besides receiving the grant from DDCA, club has a right to vote. In this behalf, a reference was also made before us to an order of the Hon'ble High Court passed by Mr. Justice Valmiki Mehta.

We note that a Company in the name of DELHI & DISTRICT CRICKET ASSOCIATION (HEREINAFTER CALLED THE ASSOCIATION" was constituted under section 25 of the Companies Act, having registered office at Willingdon Pavilion, Kotla Ferozeshah, New Delhi. The objects of the Association in the Memorandum and Articles of the Association were described amongst others as follows:

a) To encourage and promote the game of Cricket in the Province of Delhi and District of Karnal Meerut, Aligarh, Bulandshahr, Gurgaon (hereafter called the area and for the amongst other purposes organize and run club and to take over the assets and liabilities of the Association called the Delhi & District Cricket Association.

b) To lay out any ground for playing the game of cricket and for other purpose of the Association and to provide pavilion, refreshment rooms and other conveniences in connection therewith, and with a view thereto purchase, lease or otherwise acquire land at such price or rent and for such period and upon such terms and conditions as may seem expedient.





We also note the observations of the Hon'ble High Court of Delhi in FAO 481 of 2011 and 482 of 2011 decided on 20-4-2012, in which the Hon'ble Court held as under:

"The rationale which was given by the DDCA in requiring a club to be a registered club also that in certain clubs, there were disputes of such seats and if the clubs are registered, DDCA will not force them for such disputes

Mere registration in their name will not stop any dispute with regard to the representation of the club in as much as even in registered clubs, there are always disputes as to who will represent the registered club also by whom or per the rules and therefore such attempt, to justify that the stand of DDCA is justified in my opinion, merely in arguments which has no legs to stand upon.

Therefore whether a registered club or unregistered club surely DDCA can always say that in cases where there are disputes as to the representation of a registered or unregistered club, the concerned person should approach the Civil Court and get appropriate order who should represent such registered or unregistered clubs. Shri Sanjeev Aggarwal ultimately vide order dated 28-11-2013 allowed the plaintiff club namely K.N.Colts (Krishna Nagar Colts Society) to be registered through Shri Pradeep Srivastava to vote in the DDCA league for the year 2013-14 in all the age categories giving them the same number of matches which are being given to other affiliated club."

It is apparent from the order that no right to get elected or vote was given to Shri Pradeep Srivastava by that order. The order dt. 29-6-2013 whereby the matter relating to K.N.Colts came up before Shri Ajay Goel, Addl. Distt. Judge on 29-6-2013 has been brought to our notice, it was noted by the Hon'ble judge as below:

"Previously Shri Pradeep Srivastava was given right to represent K.N.Colts. However in another application under order 39 rule 1 & 2 CPC was dismissed by the court of Ms Shilpi Jain vide order dated 7-6-2012 and therefore Shri Pradeep Srivastava is hereby allowed to represent the club and cast the vote. It may be noted that Shri Ajay Goel has passed the order while functioning as a Vacation Judge. Ms. Shilpi Jain vide order dated 27-8-2013 had held that the application for junction had become infructuous."

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It is apparent from the aforesaid articles that DDCA is to act according to the Articles of Association and regulation made by the Executive Body of the DDCA and particular articles 21 to 23, and 47 & 48 of the Articles of Association of the DDCA.

In view of these article, we demanded the proceedings of the Executive Committee and also the records of the Sports Committee whereby rights were given to one faction and denied to the other. It is for this reason that we demanded the records as to what was the fate of the committee constituted by the Executive Committee of the DDCA (under the Chairmanship of Shri Arun Jaitley.) We were supplied no records.

There is no answer to us. We find that Sports Secretary and the convenor of the Sports Working Committee did not act in fairness in giving recognition to Shri Pradeep Srivastava in representing K.N.Colts as Krishna Nagar Colts society. Sports Secretary even kept at bay the Executive Committee which as per article 21 & 22 is competent to allow the affiliation of a club, and even withdraw the affiliation of a club under article 22. The Executive Committee had demanded the report with respect to K.N.Colts as well as other clubs but no material was given. The Sports Secretary recognized the K. N.Colts represented by Krishna Nagar Colts as the appropriate club which was against the mandate of the Executive Committee of DDCA. The Sports Secretary ought to have accepted the recommendation of the High Court that one is to bring an order from the court. Even that was not respected.

The matter who is K.N.Colts is still not decided by the court the same is still not decided by the Executive Committee of DDCA, in pursuance of articles 21 and 22 of the Articles of Association of the Company. Unless decision is given by the appropriate authority viz the court or the Executive Committee of the DDCA for the election of 2015-16, we can neither recognize Krishna Nagar Colts nor Kailash Nagar Colts.

In this view of the matter, we neither count the vote taken by us through the representative of Kailash Nagar Colts nor we count the vote of representative of Krishna Nagar Colts.

Before parting with the case of K.N.Colts, we observe that the DDCA Executive Committee or the Governing Body of the DDCA must frame regulations how and by whom the club will be represented where there is dispute between the

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persons managing the club. While framing such regulations, DDCA should consider what is to be considered by the Executive Committee of DDCA. Is it the play of the players, contribution of the club, the managers of the club etc. These are the matters which are within the domain of the Executive Committee of DDCA and not with us.

We further consider that DDCA in order to act fairly in the matter where dispute is there, nominate a committee consisting of eminent and distinguished members who hear the disputing parties and make recommendations in fairness to Executive Body of DDCA for appropriate decision.

It is only after the decision of the Executive Committee that the club should be allowed to vote in the election of the Sports Working Committee. Unless the decision is taken by the Executive Committee in the matter, such clubs should be kept away from all activities except affecting the interest of the players who play under the banner of such clubs.

#### RANI BAGH CRICKET CLUB

In the matter of Rani Bagh Cricket Club, Shri S.N.Sharma and Shri Chetnya Bajaj appeared before us.

Detailed reasons about the dispute, we have given in the order dated 7-8-2015.

We have to decide now whose vote should be counted i.e. Shri S.N.Sharma or Shri Chetnya Bajaj. Parties, after the order dated 7-8-2015, have submitted to us detailed documents. Shri Chetnya Bajaj submitted to us the order dated 28-11-2013 in suit No. 252/13 passed by Shri Sanjeev Aggarwal, Hon'ble A.D.J Delhi, order dated 29-8-2013 in suit No. 76/12 passed by Ms Richa Parihar Hon'ble Civil Judge and order dated 28-7-2014 passed by Dr. Archana Sinha Hon'ble ADJ and also order dated 9-9-2014 passed by Hon'ble Delhi High Court in FAO No. 270 of 2014.

Order dated 9<sup>th</sup> September, 2014 of the High Court is interlocutory.

Order dated 28-7-2014 passed by Dr. Archana Sinha made a reference regarding the election for the year 2013-2014.



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This order notes "the DDCA shall abide by the decision of the Election Officer/ or order passed by any Hon'ble Court. This is without prejudice to the merits of the case".

The order has been passed with the consent of the parties and the suit was dismissed as withdrawn.

The counsel for the DDCA consented in the order. Inspite of our repeated demand, we have not been provided as to when and how the Executive Committee of DDCA recognized Rani Bagh Cricket Club to be represented by Shri Chetnya Bajaj. In absence of original documents before us, we cannot give due recognition to such a club.

Since there is no material made available to us, mere permitting to play of cricket or providing grant without the authority of the Executive Committee of DDCA confer no right to Mr. Chetnya Bajaj to represent Rani Bagh Cricket Club for the purpose of election. The detailed reason we have already given in the matter of K.N.Colts. We therefore refuse to count his vote. Similarly the other group has produced before us a book Samarika and submitted to us that Rani Bagh Cricket Club was registered in the year 1990, Club was affiliated with DDCA in 1970. The Society of the Club nominated Shri Puran Bajaj father of Shri Chetnya Bajaj who was playing as a member of the club as a right arm opening bowler and batsman and remained nominee of the club from 1997 to 2007 when he died and thereafter the club named Shri S.N. Sharma as the nominee.

Shri Kuldeep Singh when he conducted the election of 2011-12 allowed Shri S.N.Sharma to cast the vote. Along with the book Smarika, this documents, bank records were placed before us. We have got two sets of the documents.

Shri S.N.Sharma, from the book Samarika showed us how Rani Bagh Cricket Club came into existence and also list of the players of the club. On the other hand, Shri Chetnya Bajaj had shown us various orders which we have referred hereinabove which were interlocutory in nature for which we cannot recognize unless we are provided the resolutions of the Executive Committee of DDCA granting affiliation to either of the parties.

For the reasons recorded by us in the matter of K.,N.Colts, without the club having been approved by the Executive Committee of the DDCA in accordance with Articles 21 & 22, we cannot recognize Shri S.N.Sharma having the authority to cast the vote. Hence we do not count either of the votes for the club.



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## ROOP NAGAR CRICKET CLUB

With regard to the controversy of Roop Nagar Cricket Club and the right to vote, the facts in short which we repeat now is that this cricket club was affiliated with DDCA in the year 1987-88. One Shri Sanjay Bhatia the opponent claimant was representing the said club before DDCA as its Secretary. Initially the club was being run under the Chairmanship of Shri Ajay Goel, Shri Rajan Manchanda, Shri Sanjay Bhatia, Shri Neeraj Bhatia etc. This club was an unregistered club.

Sometimes in the year 2007 or 2008, the DDCA insisted for the registration of the club. Shri Sanjay Bhatia who was the Secretary of the club, which is claimed by Shri Ajay Goel and others misused his position as Secretary and got registered a club in the name of Roop Nagar Cricket Club with the Registrar of Societies in the year 2009 and claimed himself as Secretary for such club. When other members of the club came to know of such unfair activity of Mr. Sanjay Bhatia, they represented to the DDCA and ultimately filed suit before the court alleging that Roop Nagar Cricket Club was represented by them and bank account had also been opened.

Shri Sanjay Bhatia who has appeared before us in person had not disputed that he was earlier representing Roop Nagar Cricket Club as Secretary of the Club. He further added that he got registered a club in the name of ROOP NAGAR CRICKET CLUB in 2009 and his team was playing in DDCA and even the benefits that had been accorded by DDCA has been deposited in the bank account opened by him.

It is also a case where the question is who manages and represents a club which is affiliated with DDCA prior to 1990. The question in this regard, needs to be decided either by the Court or by the Executive Committee of DDCA which is empowered in this behalf. As already noted by us that the Executive Committee of DDCA is competent to frame regulations. Even the Executive Committee of DDCA under the chairmanship of Shri Arun Jaitley demanded a report from the committee constituted which does not seem to have given report.

We have already noted in the matter of decision regarding K.N.Colts that the Sports Secretary or the Convenor of the Sports Working Committee have been working fairly & acted without following the fair procedure.



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The Sports Secretary and the Convenor of Sports Working Committee, are not the final authority in this behalf. It is the Executive Committee of DDCA which is the final authority. Even though benefits are being given to Shri Sanjay Bhatia representing Roop Nagar Cricket club we find that benefits have been given illegally, arbitrarily and without authority. We cannot give any importance to such payments. This is a matter to be considered by the Executive Committee of the DDCA. Since no proper affiliation has been granted to either of the above group, by the appropriate authority of the DDCA, we hold that none of them has any right to vote unless they get the approval from the Executive Committee of the DDCA or by Court. We accordingly, for the reasons recorded by us in the matter of K.N.Colts, do not count vote of Shri Rajan Manchanda and Shri Sanjay Bhatia as far as the election for 2015-16 is concerned. We may note like K.N COLTS no records have been produced before us by DDCA. Accordingly, we do not count the votes which have been polled on behalf of Roop Nagar Cricket Club.

#### YOUNGSTERS CRICKET CLUB

In the matter of Youngsters Cricket club which it is claimed was running from the address WZ-125, Village Dasgarha, IARI, Post Office, Pusa, New Delhi. We looked into the list submitted to us in this case. We find from the list made available to us that from the address WZ-125, Village Dasgarha, IARI Post Office, Pusa, New Delhi three clubs were affiliated with DDCA. A club in the name of J.N. Golden cc address of WZ-125 Village Dasgarha, IARI Post Office, Pusa, New Delhi-110 012 with mobile No. 9911351150 in the year 2006-2007.

Citizen Cricket Club with the address WZ-125, Village Dasgarha, IARI Post Office, Pusa New Delhi with Shri Davender Chaudhary with the same mobile number.

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The name of J.N. Golden Cricket Club has since been changed and in the list of 2015-16, is affiliated as "Mata Ved Solanki cc" through Shri Ashok Solanki with address changed as R2-24 G Dharampura Colony, Najafgarh, New Delhi.



The third club in the year 2005-2006 Youngsters Cricket Club with the address WZ-125, Village Dasgarha, near Rajinder Nagar, New Delhi is affiliated with Shri Sunil Dev and telephone No. 25844174. It is a matter of third club which is a matter of dispute.

We are surprised to note that at one address three clubs were affiliated with DDCA and the persons responsible was Mr. Chaudhary to manage all those clubs.

With regard to this club we had received representation signed by Mr. Amit Khurana, Vice President, Mr. Kishan vice President, Mr. Tej pal Singh, Treasurer, Mr. Naveen Chaudhary Executive member and Mr. Rakesh Executive Member. The representation is in the form of a resolution. In the resolution, for and on behalf of Youngsters Cricket Club with the aforesaid address they had nominated Shri Naveen Chaudhary. This was on 22-7-2014. Thereafter also, Mr. Naveen Chaudhary as President of Youngsters Cricket club claims to have written letter to Shri Sunil Dev who is the Sports Secretary of the DDCA for handing over the Secretaryship of the club. It is stated that nothing has been done inspite of letter dated 3-8-2014, 10-10-2014, 10-11-2014 and also a letter written to Shri S.P. Bansal, President, DDCA signed by one Mr. Honey Chaudhary who looks after Citizen Club as mentioned above & one Mr. Naveen Chaudhary. Ultimately by letter dated 17-12-2014, the report was made to Shri Yashpal Singh, Station House Officer, under the signature of Mr. Honey Chaudhary and Shri Naveen Chaudhary who at the relevant time, were Secretary and Joint Secretary of the said club. A report was sent to Shri Sandeep Goyal, Jt. Commissioner of Police. In this report, averments were set out that Shri Sunil Dev cheated their father. Their father in a fit of depression committed suicide. In the suicide note, he even made a request to Shri Sunil Dev to return the club to Mr. Naveen Chaudhary. Shri Sunil Dev has been postponing the matter. It was also alleged that Shri Sunil Dev has illegally opened the account of the club and even received the refreshment for the year 2013-14 of the club of Rs. 45,000/- and deposited the same in the account opened by him. Allegations have also been leveled against Shri Vinod Tihara.



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It is claimed that the club is represented by Shri Naveen Chaudhary and his vote should be counted. On the other hand, Shri Sunil Dev submits that Shri Devender Chaudhary was running various clubs. He handed over this club to him and since 2006-2007, it is he who is looking after the club and he has a right to vote and his vote should be counted. In support of his submission, he filed the list of the clubs who participated from 2006 till date.

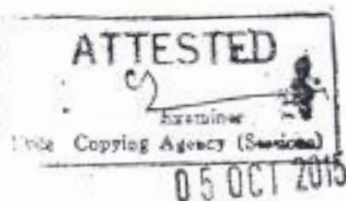


The statement of bank account of Dena Bank, Mayapuri, Delhi of Youngsters Cricket Club with the address WZ-125, Village Dasgarha, IARI, Post Office Pusa has also been filed before us. The said statement of account shows that the money given by DDCA has been deposited in the said account for the year 2014-15.

In the matter of K.N.Colts, we have already discussed as to when change in the club is permitted and by whom.

Shri Sunil Dev is the Sports Secretary, DDCA while Shri Vinod Tihara is the Convenor of Sports Working Committee. The club which has been got registered by Shri Sunil Dev as the Secretary, Shri Vinod Tihara as the Joint Secretary. In DDCA Shri Sunil Dev is the Sports Secretary while Shri Vinod Tihara is the Convenor of the Sports Working Committee.

The question is can these two persons, who are at the helm of affairs of sports managed by DDCA, can get registered a club because the Secretary of the club namely Shri Devender Chaudhary passed away and in particular on the face of the fact that whatever money was parted by DDCA in the previous years, have been deposited in the bank which was earlier operated with the address of Dasgarha and not at new address i.e. B-531, New Friends Colony, New Delhi. The conduct of the Sports Secretary as well as the Convenor of the Sports Working Committee cannot be said to be in fairness. Shri Sunil Dev, even though nominated by the deceased Devender Chaudhary cannot act on behalf of the club and cast vote unless Executive committee of DDCA approve his name or obtain affiliation/recognition.



Shri Devender Chaudhary too cannot transfer the club in the name of Shri Sunil Dev. His Will in the form of letter has been produced before us. We have gone through the same. It cannot be said that club has been transferred to Shri Sunil Dev and he is entitled to register the said club as has been done by him.

We have noted in the case of K.N. Coits, how the club is to be affiliated with DDCA and how a change in the club is permitted and how the affiliation of a club may be withdrawn is within the powers of the Executive Committee of the DDCA who is to act in accordance Memorandum of Association and Articles of the Association, DDCA is competent to frame regulations in what manner the Sports Secretary and Convenor of the Sports Working Committee is to work. We called for the records, if any. We sought all kind of assistance of Sports Working Committee, even about the working of the Sports Secretary and the Convenor, Sports Working Committee of the DDCA. Nothing was provided to us. Even nothing was provided to us as to how the letters which were sent by the club with the address at Dasgarha address have been dealt with.

Therefore, in the circumstances of the case, we neither count the vote of Shri Subhash Mittal nor we count the vote of Shri Naveen Chaudhary for the purpose of election.

We dispose of the dispute accordingly.

#### GOSWAMI GANESH DUTT C.C.

We passed a detailed order regarding Goswami Ganesh Dutt Cricket Club and Ashoka Cricket Club.

Regarding Ashoka Cricket Club, we had made the following observations:

"It came to our notice that Ashoka Cricket Club was registered in the year 2011 and since thereafter Ashoka Cricket Club is represented by Shri A.K. Katyal as Secretary. The form is also filled by him as Secretary. Their form has been approved by the Convenor Sports Working Committee as well as Shri Sunil Dev Sports Secretary, DDCA.

According to the records of DDCA, this club is registered with Shri A.K. Katyal as Secretary and Shri A.K. Katyal as nominee at the address A-126, Gurmandi, G.T. Karnal Road, Delhi.



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With questioned Goswami Ganesh Dutt Memorial Society represented by Shri Sareen whether they questioned the registration of the club if their Society namely Goswami Ganesh Dutt Memorial Society, we received an answer in the negative. Therefore, we explained to them that in absence of any other nominee of Ashoka Cricket Club registered under the Societies Registration Act, we cannot recognize the right of Goswami Ganesh Dutt Memorial Society with respect to the said club. Even otherwise, Ashoka cricket Club had produced before us the copies of the minutes for the last several years. We are satisfied with the nomination of Shri A.K. Katyal registered with DDCA, is correct, and accordingly we recognise Shri A.K. Katyal as the nominee who can contest the election and entitled to vote also.

Now we come to the Goswami Ganesh Dutt Cricket Club. As already noted in the previous order dated 19-8-2015, before us, claim has been made by Goswami Ganesh Dutt Memorial Society that the Society is running the said club. On the other hand, new Society in the name of Goswami Ganesh Dutt Memorial and Sports Cultural Society which was registered in July, 2014 and the registration of which has been obtained in the name of Goswami Ganesh Dutt Memorial Sports and Cultural Society on 25-9-2014 claimed that it organized Goswami Ganesh Dutt Memorial Cricket Tournaments and it is this society which is running the tournaments.

We have noted that there is a dispute between the persons managing Goswami Ganesh Dutt Memorial Society under whose aegis Goswami Ganesh Dutt Cricket club was being run.

Goswami Ganesh Dutt Cricket Club is affiliated with DDCA. The question which we posed is can Goswami Ganesh Dutt Memorial Cultural Society represent Goswami Ganesh Dutt Cricket Club which was also in existence before the registration of the Society? Another question, we posed is as to whose vote should be accepted.

Since there was hurry in getting the election done as league matches were to be started, we made the following observations:

"As per claim of Goswami Ganesh Dutt Cricket Club is concerned, we direct that no representative of the club will be entitled to get elected as member of the Sports Working Committee. However, we allow Shri V.P. Sareen and Shri





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"As per claim of Goswami Ganesh Dutt Cricket Club is concerned, we direct that no representative of the club will be entitled to get elected as member of the Sports Working Committee. However, we allow Shri V.P. Sareen and Shri Vinod Katyal to vote for the club. It is made clear that their ballot papers will be kept separate. Whose vote should be counted, shall be decided by us on the date of the counting as we consider appropriate after considering the documents duly authenticated, duly submitted by the parties. If they file the resolution of the Society if any, passed in the meeting which is called by the Society in accordance with the rules and regulations of the Society.

Before making these observations by the aforesaid order, we also observed as follows:

"That both parties are also to hold jointly a meeting of Goswami Ganesh Dutt Memorial Society which should be called in accordance with the rules and regulations and if any unanimous decision is taken by the Society, the same can be sent to us three days before the date of voting so that we may decide whose vote should be counted by us."

In the previous order dated 19-8-2015, we had made the observations regarding the resolutions which were submitted to us. We had made the above observation with the hope that better sense will prevail in both the groups and they will come before us with a united resolution so that no controversy remains there, alas, they have not come. Thus both groups represent one Society, whose vote is to be counted is a question. We have already noted in the matter of K.N. COLTS that where disputes have arisen as to the management of the club, it is the Executive Committee of DDCA has to consider the play of the players, contribution of the clubs and the working managers of the club etc.

We have also noted that these are matters which are within the domain of the Executive Committee of DDCA and not with us.

As noted in the resolution of the Executive Committee of the DDCA under the Chairmanship of Shri Arun Jaitley that the players of such club can play cricket but no further rights are recognized.

We made an effort that the parties appearing before us, as noted in the previous order, will make an effort to settle the dispute amongst themselves.



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They failed. Therefore their dispute is only to be decided by the Executive of the CA or by an appropriate court.




So long as they do not settle the disputes themselves or get it settled at the appropriate forum including Executive Committee of DDCA, we find that none of the votes polled on behalf of Goswami Ganesh Dutt Cricket Club can be counted by us.

We have hereinabove given our opinion with respect to votes of the various disputed clubs cast in the election. Accordingly and separately we proceed with the declaration of the result.

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SHRI BABU LAL  
ELECTION COMMISSIONER

  
SHRI G.P. THAREJA  
ELECTION COMMISSIONER



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# DELHI & DISTRICT CRICKET ASSOCIATION

FEROZESHAH KOTLA GROUND, NEW DELHI - 110002

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## REPORT

## OF

## FACT FINDING ENQUIRY COMMITTEE

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*Private and Confidential*

Submitted By:

1. Mr. Sunil Jain, Chairman
2. Mr. Vinod Garg, Member
3. Mr. Salil Seth, Member
4. Mr. Siddharth Verma, Member

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That pursuant to the allegations of large scale financial irregularities against Mr. S.P. Bansal, President and Mr. Anil Khanna, General Secretary of the Association, an emergent meeting of the members of the Executive Committee of Delhi and District Cricket Association (A Company registered under Section 25 of the Companies Act, 1956. Now, Section 8 under the Companies Act, 2013) was called on 13.12.2014 wherein it was resolved to conduct fact finding enquiry into the above-mentioned allegation of the financial irregularities and misappropriation of funds of the Association by these two first mentioned office bearers of the Association;

That pursuant to the above resolution dated 13.12.2014 of the Executive Committee, the present Fact Finding Enquiry Committee consisting of Mr. Sunil Jain as Chairman, Mr. Vinod Garg, Mr. Salil Seth and Mr. Siddharth Verma as members was constituted (the copy of the resolution and letter from the Executive Committee of the Association are enclosed herewith as Annexure - A) and the enquiry committee painstakingly went into every possible record made available to it by the Accounts Branch and other officers/ staff of the Association. We are thankful to all for their absolute lack of co-operation;

That after making an intensive enquiry in the books of accounts of the Association for the financial year 2013 - 2014 as well as records till 09.12.2014, the committee is of the considered opinion that there is a huge financial irregularity, nay, something more than that. It appears that the funds

of the Association have not been used in a prudent manner. On enquiry, it has been revealed that many spurious and illegitimate payments have been made to certain companies in 2013-2014 and till 09.12.2014. Not only this, it is an apparent fact that Association is overstaffed, still a lot of money has been spent on hiring superfluous workers. Apart from this, large scale payments have been made in the form of overtime.

In the above backdrop, findings and observations of the Fact Finding Enquiry Committee are detailed below:

1. Transfer of funds without the knowledge and approval of the Executive Committee

The Committee has carefully gone through the report of the Internal Auditor for the financial year 2013 - 2014 wherein he has observed that transfers of Rs. 1.55 Crores were made to below-stated three companies on 30.01.2014 allegedly by way of advances without the knowledge and approval of the Executive Committee. These payments were made through RTGS, a request for which was approved and signed by the President, Mr. S. P. Bansal and General Secretary, Mr. Anil Khanna themselves against the policy and dehors the financial manual of the Association. The Internal Auditor in his report has clearly observed that the payments had been made without any supporting document and in grave violation of settled practice.



S. No.	Particulars	Amount (in Rs.)	Date of Amount Paid	Amount Received	Date of Amount Received Back
1.	Vidhan Infrastructure Pvt. Ltd.	52,10,000/-	30.01.2014	52,00,000/-	08.07.2014
2.	Shri Ram Tradecom Pvt. Ltd.	53,50,000/-	30.01.2014	52,00,000/- 1,50,000/-	05.07.2014 08.07.2014
3.	Maple InfraReality Pvt. Ltd.	49,90,000/-	30.01.2014	49,90,000/-	05.07.2014
	<b>TOTAL</b>	<b>15,550,000/-</b>			

When the above facts came to the knowledge of people, the issue was raised by the members of the Executive Committee. In response to it the President Mr. S.P. Bansal stated that it was an investment made by him for earning interest though no supporting document or proof thereof was made available to this effect by him. On the other hand, the General Secretary stated that when the payment was made, he was informed that it was on behalf of the Board of Control for Cricket in India ("BCCI"). The explanation given by the General Secretary cannot be eschewed as the payment made on behalf of BCCI should have been approved.



voucher, etc. which is not the case herein. The President, in the meeting of Executive Committee held on 05.12.2014, stated that the money had been returned to Association's account on 31.03.2014 and on that basis, the amount has been squared off. This fact was stated in the report of the Internal Auditor. However, on investigation, it transpired that the money was actually transferred in Association's account by these companies on 05.07.2014 and 08.07.2014 and that too with a shortfall of Rs. 10,000/- (Rupees Ten Thousand Only) by M/s Vidhan Infrastructure Pvt. Ltd. It is pertinent to note herein that despite keeping the money for good more than months no interest has been paid on it, which further shows that money was never transferred with an intent to earn interest, but with some other ulterior motives.

Further, on investigation, it was detected by the Committee that cheques dated 31.03.2014, 30.03.2014, 30.03.2014 were sent to the Association by M/s Vidhan Infrastructure Pvt. Ltd., M/s Shri Ram Tradecom Pvt. Ltd. and M/s Maple Infrareality Pvt. Ltd. respectively but the same were never presented for clearance to the bank and the actual payments were returned in the bank account only on 05.07.2014 and 08.07.2014. This further indicates that the cheques were sent to the Association just for squaring off the amount at the end of the financial year and the intention was never there to return the money on 31.03.2014. Further, the payments of Rs. 52,00,000/- (Rupees Fifty Two Lacs Only) from

M/s Vidhan Infrastructure Pvt. Ltd. and Rs. 1,50,000/- (Rupees One Lac and Fifty Thousand Only) from M/s Shri Ram Tradecom Pvt. Ltd. were received on 08.07.2014 but as per the vouchers of the Association, the payments of Rs. 52,00,000/- (Rupees Fifty Two Lacs Only) from M/s Vidhan Infrastructure Pvt. Ltd. and Rs. 49,90,000/- (Rupees Forty Nine Lacs and Ninety Thousand Only) were received on 05.07.2014 and Rs. 53,50,000/- (Rupees Fifty Three Lacs and Fifty Thousand Only) from M/s Shri Ram Tradecom Pvt. Ltd. on 07.07.2014 as per ledger and 08.07.14 as per bank statement which clearly indicates that the accountant, Mr. Pritam Panwar is not maintaining the true accounts and has committed large scale irregularities in connivance with Mr. S.P. Bansal and Mr. Anil Khanna.

On further investigation, it was detected that M/s Shri Ram Tradecom Pvt. Ltd. in which an amount of Rs. 53,50,000/- (Rupees Fifty Three Lacs and Fifty Thousand Only) was transferred is the same company to which the payment of Rs. 5,22,000/- (Rupees Five Lacs and Twenty Two Thousand Only) has been paid for doing some stadium work. It is very difficult to understand as to why money was invested in a company which was engaged by the Association for stadium work, if any. It does not only appears ex facie improper but remains unexplained till date.

*Copies of documents obtained from Accounts department detailing the above transactions are to be submitted.*



available on MCA Portal are annexed to this Report as Annexure 1A - 1H.

2. Transactions with Inter-related Companies

The fact finding committee during the course of enquiry noted that payments have been made to companies which have never done any job/work or assignment for which the payments were made to them. On investigation, it was detected on the basis of the data available from the portal of Ministry of Corporate Affairs (MCA) that some of the companies have the same e-mail ids, same registered office as well as same individuals as Directors. The brief details of the companies are as follows:

S. No.	Name of the Companies	Purpose	Date	Amount (in Rs.)
1.	Stream Marketing Pvt. Ltd.	Repair work	30.11.2013	7,90,000/-
2.	APJ Buildwell Pvt. Ltd	Repair work	31.03.2014	5,50,000/-
3.	Shri Ram Tradecom (P) Ltd.	Repair work	30.11.2013	5,22,000/-
		Investment as per Mr. S.P. Bansal	30.01.2014	53,50,000/-
4.	Annalakshmi Tradelinks (P) Ltd	Repair work	30.11.2013	6,21,500/-



5.	Advent Trading (P) Ltd.	Repair work	30.11.2013	8,05,000/-
6.	Ultimate IT Solutions (P) Ltd.	Deployment of manpower data	30.11.2013	8,00,000/-
7.	Nipun Tradex (P) Ltd.	Supply & hire charges for arena sitting with carpet, G-ply panel and G-masking	31.10.2013	9,20,000/-
8.	Manu Technical & Financial Consultants (P) Ltd.	Repair work relating to increasing the height of side railing	30.10.2013	5,00,000/-
9.	Neofam Trading Co.	Repair work relating to increasing the height of side railing	31.03.2014	2,70,000/-

5.	Advent Trading (P) Ltd.	Repair work	30.11.2013	8,05,000/-
6.	Ultimate IT Solutions (P) Ltd.	Deployment of manpower data	30.11.2013	8,00,000/-
7.	Nipun Tradex (P) Ltd.	Supply & hire charges for arena sitting with carpet, G-ply panel and G-masking	31.10.2013	9,20,000/-
8.	Manu Technical & Financial Consultants (P) Ltd.	Repair work relating to increasing the height of side railing	30.10.2013	5,00,000/-
9.	Neofam Trading Co.	Repair work relating to increasing the height of side railing	31.03.2014	2,70,000/-

It is worth noting herein that companies mentioned at S. No. 1, 4, 5, 6, 7 and 8 have common Director(s). The shareholding details of these companies also reflect that there were common companies as shareholders and having a nexus with each other. It appears that the same persons are dealing with different works.

Further, it was noted that in case of Manu Technical & Financial Consultants (P) Ltd. and Neofam Trading Co., mentioned above at S. No. 8 and 9 respectively, the payments were made for the same work which has been executed by Ritu Where Engineers & Contractor in the month of June, 2013. Moreover, payment to M/s Neofam Trading Co. was made in advance on 31.10.2013 but the bill was accounted for in the ledger on 31.03.2014, the same is also noted by the Internal Auditor in his report for financial year 2013-14. The invoices for the same work by Manu Technical & Financial Consultants (P) Ltd. and Neofam Trading Co. were raised together in the month of October, 2013 which were clearly issued after the completion of the very same work already executed by Ritu Where Engineers & Contractor. Bills have been passed ignoring this crucial aspect.

The Committee is bewildered as to why these duplication of bills was done or as to why the same works were done again and again. More astonishing is the fact that no quotations were invited forgetting these



jobs done. Moreover, all the works have been done without the knowledge and approval of the Executive Committee.

The Committee takes a serious note that for clearing these payments, the role of accountant, Mr. Pritam Panwar is also suspicious. It appears that he was making illegitimate payments only on the advice and instructions of few individuals without the knowledge of the Executive Committee. This has caused huge loss to the Association with concomitant benefits to a selected few.

Mr. A.K. Chaurasia, Civil Engineer, DDCA was called by the committee in connection with the present fact finding inquiry. On the first instant he did not participated in the inquiry and rather stopped coming to the office at all. When notice was sent to him at his residence he had vanished from there also. After some efforts he appeared before the inquiry committee, however he refused to disclose anything and sought some time when he was asked to produce the records pertaining the repair maintenance etc. He refused to produce such records on the pretext as he is not maintaining the same. Thereafter, he neither participated in the inquiry nor answered the queries put to him by the committee. He has till date not appeared and cooperated in the inquiry, though it was crucial. His conduct is highly suspicious and it appears that he has something to hide. This is buttressed with the fact that major expenses have been booked under repair maintenance and construction.

either in verifying the bills, processing the same and bringing discrepancies to the knowledge of the association as all such work are within his knowledge.

Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 2A - 2J.

3. M/s Kaushnik Buildcast (P) Limited

In case of M/s Kaushnik Buildcast (P) Ltd., the enquiry committee noted one strange fact that most of the times, advance payments have been made through RTGS and the details are as follows:

Purpose	Date	Amount (in Rs.)
Repair work, turnstile work,	27.04.2013	62,40,525/-
manpower assistance, painting work,	30.05.2013	47,50,000/-
miscellaneous work, fixing of mirror,	28.03.2013	49,43,940/-
laying of marbles, construction work	14.02.2014	40,00,000/-
Total		1,99,34,465/-

On investigation, it was detected that these payments have been made in advance and the bills were received much later in the month of August.



2013 and some in the month of January, 2014; one bill was received by the Association on 31.03.2014 which clearly shows the intention of the squaring off the advance payment made to the vendor on the basis of the overstated bills; As a result an amount of Rs. 25,685/- (Rupees Twenty Five Thousand Six Hundred and Eighty Five Only) as lying in the accounts of Kaushnik Buildcast (P) Ltd. as on 31.03.2014. Further, a bill for turnstile has also been raised for an amount of Rs. 13,57,000/- (Rupees Thirteen Lacs and Fifty Seven Thousand Only) on 31.01.2014 as is evident from the report of the Internal Auditor (Internal Auditor who in his report has mentioned the figure of Rs. 12,57,877/-). But, on further clarification as per email dated 26.12.2014 from Mr. Mohit Sharma of M/s V.K. Bajaj & Co. internal auditors, it transpired that the actual figure is Rs. Rs. 13,57,000/-. Moreover, on further confirmation, Skidata (India) Pvt. Ltd., a company which had been engaged by the Association for AMC from last five years and which had been paid Rs. 8,43,750/- (Rupees Eight Lacs Forty Three Thousand Seven Hundred and Fifty Only) on 20.06.2013 has revealed that no turnstile work could have been undertaken by any other company except Skidata (India) Pvt. Ltd.

It is pertinent to note that in the same financial year 2013-2014, 7 more companies as stated above in para 2 have been paid huge amount of money to the tune of Rs. 40,58,500/- (Rupees Forty Lacs Fifty Eight Thousand and Five Hundred Only) for repair work.



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fact finding committee was unable to understand why so many companies have been used for the same work and that too without the knowledge and approval of the Executive Committee. More serious is the fact that works involving huge amounts of money have been got done without inviting any quotations.

The committee at cost of repetition notes that conduct of Mr. Chaurasia is highly suspicious and it appears that he has something to hide in all regards. This is further buttressed with the fact that payments to M/s Kaushnik Buildcast (P) Ltd. has been processed for turnstile work which was done by M/s Skidata (India) Pvt. Ltd.

Further, we note that the accountant has made the RTGS payments of huge amount without informing the members of the Executive Committee at behest of Mr. S.P. Bansal and Mr. Anil Khanna. His role is very crucial and suspicious and needs through investigation.

Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 3A - 3B.

#### Unauthorised/ Unapproved Payments to Professionals

It was noted that heavy professional charges are being paid to many personal firms on account of duplication of work, detailed as follows.

S. No.	Firm/ Company Name	Purpose	Date	Amount (in Rs.)
1.	RRA Tax India	ITAT	28.12.2013	10,00,000/-
			27.08.2014	10,00,000/-
2.	CA Gaurav Gupta	TDS Return Quarter 1,2,3	01.09.2013	1,00,000x3=
			25.10.2013	3,00,000/-
			21.02.2014	
3.	CA MSA Associates (formerly known as M. Sharma & Associates)	TDS Return Quarter 1,2,3 IT Return	15.10.2013	1,01,124/-
				1,34,832/-
				1,12,360/-
4.	Sanjay Kumar Gupta	Assisting in financial, legal & admin matter	02.12.2013	5,81,463/-
			20.08.2014	7,00,000/-
			31.10.2014	5,61,800/-
5.	CA Surender K. Sharma & Associates	Service Tax Matter Income Tax Matters	06.04.2014	56,180/-
				2,80,900/-
				1,60,000/-
6.	S.S. Gupta	Service Tax Matters	31.01.2014	1,65,103/-

7.	Extra Value Business Consulting (P) Ltd	Service Tax Matters		2,00,000/-
8.	Extra Value Consulting (P) Ltd	ROC & CLB Fees	31.01.2014	10,23,600/-
9.	CA Rajesh Kumar Gupta	Service Tax Matters and internal audit		6,46,800/-
10.	Manu Technical & Financial Consultants (P) Ltd.	Professional charges for CLB matters	22.08.2014	7,50,000/-
11.	KS & Associates	Corporate Consultancy	09.09.2013	50,000/-
12.	S.B. Chaturvedi & Associates	Legal Services Rs. 40,000/- p.m.	07.09.2013	2,40,000/-
13.	B Mathur Consultants (P) Ltd	Corporate Law Consultant		50,000/- p.m.
14.	Vaaz Consultancy Services Pvt. Ltd.	CLB Matter	31.10.2014	16,85,400/-
15.	BRG Financial Services Pvt. Ltd	CLB Matter	31.10.2014	16,85,400/-



16	Gupta Kuchhal & Co.	Various Company Law Matters	21.11.2014	6,00,000/-
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#### Company Law Matters

On investigating the details of payments made to professionals for carrying out the consultancy work related to ROC and Company Law matters, it was found that apart from the payments made to authorized corporate law consultant who had been duly appointed in the Executive Committee meeting dated October 1, 2011 for handling the corporate law matters with the offices of Registrar of Companies (ROC), Company Law Board (CLB) and Regional Director (RD), various payments amounting Rs. 57,94,400/- (Rupees Fifty Seven Lacs Ninety Four Thousand and Four Hundred Only) have been made for professional services, handling the work with Company Law Board, Registrar of Companies and other advises on company law matters to unauthorized firms/companies. Moreover, they had never attended any hearing or advised the Association in any matter relating to the company law. The attendance sheets and order sheets of the Company Law Board has been filled in only by the team of our Corporate Law Consultant. It is to be underlined that, the payments made to the companies as stated above in point no. 14 and 15 amounting Rs. 16,85,400/- (Rupees Sixteen Lacs Eighty Five Thousand and Four Hundred Only) and Rs. 15,00,000/- (Rupees Fifteen Lacs Only) have been made to unauthorized firms/companies.

Lacs Eighty Five Thousand and Four Hundred Only) respectively on 17.10.2014 but the entry in the journal voucher of the company was made on 31.10.2014. Moreover, the invoices have identical narration. For this huge amount, no approval was taken from the Executive Committee and the same were approved and paid by Mr. S. P. Bansal (President) and Mr. Anil Khanna (General Secretary) in a hap-hazard manner without placing them before the Executive Committee for approval. Further, payment of Rs. 6,74,160/- (Rupees Six Lacs Seventy Four Thousand One Hundred and Sixty Only) was made to M/s Gupta Kuchhal & Co. with respect to the same company law matters on 21.11.2014 and the entry in the journal voucher of the company was also made on 21.11.2014. However, no advisory or any other services were taken from Gupta Kuchhal & Co. as no agreement or any other document were available in the records of the Association to this effect and no resolution was passed by the Executive Committee thereupon. We failed to understand the hurry for making the payments to these unauthorized professionals of such huge amount when the professionals who are on the panel of the Association were paid too late and many other genuine payments were pending or stalled.

The payment of Rs. 10,23,600/- (Rupees Ten Lacs Twenty Three Thousand and Six Hundred Only) was made to Extra Value Consulting Pvt. Ltd. for handling company law matters during inspection year 2014.



of the Companies Act, 1956, although, the payment for this work had already been made to Extra Value Consulting Pvt. Ltd. in the year of inspection. It was also noted that a payment of Rs.10,50,000/- (Rupees Ten Lacs and Fifty Thousand Only) was made against Rs. 10,23,600/- (Rupees Ten Lacs Twenty Three Thousand and Six Hundred Only) and the excess amount of which was later on refunded by the company. This shows that Mr. Pritam Panwar has been negligent in conducting the affairs of accounts department.

Moreover, while going through the website of Extra Value Consulting Pvt. Ltd. (formerly known as Extra Value Business Consulting Pvt. Ltd.), it was noticed by the fact finding committee that the partner of the firm of Statutory Auditor of the Association i.e. Mr. Sanjay Bhardwaj is one of the team members of Extra Value Consulting Pvt. Ltd. and he introduced Extra Value Consulting Pvt. Ltd. to the Association. Further, the payments have been made to Extra Value Business Consulting Pvt. Ltd. of Rs. 2,00,000/- (Rupees Two Lacs Only) and to Mr. Rajesh K. Gupta & Associates of Rs. 6,46,800/- (Rs. 1,35,000/- for internal audit report and Rs. 5,11,800/- for service tax matters). It was noticed that Extra Value Consulting Pvt. Ltd., Extra Value Business Consulting Pvt. Ltd. and Rajesh K. Gupta & Associates are the entities of one and the same person i.e. Mr. Rajesh K. Gupta.



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On 01.09.2013, Internal Audit Fees was paid to Rajesh K. Gupta & Associates but no such Internal Audit Report has been produced. The accountant has refused to provide the same on the pretext that he has not come across any such report. We at this juncture are pained to note that the accountant has miserably failed to do his duties in maintaining proper accounts of the Association and to ensure that no misappropriation takes place. Thus, the role of Mr. Pritam Panwar, Accountant is quite doubtful as without his knowledge or approval, no fund could have been transferred in any account whatsoever.

It was further noted by the fact finding committee that Manu Technical & Financial Consultants (P) Ltd. who was paid for the repair work of the Association, was again paid Rs. 7,50,000/- (Rupees Seven Lacs and Fifty Thousand Only) for handling Company Law Board matters. We are astonished to note that how a company who was doing repair work of the Association can be paid such a huge amount for Company Law Board matters. To our mind, this is not possible without apparent nexus between these professionals, Mr. S.P. Bansal, Mr. Anil Khanna and accounts department.

It was noted that the payment of Rs. 40,000/- p.m. (Rupees Forty Thousand Only) was paid to Mr. S.B. Chaturvedi for legal services but no record was available in the Association in respect of the nature of services provided by him.

Further, a firm "KS Associates" was paid Rs. 50,000/- (Rupees Fifty Thousand Only) for corporate consultancy services but no document was available in the records of the Association pertaining to the work assigned to him.

On the analysis of the huge payments made by the Association to different firms/companies for handling company law matters, it was noticed that from above-noted number of years, the company law matters have been handled by our corporate law consultant only as all attendance sheet of Company Law Board (CLB) orders of CLB shows their name only and all Power of Attorneys (POAs) have been submitted by him only. It is very difficult to understand as to for what work, the payments of such a nature has been made to these firms without the knowledge and approval of the Executive Committee. Moreover, why huge payments have been made in a hurry by the President, Mr. S.P. Bansal and General Secretary, Mr. Anil Khanna, without following the financial manual and authentication by proper authorities. This clearly shows the irregularity in the financial transactions of the Association.

Further, the Committee has come across the bill dated 01.04.2014 of Extra Value Consulting Private Limited to the tune of Rs. 2,24,720/- (Rupees Two Lacs Twenty Four Seven Hundred and Twenty Only) and bill dated 21.01.2014 to the tune of Rs. 11,23,600/- (Rupees Eleven Lacs



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connection with meeting, deliberation, advisory, inspection, compounding at ROC/CLB and another bill of M/s Rajesh K. Gupta & Associates dated 23.01.2014 for an amount of Rs. 5,61,800/- (Rupees Five Lacs Sixty One Thousand and Eight Hundred Only) towards professional fee for service tax matters. The bills have been processed only by Mr. Pankaj Bhardwaj and have been paid to the service providers without taking consent of the Executive Committee of the Association which establishes gross misappropriation of funds by Mr. Pankaj Bhardwaj, the Chief Administrator in connivance with Mr. S.P. Bansal, Mr. Anil Khanna and the accounts department.

#### Tax Matters

The payments of Rs. 38,91,962/- (Rupees Thirty Eight Lacs Ninety One Thousand Nine Hundred and Sixty Two Only) have been paid for financial and service tax matters to various consultants without having approval/resolution of the Executive Committee. It was noted that the Statutory Auditor of the company who was appointed for conducting the statutory audit of the Association in the Annual General Meeting (AGM), has been paid in addition to the statutory audit fee, the fee for the filing of income tax returns, TDS returns amounting Rs. 3,48,316/- (Rupees Three Lacs Forty Eight Thousand Three Hundred and Sixteen Only). Further, his team member, Mr. Manoj Sindhwani has been paid separately, a fee of Rs. 1,60,000/- p.a. (Rupees One Lac and Sixty



Thousand Only) has been paid separately for processing of employees' salaries of the Association. Here, the complicity of Mr. Pritam Panwar is beyond doubt. The nexus between the accountant and auditor of the Association needs further investigation.

#### Defaults of Tax Deducted at Source (TDS)

It was noticed from the report of the Internal Auditors that with respect to tax matters, there were defaults of following nature:

- TDS of Rs. 1.75 lacs was not deducted
- TDS of Rs. 6.77 lacs was deducted belatedly
- TDS of Rs. 8.66 lacs deposited but not recovered from employees
- Interest on late deposit of TDS of Rs. 6.36 lacs was imposed/paid
- TDS Return for Q4 2014 was filed belatedly
- Excess claim of TDS with 26AS Rs. 1.19 lacs from BCCI

The fact finding enquiry committee fails to understand that despite hiring of so many consultants for tax matters, *why such violations have been committed again and again.*

The investigation revealed that a total of Rs. 1,35,91,962/- (Rupees One Crore Thirty Five Lacs Ninety One Thousand Nine Hundred and Sixty Two Only) in the year 2013 - 2014 and upto 09.12.2014 has been paid for corporate law and tax matters without the approval /resolution of the

in the Association. No answers were provided to the Committee by these concerned persons as to why no quotations were invited for the works under reference. It is reiterated that all the works have been done without the knowledge and approval of the Executive Committee. The Committee feels that on the completion of the enquiry and after obtaining relevant disclosures from the Statutory Auditor, we may apply the provisions of sections 144 and 147 of the Companies Act, 2013 accordingly.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 4A - 4(O).*

5. Legal Matters

S. No.	Name of the Party	Purpose	Date	Amount
1.	Khurana & Co. (Tanuj Khurana)	Legal Charges against DDCA		7,11,900/-
2.	Amitesh Singh Bakshi	Legal Services	2013-14 2014-15	1,08,89,135 /- 53,53,000/-
3.	Gautam Dutta	Legal Services		6,23,000/-

		against DDCA		
4.	Bharat Bhushan	Legal Service in	2014-15	17,08,000/-
		House Tax with no	2013-14	12,00,000/-
		result till date		

The fact finding committee came across a payment of Rs. 7,11,900/- (Rupees Seven Lacs Eleven Thousand and Nine Hundred Only) for legal services being paid to Khurana & Co. (Adv. Tanuj Khurana) who appears against the Association. He is also a member of the Association having membership no. LM001852. Infact, the perusal of the bill further shows that Mr. Khurana had appeared against the DDCA in the matter in which he has raised the bill and the payments were made which is unethical. Moreover, it was noticed that Mr. Tanuj Khurana is also a member of the Association and cannot be paid in any case. Moreover, when he has himself filed cases on behalf of some other members objecting to payments being made to the members of the Association. This is a case of glaring impropriety and misconduct.

The fact finding committee was further surprised to see the payment of Rs. 6,23,000/- (Rupees Six Lacs and Twenty Three Thousand Only) for legal services paid to Mr. Gautam Dutta who earlier had appeared against the Association. He had been paid for appearing in cases of

Mr. J. P. Agarwal, Mr. J. P. Agarwal, Mr. J. P. Agarwal, Mr. J. P. Agarwal



Mr. Amitesh Singh Bakshi/ Mr. J.S. Bakshi

A huge amount of Rs. 1,62,39,135/- (Rupees One Crore Sixty Two Lacs Thirty Nine Thousand One Hundred and Thirty Five Only) has been paid to Mr. Amitesh Bakshi and Mr. J.S. Bakshi without having any approval of the Executive Committee though Mr. J.S. Bakshi is a member of the Association and cannot be paid. Therefore, later on, he started billing in the name of his son's firm Amitesh Bakshi and on perusal of all his invoices, it was observed that on a single day, if there were approximately five hearings of the Association, he has charged for all five hearings @ Rs. 31,000/- (Rupees Thirty One Thousand Only) per hearing and in some cases, invoices were raised even before the date of hearing.

Further, in the accounts of the year 2013 - 2014, the Association has adjusted the recovery of Rs. 25,09,500/- (Rupees Twenty Five Lacs Nine Thousand and Five Hundred Only) from Mr. J.S. Bakshi as due to be recovered from him as per the Annual Report of the year 2012 - 2013. How this amount can be adjusted without receiving back the money in the accounts of the Association as in our view, it cannot be adjusted from the pending invoices as those are already exaggerated amounts of invoices without any justification.

The fact finding committee further notes that Mr. J.S. Bakshi who has been appearing as an advocate on behalf of the Association, however he

being a member of the Association is not entitled to receive any remuneration/ payment in any form whatsoever. To overcome this, it appears that Mr. J.S. Bakshi is raising bills in name of Mr. Amitesh Bakshi, who is his son. The committee is of the opinion that this amount to proxy litigation/ proxy billing. The committee has noticed following discrepancies in bills raised by him, which have been cleared and paid without verifying the same in a hap-hazard manner:

S. No.	Case Details	Date	Bill Details	Discrepancy
1.	DDCA vs. ESI	28.01.2014	January/2014/33 dated 29.01.2014	No such date as per record
2.	DDCA vs. ESI	08.04.2013	April/07 dated 08.04.2013	Proxy counsel appeared and sought date yet full fee for appearance is raised and paid
3.	DDCA vs. ESI	25.09.2013	Sept/2013/19	Nobody has appeared as per order sheet yet full fee for

				appearance is raised and paid
4.	DDCA vs. ESI	23.07.2013	July/2013/25 dated 23.07.2013	Proxy counsel appeared and sought date yet full fee for appearance is raised and paid
5.	DDCA vs. ESI	12.11.2013	November/2013/14 dated 12.11.2013	No such date as per record
6.	DDCA vs. ESI	26.11.2013	November/2013/34 dated 26.11.13	Proxy counsel appeared and sought date yet full fee for appearance is raised and paid
7.	DDCA vs. ESI	10.12.2013	December/2013/05 dated 10.12.2013	Proxy counsel appeared and sought date yet full fee for appearance is raised and paid



Interestingly there are two bills claimed captioned as "reply of Dinesh Sharma", one for Rs. 15,000/- (Rupees Fifteen Thousand Only) and another for Rs. 20,000/- (Rupees Twenty Thousand Only). How and why two separate bills for same job have been raised is not clear and the copy of the reply has also not been furnished by the accounts branch. Ideally the person making payment i.e. the accounts department shall keep one photocopy of the work done/ proof of work done while processing the payments, however the same is not being done by our accounts department for the reasons best known to them. We have also come across three bills all dated 05.08.2013 captioned "Dinesh Saini vs. MCD" for appearance, drafting and conference for a sum of Rs. 57,000, "DDCA vs. MCD" for appearance charged at Rs. 31,000/- (Rupees Thirty One Thousand Only) and "DDCA vs. MCD" for cost imposed by the High Court. It is not clear as to why the cost has been claimed by a bill as it presumably ought to have been paid to the respondents. Whether the same was paid by the counsel out of his own pocket and the same was claimed thereupon is not clear as no proof to substantiate the same has been produced. We fail to appreciate such practice, moreover as far as Dinesh Saini vs. MCD, why Mr. Bakshi has claimed an amount/ payment from DDCA in a case where DDCA is not involved is best known

to M. Bakshi himself

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 5A - 5G.*

6. Fixed Assets Register

During the inspection conducted by the Investigating team of Ministry of Corporate Affairs which was initiated in the month of October, 2012, the questions were raised by the investing team in respect to the maintenance of Fixed Assets Register as per the Companies Act, 1956. Further, a show cause notice was issued by the Registrar of Companies (ROC) vide no. 2/ROC/INSPN/209A/2013/3770 dated July 17, 2013 for compounding the stated matter u/s 209(1)(c) of the Companies Act, 1956 and thereafter, the company filed the compounding application with the Company Law Board and the Registrar of Companies and a certificate from M/s Prem Amar & Co. was given in one of the hearings stating that the company has maintained the fixed assets register and for the stated certificate, a fee of Rs. 16,854/- (Rupees Sixteen Thousand Eight Hundred and Fifty Four Only) was paid to him. However, the firm of Internal Auditors of the Association in its Internal Audit Report dated 30.11.2014 and 19.12.2014 stated that the fixed assets register is not maintained in the company as per the Companies Act, 1956 and the bills of the purchase of fixed assets have not been provided to them. This



register but a wrong certificate was submitted with the Company Law Board. It is imperative that a strict action is taken against the CA firm i.e. M/s Prem Amar & Co. who has issued the certificate. The role of Mr. Pritam Panwar is suspicious in this case also as why the bills of the purchase of fixed assets were not made available to Internal Auditor and not present in the records of the Association. It needs thorough investigation.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 6A - 6B.*

7. Money Spent On Entertainment of Directors/ Members/ Auditors By Way Of Liquor

Liquor in huge quantity having value of Rs. 2,33,603.18/- (Rupees Two Lacs Thirty Three Thousand Six Hundred Three and Eighteen Paise Only) has been taken, directly from the store particularly by Mr. Pankaj Bhardwaj and Mr. C.K. Bhardwaj during the period 01.04.2013 to 31.03.2014, as per ledger attached. Moreover some vouchers were found showing the payment for liquor even on Dry Day i.e. 02<sup>nd</sup> October, 2013 as well as on match days i.e. 5<sup>th</sup> & 6<sup>th</sup> October, 2013 when the bar as well as store remains closed. The liquor has been obtained without due process and with apparent illegality, which not



only causes financial losses to the Association and is also capable of tarnishing the image of the Association. As per the ledger provided a total sum of Rs. 8,53,950/- (Rupees Eight Lacs Fifty Three Thousand Nine Hundred and Fifty Only) has been booked under entertainment expenses, however, no proper explanation/ supported bill voucher has been provided to indicate as to what payment has been made under what head and what amount has been utilised for "entertaining" Director or Member or the so called Auditor(s) of the Association.

In this case, the roles of Mr. Pankaj Bhardwaj and Mr. C.K. Bhardwaj are very suspicious due to their act of taking liquors directly from store without any authority and it needs further investigation.

We again note that these official have provided us with selective documents and our report is based on the all the documents provided to us by the accounts department.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 7A - 7E.*

8. M/s M.S. Vigilant Security & Detective Services (P) Ltd.

That M/s M.S. Vigilant Security & Detective Services (P) Ltd. was engaged by the Association for providing security guards. The fact finding

Mr. Pritam Panwar, Accountant was shocked to note the level of misappropriation which is being committed against the Association. We at this juncture reserve the manner in which the affairs of the Association were being conducted. Mr. Pritam Panwar has been absolutely guilty of mismanaging the conduct of accounts of the Association. We again note that his role in the whole affair is in serious doubt. We also at this juncture mark our reservation with respect to his integrity. The committee has come across a letter/ quotation from M/s M.S. Vigilant wherein as per Annexure-I of the said letter, the service provider M/s M.S. Vigilant has quoted their charges for providing security guard. In addition to the minimum wages, certain other heads have been quoted by the vendor for providing the above services. It is pertinent to note herein that the minimum scale of wages as quoted by the company does not match with the prevalent rate of minimum wages, as is obvious (see the website of Labour Department Govt. of NCT of Delhi is enclosed for ready reference). In addition to it, the company has also quoted relieving charges in addition to service charges, thereby actually charging its commission twice. The service provider has charged employer's share of ESI & PF from the Association, however, what has shocked us the most is that he has charged service tax on ESI & PF as well thereby coming on the net amount for 8 hours duty for per person. PF & ESI is being charged on relieving charges as well which is not



proper. What is even more shocking is that the company has raised its bill in accordance with the net amount for 8 hours duty per person which already includes service tax at 10.3%, however to our utter despair the service tax has been again charged on the net amount for 8 hours duty for per person at the rate of 12.36%. Now, how it escaped the eyes of the accounts department and why such extrapolated bills were being honored and why nobody objected to it, is not clear. This clearly shows that these unscrupulous persons have gained at the cost of the Association. It is apparent on the face of it that not only excess amount is being charged under the garb of minimum wage head, the Association is being additionally burdened by doubly charging service tax. In addition to this, we have noted various discrepancies in the bill payment mechanism, wherein excessive payments have been made without verifying actual attendance records of the employees engaged by the contractor. On the face of the record it is apparent that the contractor is charging excessively by extrapolating the work hours/ days/ number of worker, which has been paid to it without proper scrutiny. It appears from the record that an excess payment of approximately Rs. 6,00,000/- (Rupees Six Lacs Only) to Rs. 7,00,000/- (Rupees Seven Lacs Only) has been made to the contractor which deserves to be recovered. Despite above, still there are pending bills of the contractor being Bill no. 4921, 4923 & 4922 dated 05.02.14, Bill No. 5190 & 5191 dated 03.03 2014.



Bill No. 5518 dated 01.04.2014, and Bill Nos. 5519 & 5677 dated 09.04.2014.

Before parting with the above observation, we note that while conducting this enquiry we have seen that most of the bills carry an observation from the admin/ account department that returns of ESI/ PF being deposited by the contractor is not being provided by him, however despite this and in ignorance of the observation as well as settled law that immediate employer (in this case DDCA) shall be at the first instance responsible for payment etc. of ESI & EPF this important observation was given a go bye by Mr. S.P. Bansal, apparently on the instance of Pankaj Bhardwaj and payments are being released with utter disregard of this aspect.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 8A - 8C.*

9. Mobile Phone Purchases Booked Under Telephone Expenses

S. No.	Firm/ Company Name	Purpose	Date	Amount (in rs.)
1.	Cell Guru	Micromax Handset	25.08.2013	17,500/-

2.	The Mobile Store	Nokia Lumia 720	22.09.2013	18,000/-
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The fact finding committee regrets to note the manner in which the funds of the Association has been misappropriated. The committee further with pains note that though the amounts indicated above are not very huge amounts, however, it is settled now that embezzlement of even a single penny is as serious as it can get and cannot be excused. The bill mentioned at serial no. 1 above has been issued in the name of Ms. Prerna, however despite every possible effort the committee was unable to know as to who is Ms. Prerna and how she is connected with the Association and under what capacity "She" claimed reimbursement of Mobile Phone purchase from the Association. It is also not known as to whether Ms. Prerna is a member of the Association or relative of any member, staff or office bearer of the Association. As far as bill at serial no. 2 above is concerned, the bill does not mentions the address of the dealer nor it discloses its TIN number, even the contact number of the dealership is also not available. It appears to be a computer created document. Further, before parting with the above observation, it is pertinent to mention herein that the fate of these two mobile phones is also not known. Where are the instruments as on date and who is using them is also not clear. The committee has consciously not tried to

to advise members who are not on the bill of order

it may not be appropriate being a lady (atleast as the name suggests), however, the same can be verified through local police if the executive body so desires.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 9A - 9B.*

10. Pooja Decorators, Pearl Tent & Decorators and Grace Services

The details of the payments made to these three firms for tent and barricades work are as follows:

S. No.	Name of the Party	Amount (in Rs.)	Year
1.	Pooja Decorators	1,13,53,729/-	2013 - 2014 and upto 09.12.2014
2.	Grace Services	10,61,846/-	2013 - 2014 and upto 09.12.2014
3.	Pearl Tent & Decorators	24,92,502/-	2013 - 2014 and upto 09.12.2014

That the fact finding enquiry committee noted huge payments as listed below have been made to Pooja Decorators, Grace Services and Pearl Tent & Decorators. It was noted that no quotations were invited before awarding the work to these firms for tent services and no authorization



has been taken from the Executive Committee of the Association for the amount to be spent. Even on repeated request to the Accounts Department and Mr. Pritam Panwar, no invoices, quotations or any supporting documents have been provided to us to reach any logical conclusion. Moreover, huge amounts have been paid as an advance to M/s Pooja Decorators and even an advance payment of Rs. 10,00,000/- (Rupees Ten Lacs Only) through RTGS for one day international match held on 11.10.2014 was made on 04.10.14 and an RTGS for Rs. 11,00,000/- (Rupees Eleven Lacs Only) was again made on 08.10.2014. What is more interesting is that Mr. Upender Jain, who is also a member of the Association (Membership No. LM001425) is the proprietor of all the above three firms. Therefore, a default of making the payment to the members and that too huge amount has been made. The bills raised by these three firms have revealed that the address of M/s Pearl Tent & Decorators and M/s Grace Services are concerned, both the firms are established and operating from common address i.e. 3277, Tiraha Behram Khan, Darya Ganj, New Delhi- 110002. On the other hand the perusal of the bills show that the PAN No. quoted by firm M/s Pooja Decorators and M/s Pearl Tent & Decorators is same i.e. AAJPJ0480C. Interestingly the address of M/s Pooja Decorators is 3396, Delhi Gate, Darya Ganj, New Delhi- 110002 which is also the address of Mr. Upender Jain in the records of the Association. In IPL and other

matches, mobile toilets were hired at a very high prices but in IPL, it is the duty of GMR and for other matches it is the responsibility of MCD to provide such mobile toilets.

The act of not providing the invoices/ supporting documents to us by Mr. Pritam Panwar shows that he has something to hide.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 10A - 10C.*

11. GMR

From the report of the Internal Auditor, it was observed that Rs. 67.41 lacs were received from GMR Sports for staging 6 IPL Matches in April/May, 2013 against which only Rs. 20 lacs have been received and no balance confirmation certificate has been received from the company.

Moreover, an invoice of Rs. 56.18 lacs was raised but nothing has been received.

The payment terms agreed with GMR are as under:

*\*GMR shall pay to DDCA, a sum of Rs. 10 lacs for each match towards provision of agreed facilities at PEROZSHAH KOTLA Ground for staging IPL matches and GMR shall pay the said amount atleast two days before each*



The act of not providing the invoices /supporting documents to us by Mr. Pritam Panwar shows his callous attitude which resulted in huge wrongful losses to the Association in every possible manner.

Further, it was noted that amount of Rs. 26,01,271/- (Rupees Twenty Six Lacs One Thousand Two Hundred and Seventy One Only) has been recorded as the cost of damages caused during IPL 7 matches but nothing has been recovered from the GMR till date. Every year during IPL matches, the cost of these damages has been borne by the Association though the same should have been borne by GMR as IPL matches is an event conducted by them. Further, there was duplicacy of work and billed to the Association by different contractors and the payments have been made to them though in actual, the responsibility of the work was on GMR at its own cost. The accounts department has failed to discharge their duties diligently in checking these acts.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 11.*

12. Mr. Pritam Panwar, Accountant

Mr. Pritam Panwar cleared a payment of Rs. 1,68,540/- (Rupees One Lac Sixty Eight Thousand Five Hundred and Forty Only) to M/s Tata Communication Ltd. on 30.06.2014 despite the fact that only



was approved by the competent authority. It is further interesting to note that in earlier years, this work was done in approx. 6 lacs. We again note at the cost of repetition that his conduct and integrity is highly shadowed with irregularity and gross misconduct/ negligence.

At various junctures of this report we have already noted that the conduct of Mr. Panwar in maintaining accounts of the Association is highly objectionable and lacks confidence. His integrity is in doubt. We have found during the course of the enquiry that most of the bills have been processed and paid without due process and in absolute disregard of the financial manual. We have also found that many bills and fallacious payments have been made by him by keeping the concerned office bearers in dark. It is apparent that it is him and certain office bearers of the Association named herein above who have acted in consonance and has caused huge financial losses to the Association.

#### M/s Power Engineering Works

AMC of M/s Power Engineering Works was rejected by the competent authority yet an invoice amounting Rs. 2,60,114/- (Rupees Two Lacs Sixty Thousand One Hundred and Fourteen Only) dated 31.03.2014 for manpower supply for high mass AMC of high mast 16 mtr. and 12 mtr. at parking has been accounted for by Mr. Pritam Panwar in connivance with Mr. A K Chaurasia without any work done. The Committee feels

understand the ulterior motive of Mr. Pritam Panwar and Mr. Chaurasia in making these unauthorized payments.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 12.*

13. Staff Loan of Rs. 1.31 Crores

The Internal Auditor in his report for financial year 2013-14 has pointed out that as on 31.3.2014 a sum of Rs. 1.31 crores have been paid as an advance to various employees without charging any interest. We have noticed that the amount advanced as loan to the employees is highly disproportionate and the accounts department has miserably failed to discharge their duties in recovering the said advances. The perusal of the report further reveals that one of the employee Mr. Ram Punet has retired in month of April, 2014, however, yet as per the report a sum of Rs. 51,300/- (Rupees Fifty One Thousand and Three Hundred Only) stands outstanding as loan at the end of 31.03.2014. As per the report a sum of Rs. 5,33,755/- (Rupees Five Lacs Thirty Three Thousand Seven Hundred and Fifty Five Only) is outstanding a loan advanced to Mr. Rabinder Shah who has been absenting himself since January 2014. We note our displeasure at the role of accounts in not making any effort for recovery of the said amount. Similarly, one Mr. Sanjeev Handa has also taken a loan of Rs. 2,35,909/- (Rupees Two Lacs Thirty Five



Thousand Nine Hundred and Nine Only), however his record shows that he is highly irregular in not only repaying the loan but is also irregular in attending his duties. In addition to this, we have also come across to the record of Mr. Pankaj Bhardwaj who has an outstanding of Rs. 2.5 Lacs towards loan and is due to retire on 14.01.2015.

In addition to above, we are also pained to note that a sum of Rs. 30,98,548/- (Rupees Thirty Lacs Ninety Eight Thousand Five Hundred and Forty Eight Only) has been paid till financial year 2013-14 to the employees in form of overtime in addition to additional expenses already being incurred in engaging additional staff. No satisfactory record has been provided to substantiate the above expense and authority under which the same is done during the year 2013 - 2014.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 13.*

**14. Mr. Pankaj Bhardwaj, Chief Administrator**

The role of Mr. Pankaj Bhardwaj, Chief Administrator has been most detrimental to the Association. The enquiry has revealed that he has claimed a sum of Rs. 17,68,791/- (Rupees Seventeen Lacs Sixty Eight Thousand Seven Hundred and Ninety One Only) in financial year 2013-14. Apparently, the vouchers and bills furnished for claiming said amount for verification have not been submitted.



expenses wherein interestingly the taxi has been taken on hire for 60 days at a stretch. We are hesitant to approve such practice. Further, during the course of enquiry we have come across medical bills raised by Mr. Pankaj Bhardwaj for reimbursement. It is pertinent to note herein that as per agreement dated 07.03.2013 between the employees' union and office bearers of DDCA, an amount of Rs. 5,000/- (Rupees Five Thousand Only) per annum is already being paid to the employees' as medical allowance, in addition to it as per OM dated 20.09.2013, Mr. Pankaj Bhardwaj is in receipt of medical allowance at a much higher rate. It is not clear as to how and why a selective office memorandum dated 20.09.2013 was issued without bringing it to the knowledge of the executive committee of the Association and without seeking their approval thereto, it being an additional financial burden on the association. The report of the internal auditor for financial year 2013-14 pointed out that Mr. Pankaj Bhardwaj has obtained an amount of Rs. 15,88,032/- (Rupees Fifteen Lacs Eighty Eight Thousand and Thirty Two Only) as imprest money despite the fact that as per financial manual only a sum of Rs. 10,000/- (Rupees Ten Thousand Only) can be spent under imprest money.

We also mark our displeasure at manner in which bills of huge amounts are being raised under out of pocket and other expenses by

Mr. Pankaj Bhardwaj just around every cricket match as if despite having a full fledged work force and a proper mechanism, no one else is doing anything during the matches except him. In making all these payments, the financial manual has been totally ignored as the payments were made for the personal benefits of the named officer at the loss of the Association. Even the accounts head Mr. Pritam Panwar was also unable to explain the same.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 14.*

15. Computer & Printing

A total payment of Rs. 12,24,930/- (Rupees Twelve Lacs Twenty Four Thousand Nine Hundred and Thirty Only) has been made to M/s City Tec Solutions, M/s Ganpaty Solutions, M/s Indus Software Solutions, M/s Micro Systems and M/s Compunet Technologies. The amount is not only inflated and unjustified, in most of the cases the payments have been made in ignorance of financial manual and on sole approval of Mr. Pankaj Bhardwaj and others having no authority to approve such payments. We failed to appreciate that despite having enough computers, laptops and other IT peripherals etc., the same are being hired from outside agencies burdening the Association for their apparent personal gains. As per internal audit report Association has enough stocks of the



above items and do not require to hire any from outside. Then also why such large scale payments are being made to hire the same is also not clear. We were more shocked to see that these items are being hired on per day basis wherein the Association has ended up paying much more than the cost of the item itself.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 15A - 15E.*

16. Fire Services

M/s Prabhat Fire Safety and M/s Prabhat Engineering Services are companies which are sister concerns having same address. A huge payment of Rs. 10,39,231/- (Rupees Ten Lacs Thirty Nine Thousand Two Hundred and Thirty One Only) has been made during the year 2013-14 without following the financial manual. The bills have been paid on sole approval of Mr. Pankaj Bhardwaj, Chief Administrator. Further, these firms have also raised additional bills of Rs. 9,65,143/- (Rupees Nine Lacs Sixty Five Thousand One Hundred and Forty Three Only) and 1,34,738/- (Rupees One Lac Thirty Four Thousand Seven Hundred and Thirty Eight Only) over and above the amount already paid to them. We have also noticed that the fire safety cylinders are being refilled at very short intervals which raise some doubt.



*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 16.*

17. Maintenance and Stationery

A total payment of Rs. 18,22,710/- (Rupees Eighteen Lacs Twenty Two Thousand Seven Hundred and Ten Only) has been made to M/s Star Multiple Solutions, M/s Diamond Software, M/s Ekta Traders, M/s Sky Enterprises, M/s Goel Enterprises and M/s Digital Solutions. M/s BR & Sons have been paid an advance of Rs. 3,78,689/- (Rupees Three Lacs Seventy Eight Thousand Six Hundred and Eighty Nine Only). The amount is not only inflated and unjustified, in most of the cases the payments have been made in ignorance of financial manual and on sole approval of Mr. Pankaj Bhardwaj.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 17A - 17H.*

18. Cash Expenses

There were huge amount of unexplained cash expenses being booked though no physical cash day book has been furnished on the pretext that the same is not being maintained by the cashier Mr. C.K. Bhardwaj. Several cash payments are being made in form of conveyance etc

note that during the AGM, outsiders have been hired and paid huge amounts of Rs. 4,000/- (Rupees Four Thousand Only) per day per person, thus ended up paying lakhs for a single AGM. It is worth noting herein that Mr. C.K. Bhardwaj is receiving a sum of Rs. 5,000/- (Rupees Five Thousand Only) per month in addition to his salary for handling cash transactions of the Association yet he has failed miserably in properly maintaining the requisite records.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 18A - 18B.*

19. IPL Cash Expenses

As evident from the report of the Internal Auditor (vide its Annexure- 15), during the IPL matches huge unexplained cash expenses were made though the same ought to have been made by GMR. We make it clear that only selective bills and vouchers have been provided to us by Mr. Pritam Panwar despite repeated request to provide all the bills and vouchers.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 19.*



20. M/s Raju Publicity

The committee noted that a sum of Rs. 1,44,113/- (Rupees One Lac Forty Four Thousand One Hundred and Thirteen Only) has been paid to M/s Raju Publicity for making flex board for Hepatitis camp organized by Institute of Liver & Billiary Science. The approval of competent authority has not been taken before making such transactions.

*Copies of documents obtained from Accounts department detailing the above transaction are annexed to this Report as Annexure 20.*

21. M/s A.M. Studio

It was noticed by the fact finding enquiry committee that the photographer who is taking all the photographs pertaining to all the events of the Association is also a member of the Association namely Ashutosh Sharma. Earlier, this photographer was taking payment in his own name and then all of a sudden became wise and started claiming payments in the name of M/s A.M. Studio but still he cannot take any payment from the Association being a member, which he is taking regularly and that too huge amounts. The payments are being made despite there is no approval / resolution in the meeting of the Executive Committee.

*Copies of documents obtained from Accounts department detailing*

22. Diesel Expenses

Large amounts have been booked under Diesel Expenses, however, no stock register is being maintained. Diesel required for ground is being paid in cash and for generator by cheques. We were though astonished to note that the total amount spent on Diesel in the financial year 2013-2014 is Rs. 21,78,877/- (Rupees Twenty One Lacs Seventy Eight Thousand Eight Hundred and Seventy Seven Only), however, a sum of Rs. 11,50,000/- (Rupees Eleven Lacs and Fifty Thousand Only) has been paid only in one month i.e. between 28.06.2014 to 31.07.2014. None of the concerned staff i.e. neither Mr. Panwar nor Mr. Chaurasia has been able to explain this huge disparity.

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 22.*

23. House Keeping

The committee further noted that against policy huge advance payments in form of bearer cheque worth Rs. 1,00,000/- (Rupees One Lac Only) were made to the M/s. M.K. Enterprises for bills which are apparently inflated. It is also pertinent to note herein that the agency after the one day international match held on 11.10.2014 between India vs. West Indies, left the premises without executing any cleaning work assigned to them which was then done by a local contractor and the amount was

*Copies of documents obtained from Accounts department detailing the above transactions are annexed to this Report as Annexure 23.*

24. Payment to Mr. Ankit Dutta

In the Executive Committee meeting dated 24.06.2014, it was discussed that the payment of Mr. Ankit Dutta, the curator is pending from last two years but as per the Internal Audit Report, the fee of Rs. 1,500/- (Rupees One Thousand and Five Hundred Only) per day was being paid to Mr. Ankit Dutta throughout the year 01.04.2013 to 31.03.2014. We failed to understand how these payments have been made when Executive Committee is not aware of anything.

25. Caterers

The committee further noted that payments in Cash as well as cheques have been made to the caterers' M/s Aay Gee, M/s. Sharma Caterers, M/s Nitin Caterers, M/s Druv Caterers and M/s Harjeet Caterer. The accountant has not been able to provide any record despite repeated request with respect to bills if any provided by these firms. Another two firms M/s Grill Roti and M/s Meals & More have raised bills which ex facie appears to be extrapolated and interestingly have been paid immediately without any verification or approval from the competent authority.




26. Ground Maintenance

Ground Maintenance expenses which includes plumbing as well are being raised on a very high scale without maintaining any log book or any records thereof. It is also unexplained as to why the Association is hiring generators at very high price even when it has its own high/ extra capacity generators even upto the capacity of 7250 KVA.

We have taken in consideration all the documents provided by the accounts branch. It is pertinent to note herein that all the documents have not been provided to us by accounts branch.


*That in conclusion, the Fact Finding Committee is of the opinion that the magnitude and extent of improprieties, irregularities and misconduct committed by various officials mentioned in the report is quite complicated, gigantic and now it is upto the Executive Committee of the Association to take it to its logical conclusion. We feel that steps and procedure that are generally followed in such situation be followed in letter and spirit in the present case also.*

  
(SUNIL JAIN)


Chairman

DATE: 29.12.2014

NEW DELHI.

  
(VINOD KUMAR GARG)

  
(SALIL SETH)

  
(SIDDHARTH SINGH VERMA)

## FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

CIPA-R1.11 00

1. District: CENTRAL DELHI P.S.: L.P.ESTATE Year: 2014 FIR No.: 538 Date: 15-12-2014

2. Act(s): Section(s):  
 (i) IPC 1860 420/468/471  
 (ii)  
 (iii)  
 (iv)

3. Occurrence of Offence: Unknown date and time:

(a) Day: Date From: Date To:  
 Time Period: Time From: Time To:  
 (b) Information received at P.S.: Date: 15-12-2014 Time: 21:05 hrs  
 (c) General Diary Reference: Entry No.: 29A Time: 21:05 hrs

4. Type of Information: WRITTEN

5. Place of Occurrence:

(a) Direction and Distance from P.S.: North/1.0 Km. Beat No.: 09  
 (b) Address: FSK STADIUM, NEW DELHI  
 (c) In case, Outside the limit of the Police Station:  
 Name of P.S.: District:

6. Complainant/Informant:

(a) Name: KIRTI AZAD  
 (b) Date/Year of Birth: Nationality: INDIA  
 (c) Passport No. Date of Issue: Place of Issue:  
 (d) Occupation:  
 (e) Address: H. NO 25, PT. RAVISHANKAR SHUKLA LANE, K.G. MARG, NEW DELHI-110001

7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary):

(i)

(ii)

(iii)

8. Reason for delay in reporting by the complainant/informant: NO DELAY

9. Particulars of the properties stolen/involved(attach separate sheet if necessary):

Sl.No.	Property Type(Description)	Est. Value(Rs.)	Status
(i)			
(ii)			
(iii)			

10. Total value of property stolen:

11. Inquest Report/U.D Case No., if any:

to check this malaise immediately. Thanking you in anticipation.  
 Yours truly, Sd English Kirti Azad 25 Pt. Ravishankar Shukla Lane,  
 K.G. Marg New Delhi-110001 Ph. +91-(011)-23073234 Telefax: + (011)  
 -23782645 Email: kirtiazad.mp@gmail.com. Do IP Estate, On the  
 basis of the complaint overleaf Prima facie a case U/S 420/468/471  
 IPC is made out kindly register a case and investigation be handed  
 over over to me. Sd हिन्दी अशोक कुमार Ashok Kumar Insp/Inve/P.S IP  
 Estate 15/12/14 At 9:00 PM कार्यवाही पुलिस तहरीर की दरपेशगी पर मुकदमा दर्ज  
 रजिस्टर करके व दर्ज CIPA Computer Operator द्वारा कराकर नकल मिसल पुलिस व असल  
 तहरीर नज्द Insp. Ashok Kumar साहब के हवाले की गई जो आईन्दा तफ्तीश अमल मे लायेगे  
 । दीगर नकुलात बजरिये डाक अफसरान बाला की खिदमत मे अरसाल होगे ।

13 - Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No.2:

(i) Registered the case and took up the investigation

OR

(ii) Directed (Name of the I.O): ASHOK KUMAR  
 No.: 16900102

Rank: INS

to take up the investigation, OR

(iii) Refused investigation due to:

OR

(iv) Transferred to P.S.(name):  
 on point of jurisdiction.

District:

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the  
 complainant/informant, free of cost:

R.O.A.C:

14 .

Signature / Thumb Impression  
 of The Complainant/Informant:

Signature of Officer  
 Name: ANIL KUMAR  
 Rank: HC

No.: 28061028

15 . Date and Time of despatch to the court:



टेलीफोन नं. : 0120-2445342, 0120-2445343

फैक्स नं. : 0120-2445341

भारत सरकार

कॉर्पोरेट कार्य मंत्रालय

कार्यालय प्रादेशिक निदेशक (उत्तरी क्षेत्र)

ए-14, पी.डी.एच.एस. गम्क (भू-तल)

नोएडा-1, नोएडा-201301 (उत्तरांचल)



(RAKESH CHANDRA)  
REGIONAL DIRECTOR (NR)

Tel. No. : 0120-2445342; 0120-2445343

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GOVERNMENT OF INDIA

MINISTRY OF CORPORATE AFFAIRS

OFFICE OF THE REGIONAL DIRECTOR

NORTHERN REGION

14, PDIL Bhawan, (Ground Floor),

Sector-1, NOIDA-201301 (U.P.)

No.1479/JDHU/2012/uls 209A/

D.O. No.

21 MAR 2013  
Date 20

Dear Shri Nahta,

I am to forward herewith the Inspection Report under Section 209-A of the Companies Act, 1956 in respect of M/s. Delhi & District Cricket Association (DDCA) conducted jointly by a team constituted by the Ministry, consisting of S/Shri Rakesh Chandra, Regional Director, S.K. Saxena, Dy. Director (SFO) and Santosh Kumar Dy. Director in the office of Regional Director, Northern Region, Noida. The inspection of the company was ordered by the Ministry vide No. 3/76/2003-CL.II(NR) dated 28.09.2012 on the basis of complaint of Hon'ble M.P. Shri Kirli Azod priority.

2. The inspecting officers (IOs) have reported the Non-compliance of Memorandum & Articles of Association of the company, provisions of the Companies Act, 1956 and Accounting Standards and some are reported in Part-A, Part-B and Part-C of the inspection report. The issues raised by the complainant have also been examined during the inspection and have been commented in the inspection report. Since Regional Director (NR) is also one of IO in this matter, the Ministry may issue necessary directions in respect of all issues captured in different parts of the inspection report.

3. The Ministry may like to examine the violations and other issues reported in the inspection report and issue necessary instructions in the matter.

With regards

Yours sincerely,

Encl: as above.

(RAKESH CHANDRA)

Shri U.C. Nahta,  
Director (Inspection & Investigation),  
Ministry of Corporate Affairs,  
New Delhi.

Encl.No.1479/JDM/2012/uls 209AJ 12-142

Dated 21 MAR 2013

Copy to the:

- ✓ 1. Registrar of Companies, Delhi, with a copy of the Inspection Report.
2. Follow up Section in the Directorate.

Encl: As above



(RAKESH CHANDRA)  
REGIONAL DIRECTOR (NR)



DOSSIER PART - I	
1. Name of the company.	M/s. Delhi & District Cricket Association
2. Ministry's letter ordering inspection.	No. 3/76/2005-CLII(NR) dated 28.09.2012
3. Address of Regd. Office.	Iqbal Stadium Grounds, New Delhi-110007
4. Date of incorporation.	19.07.1936
5. Group to which belong	Nil
6. Main Business.	Presently the company is engaged in promotion game of cricket in the province of Delhi, District of Karnal, Meerut, Aligarh, Bulandshahr & Gurgaon and to run a club for its members.
7. Factory	NA
8. Form of Management.	Managed by the Board of Directors and called as Executive Committee as per Articles of Association of the company. List of members for the last five years are attached to the report as Annexure-5.
9. Whether company is listed/unlisted.	Unlisted (Section 25 - guarantee company)
10. Name & address of the auditors.	M/s RMSB & Associates Chartered Accountants
11. Permanent Income Tax A/C No.	AAATD0328P
12. Inspection done by	Rakesh Chandra, Regional Director, (NR) S.K. Saxena, Dy. Director, SFIO Santosh Kumar, Dy. Director, RD(NR) (Jointly)
13. Period covered.	Financial Year 2008-09, 2009-10, 2010-11 & 2011-12
14. Period in which inspection was carried out.	08.10.2012 onwards about 10-12 days and further 2-3 days in January 2013 to carry out inspection of audited accounts for F.Y. 2011-12.
15. Time taken for completion of inspection, drafting & preparation of Inspection Report.	About 15 days intermittently.

(RAKESH CHANDRA)  
REGIONAL DIRECTOR (NR)

(S.K. SAXENA)  
DY. DIRECTOR (SFIO) 3/12

(SANTOSH KUMAR)  
DY. DIRECTOR (NR)

DATED: 21 MAR 2013  
PLACE: NOIDA



# DOSSIER PART- II

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**REPORT ON INSPECTION OF THE BOOKS OF ACCOUNTS AND OTHER  
RECORDS OF M/S DELHI & DISTRICT CRICKET ASSOCIATION UNDER SECTION  
209A OF THE COMPANIES ACT, 1956**

**1. INTRODUCTION**

Inspection under Section 209A of the Companies Act, 1956 (hereinafter referred to as the "Act") of the books of accounts and other records of M/s. Delhi & District Cricket Association (hereinafter referred to as "the Company") was ordered by the Ministry vide its letter 3/76/2005-CLII(NR) dated 28.09.2012 on the basis of complaint of Hon'ble M.P. Shri Kirti Azad. The Ministry had also directed that the inspection will be conducted by a team of officers consisting of Shri Rakesh Chandra, Regional Director (NR), Shri Santosh Kumar, Dy. Director (NR) and Shri S. K. Saxena, Dy. Director in Serious Fraud & Investigation office (SFIO).

**2. MAIN OBJECTS AND PRESENT BUSINESS ACTIVITIES**

The company was registered as Section 25, limited by Guarantee and not having a share capital Company, on 19<sup>th</sup> February 1936 with the Registrar of Joint Stock Companies, Delhi. The main objects as per present Memorandum of Association (MOA) are as under:

- I. To encourage and promote the game of Cricket and run club and to take over the assets and liabilities of the Association called the Delhi & District Cricket Association.



16.	Non-compliance of Section 209 (3) (b) of the Act and AS-22, AS-29 w/ 211 (3A) & (3C) of the Act in respect of Non-provision of Income Tax for F.Y. 2011-12 and previous F.Y. 2009-10 and 2010-11.	16	47-48
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(RAKESH CHANDRA)  
REGIONAL DIRECTOR (NR)

(S.K. SAXENA)  
DY. DIRECTOR (SEIO)

(SANTOSH KUMAR)  
DY. DIRECTOR (NR)

DATED: 21 MAR 2013  
PLACE: NOIDA



- ii. To layout any ground for playing the game of cricket and for other purpose of the Association and to provide pavilion, refreshment rooms and other conveniences in connection therewith.
- iii. To finance or assist in financing of teams.
- iv. To construct or alter or keep in repair any buildings required for the Association and to pull down or demolish any buildings not so required.
- v. To pay all or any part of the expenses of any cricket match, tour or tournaments.

The Memorandum of Association and Articles of Association of the company is annexed hereto and marked as Annexure-1.

2.1 Being Section 25 Company, Income Tax Department had granted exemption on income by way of registration under section 12AA of Income Tax Act, 1961. However, it was observed during the course of inspection that the registration U/s 12AA was withdrawn by Income Tax Department w.e.f. 1.4.2009 by declaring that activities of DDCA do not fall within the category of charitable organization from Assessment Year 2009-10 due to amendment in the definition of "charitable purpose" U/s 2(15) of Income Tax Act w.e.f. 1.4.2009.



### 3. CAPITAL STRUCTURE AND SHAREHOLDING PATTERN

The company was registered as Section 25 Guarantee Company without share capital with the Registrar of Joint Stock Companies, Delhi. As per AOA, the total number of members can be 4600 including 300 corporate/institutional members without voting right. Every member present in person at AGM entitled to vote shall have one vote and upon poll every member present in person or by proxy shall also have one vote.

### 4. MANAGEMENT

The company is managed by the Executive Committee (Board of Directors) elected by members at Annual General Meeting (AGM). On perusal of Minutes of meeting of executive committee, test check of books of accounts & vouchers for financial year 2008-09 to 2011-12 and duties performed by executive members, it is observed by JOs that the main functional directors are as under:-

1. Shri S.P. Bansal, Gen. Secretary.
2. Shri C. K. Khanna, Vice President.
3. Shri N.K. Batra, Treasurer.
4. Shri Sunil Dev, Sports Secretary.

4.1 It is important to mention that the company has no Managing Director / Whole Time Director nor Directors in default under section 5 of the Act were identified by the Executive committee. However, it is noticed that time to time, delegation of the powers were made to the Executive Members (generally to the above 04 Directors) by the Board of Directors.



to discharge the day to day function of the companies. For example authorization of passing of bills, acting as scrutinizer of new members application and other delegations in respect of various sports activities etc. However, the company in its reply letter dated 12.01.2013 informed that executive committee at its meeting held on 26.12.2012 approved a "Financial Manual" to strengthen the financial discipline in the company and copy of manual is furnished by the company along with reply dated 12.01.2013 is enclosed as Annexure-2. It is seen from the Manual that above office bearers including other Board Members have been made responsible for discharging financial powers of the company.

4.2 It is also observed that during the period under inspection, Shri Arun Jailley, Hon'ble M.P. and leader of opposition of Rajya Sabha is also President of DDCA and presiding over the meetings of Executive Committee (Board of directors) like a non-executive chairman without involvement in day to day affairs of the company.

4.3 It is also observed that the executive committee has been appointing Justice R.C. Chopra (Retd. High Court Judge) as Chief Election Officer and ADJ B.L. Garg (Retd.) as Returning Officer for effective supervision of election of Executive Committee Members and proxy process at AGM i.e. Authentication of Proxies, dispatch of Proxy Forms through Regd. A.D. to eligible members, scrutiny of proxies deposited with the company, finalization of voting list and declaration of result of election on poll.



4.4 It is also observed that various court cases (brief of the list of matters furnished by the company is enclosed as Annexure-3) are pending before the different courts filed against DDCA or vice versa and some of the cases are filed by the members of the company. There are some issues raised by complainant Hon'ble M.P. Kirli Azad which are also sub-judice before the various courts like non-compliance of condition of license under section 25 granted by Central Government and non-adoption of proper process of proxies for election of members at AGM. It was also informed by the company that in respect of election of executive members at AGM held on 21.12.2012, stay was granted by Tees Hazari Court in respect of election of six office bearers in the matter of Rajneesh Agorwal Vs. DDCA.

4.5 Government Nominee Directors: During inspection, a letter no. L&DO/LIIB-17(32)/174 dated 01.07.2011 of Government of India, Ministry of Urban Development copy enclosed and marked as Annexure-4 furnished by the company in respect of Government nominee on the Board of DDCA. In the letter dated 01.07.2011, it is stated that there shall be one nominee each of Ministry of Urban Development, The Department of Youth Affairs & Sports and Sports Authority of India (SAI) on the management committee of DDCA for two years w.e.f. 01.07.2011 as under:-

S.No.	Name and Address	Department Represented
1.	Shri Arvinder Singh, Lovely, Minister of Education & Transport, CMCID, R/o 89, East Azad Nagar, Delhi - 110051	M/o Urban Development
2.	Shri Rajiv Shukla, MP (Rajya Sabha)	M/o Youth Affairs and Sports
3.	Shri Navin Jindal, MP (Lok Sabha)	Sports Authority of India



4.6 The Particulars of directors during the last 5 years as furnished by the company are enclosed to this Report and marked as Annexure-5.

#### 5. FINANCIAL POSITIONS AND WORKING RESULTS:

The statement showing financial position of the company during the last 4 financial years as furnished by the company are enclosed with the report and marked as (Annexure-6).

On analysis of Balance sheet of the company it is observed that company has not taken any borrowings from banks/financial institutions/Government and deposits from public as on 31.3.2012.

The company has created Reserve and Surplus of Rs. 133.14 crores as on 31.3.2012 out of receipt from BCCI, income from matches and other incomes over the years. It is also observed that the company has utilized its surplus income/receipt over the years to build & renovate including maintenance of the Ferozeshah Kolla ground stadium and as on 31.3.2012 as per Schedule of the Balance sheet the value of building was shown as Rs.146.15 crores.

#### 5.1 WORKING RESULTS:

The company is a section 25 company for promoting the cricket and related activities. It is observed that during the last F.Y. 2011-12 the total receipt/income (turnover) of the company is around Rs. 35.5 Crores (previous financial year Rs. 31.50 crores). The Major Source of income of DBCA are as under which are consistently over the years:-



## 8. COMPLAINTS

Various complaints from Hon'ble M.P. Shri Kirti Azad stating various allegations against the company and its officials have been received by the Ministry/Directorate and Registrar of Companies from time to time. The complainant has summarized his allegations against DDCA vide his letter dated 3.10.2012 addressed to Secretary MCA. The Hon'ble M.P. has also sent various e-mails/D.Os including letters addressed to different authorities/organization.

✓ 8.1 The complaints are mainly related to the admission of members, termination of members, election process of office bearer including proxies, payment of remuneration/fees to the members and directors being Section 25 company without approval of Central Government, non-compliance with the relevant provisions of the Companies Act, 1956, financial irregularities in construction of Stadium building, safety of stadium, financial irregularities and weak internal control system etc. There appears to be certain lapses in this regard including non-production of relevant records as stated in detail of Annexure-A of this report. The complainant has raised various issues which are beyond the scope of the provisions of the Companies Act, 1956 and falling under the jurisdiction of other regulatory authorities. //

8.2 During the course of inspection, all allegations were taken up with the company and a tabular statement containing comments/observations/findings has been enclosed in tabular format as Annexure-A at the end of the inspection report. The copies of the complaints are enclosed and collectively marked as Annexure-B along with tabular report on complaint.



During the inspection, IOs have also issued Inspection Notes to the company to collect the information and records to examine the allegations made in the complaint letters/emails and company has also furnished replies to the Inspection Notes from time to time. Therefore, the inspection notes (1 to 61) and company's reply/information thereon received by IOs are enclosed as Annexure-C along with tabular report on complaint to this report.

#### 9. Conclusion:-

The Delhi District Cricket Association (DDCA) was incorporated on 13.02.1936 under the Indian Companies Act, VII of 1913 during pre-independence era. As per present Memorandum of Association, the company is a Licensed Section 25 company limited by guarantee without share capital. Therefore, there is no financial stakes of any member. The company has not borrowed any secured or unsecured loans from banks/financial institutions or grants from any Government Organization.

The main object of the company is to promote the sports of Cricket which the company has been doing very successfully. There is no stake of the public at large other than the interest in cricket which the company has delivered to the satisfaction of the public. Considering the importance of the development of the sports in the country, the Ministry of Youth & Sports has notified a National Sports Development Code, 2011 for regulating/supervising the sports development activity in the country including the sports of cricket.



Since the company is registered under the Companies Act, the compliance of the provisions of the Companies Act has been examined during the course of inspection. It has been noticed that the company has contravened certain technical provisions of the Companies Act, 1956 such as Section 36 read with Memorandum & Articles of Association (MOA & AOA) of the company, provisions relating to transaction with directors & managerial remuneration, Section 211, relating to disclosures in Annual Accounts, Accounting Standards, Sec. 209 for non-maintenance of account on accrual basis and Sec. 303 & 150 relating to statutory registers which have been discussed at length in Part A, B & C of the Report.

The Ministry has ordered the inspection on the basis of complaints of Sh. Kirti Azad, Hon'ble Member of Parliament who is also a known cricketer and Member of DDCA. Sh. Azad has alleged various irregularities in the day-to-day administration of DDCA including non-compliance of provisions of Companies Act relating to remuneration to members and certain other issues falling under jurisdiction of MCD of Delhi, Archeological Survey of India and Income Tax etc.

Shri Kirti Azad has also raised the issues of non-renewal of Lease of Land by Ministry of Urban Development (L&DO) on which Ferozeshah Kotla stadium is constructed / renovated, Lease of Corporate Boxes without taking approval of L&DO, NOC / Clearance from MCD / ASI / DUAC are pending and there is a safety concern in use of stadium and matches are played without obtaining necessary clearance including completion certificate from concerned Government Department. The matters are falling under the jurisdiction of Ministry of Urban development (L&DO).



With regard to the provisions of the Companies Act, it has been observed that the company has contravened the provisions of Section 25 read with Memorandum of Association for payment of remuneration/fees to its members without the approval of the Central Government. In this regard, the company has got compounded the offence by the Hon'ble Company Law Board but has not got compounded the offence of the provisions of the Companies Act relating to managerial remuneration because some of the members who have been paid remuneration by the company were also the directors of the company.

Sh. Azad has also alleged about fraud/irregularities in membership and proxy system during general meetings. In this regard, it has been found that the company and its directors have not followed the procedures laid down in MOA and AOA including approval of the Board of Directors for the appointment/termination of members. However, the company has placed a list of the current members of the DDCA before the board meeting held on 24.12.2012 which has been duly notified by the Board. As regards Proxy System in general meeting, it is stated that as per the Orders of the Tis Hazari Court dated 28.09.1995 and 26.04.2003 which is operative today also, the company before issuing of proxy, get each Proxy Form authenticated by the Court, then Proxy Forms are handed over to the retired judges as election officers to convene the general meetings and declare the results of poll after considering votes cast by proxies. In view of above, the Proxy System is being handled/supervised by two retired judges, Justice R.C. Chopra, Retired High Court judge as Chief Election Officer and ADJ B.L. Garg (Retd.) as Polling Officer and entire record relating to the proxies are kept under their custody.



Sh. Azad has also alleged about financial irregularities by not keeping of any 'Financial Manual' in DDCA. In this regard, it is stated that there have been instances of weak Internal Control System in the company. However, the company has prepared a proper 'Financial Manual' in the month of December, 2012 to strengthen the internal control system.

It is also stated that the Central Government (Ministry of Urban Development) has been appointing three senior dignitaries (Central Govt./Delhi Govt. Minister/MPs/MLAs) on the Board of DDCA and at present Sh. Rajiv Shukla, Hon'ble Central Minister, Sh. Naveen Jindal, Hon'ble Member of Parliament and Sh. Lovely Anand, Hon'ble Minister of Delhi Government are on the board as nominees of the Ministry of Urban Development, Sports Ministry and Sports Authority of India.

Thus, in nutshell, there are irregularities/non-compliance of technical violations of Companies Act, 1956 noticed during the course of inspection as alleged by Shri Azad. However, the Ministry may consider the issues discussed/reported in this inspection report.

PLACE: NOIDA  
DATED: 21 MAR 2013

(RAKESH CHANDRA)  
REGIONAL DIRECTOR

(S.K. SAKENA)  
DY. DIRECTOR (SFO)

(SANTOSH KUMAR)  
DY. DIRECTOR (NR)



CONTRAVENTION/IRREGULARITIES WITHIN THE POWERS VESTED  
IN CENTRAL GOVERNMENT

PART-A

1. Non-compliance of MOA & AOA read with Section 36 of the Act in respect of  
Admission / Termination of Members:-

1.1 The company is a licensed section 25 company, limited by guarantee and not having share capital. The MOA & AOA of the company contains following clauses relating to admission of new Members and termination of existing Members:-

- (i) In respect of admission of new Members, Clause 4 & 15 of AOA stipulates that Members can be admitted by Executive Committee after proper scrutiny and interview of application.
- (ii) In respect of termination of Membership Clause 20 prescribes following:
  - (a) The member shall cease to be a member of the Association:
    - i) On his resignation;
    - ii) On his being adjudged insolvent;
    - iii) On his conviction by a competent Court of any offence involving moral turpitude;
    - iv) On failure of pay debts and dues to the Association after his name has been posted for non-payment as required under sub-clause;
    - v) On expulsion from the Association under sub-clause (c) hereof
    - vi) on his death.
- (iii) As per clause 20(c) of AOA, after forming an opinion by Executive Committee, the default notice shall be sent to the defaulting Members by

Executive Committee or by delegated Director / Officials by Executive Committee.

1.2 However, it is observed that from the test check of Register of Members, Admission Form for Membership and approval process for admission of Members that Directors namely Shri S.P. Bansal, General Secretary and Shri C.K. Khanna, Vice President have acted in procedural violation to the provisions of clause 4 of AOA read with section 36 of the Companies Act, 1956 for admission of new members without resolution of Executive Committee (Board of Directors) of DDCA.

It is further observed from the verification of Register of Members, copies of the notices sent to the Members for payment of Membership dues and process of declaration of Member as defaulter for termination of Membership that the company and its Directors particularly Shri S.P. Bansal, General Secretary is not complying with requirements of clause 20(c) of AOA read with section 36 of Companies Act, 1956 in the termination of Membership in event of Members had failed to pay the Membership Fees in time.

1.2 During the inspection the company has informed (vide company's letter dt 12/10/2012 enclosed as Annexure-11) that the vacancies / cessation of Members were neither circulated to all Members nor advertised in the newspapers and our association is a prestigious one and people come to know through other Members or they themselves try to contact DDCA to become a Member. The company has further stated the following are the procedures for appointment of new Members :-

- (a) Applicant has to fill the form for admission of Member of DDCA.
- (b) the name of applicant has to be proposed and seconded by existing two Members.
- (c) on the basis of certifications of two existing members, they are inducted as member of the Association.



ii) The company in its reply dated 12.1.2013 (refer Annexure-10) has stated that, for the purpose of admission of members, the Executive Committee (Board of Directors) of the company constituted a Scrutiny Committee vide resolution passed in point no. 8(VI) in its meeting held on 21<sup>st</sup> June, 2001 wherein Mr. S.P. Bansal, Mr. C.K. Khanna and Dr. Ram Babu Gupta were taken as members of the said Scrutiny Committee and the said resolution states that "A three member Scrutiny Committee consisting of Shri S.P. Bansal, Shri C.K. Khanna and Dr. Ram Babu Gupta be formed for the purpose" and further, after the death of Dr. Ram Babu Gupta, a resolution no. 3(h) was passed in the meeting of the Executive Committee dated 6<sup>th</sup> June, 2008, wherein a committee was formed consisting of Mr. S.P. Bansal and Mr. C.K. Khanna for the admission of members and taking necessary decisions in this regard. This clearly indicates that the Executive Committee delegated its power for admission of members to the aforesaid committee. Accordingly, new members were admitted by the members of this committee only after ensuring that the membership is proposed and seconded by some existing members. On receipt of the membership form duly proposed and seconded by some existing members, the profile of the candidate was assessed by the members of the committee and on the satisfaction, admission was allowed as member of the Company. Further, it is stated that the list of members is regularly updated by including the names of newly admitted members and the said list is placed before the Election officers nominated by the Executive Committee namely Mr. D. S. Thakur (Retd.) Deputy Registrar, Delhi High Court and Justice B. L. Garg (Retd.) for the year 2008-09 and (Retd.) Justice R.C. Chopra and Retd. ADJ Mr. B. L. Garg for the years 2009-10 and 2010-11 respectively and election is held every year on the basis of the said list as duly authenticated by DDCA and the Election officers after tallying the same with the record of the Association. Thus, admission of members is monitored/satisfied by the company as well as Election officers. The Executive Committee is briefed about the admission of members as and when some clarifications is sought and vide board resolution passed in the meeting of the Executive Committee held on 24<sup>th</sup> December, 2012. The Company has the list of members as on 24<sup>th</sup> December, 2012 which was duly noted, approved and ratified and thereby, the process of admission of members never involved action steps which are ultra vires to the provisions of Clause A read with Section 36 of The Companies Act, 1956.

It is correct that some members were defaulters in payment of membership dues over the period. In this regard, it is clarified that necessary notices were sent to the defaulters from time to time in accordance with clause 20(c) of the Articles of Association of DDCA and those cases, where the members failed to make the payment within the stipulated period, their memberships were terminated. In this context, it is pertinent to mention that 398 members have been terminated for non payment of membership dues since 2001 onwards. Under these circumstances, it is wrong to infer



that the Company and its Directors are not complying with the requirements of clause 20(c) of Articles of Association read with Section 36 of The Companies Act, 1956.

**1.3 Comments of IOs on process of admission of the new Members :**

During inspection, process of admission of new Members and minutes of Board meeting were verified and it is observed that :-

- (a) Resolutions for admission of Members in compliance of Clause - 4 of AOA had to be passed by the Executive Committee but the same had not been done.
- (b) The Company has informed that "The vacancy / cessation members is neither circulated to all members nor advertised in the newspapers"
- (c) The Company's reply that executive committee delegated its power of admission to the committee consisting of Mr. S.P. Bansal and Shri C.K. Khanna on 06.06.2008 at executive committee meeting is not correct. In fact the said two Directors were appointed by the Board vide resolution dated 21.06.2001 as scrutinizers to the applications received for admission of new member. The power to admit new member is vested with the Board of Directors as per clause 4 of AOA read with section 36 of the Act and cannot be exercised by the Directors at its own.

By virtue of clause 4 of AOA and section 36 of the Act, the Board of Directors has to take interview of applicants and then take a decision by passing necessary resolution for admission of new members. During inspection, no such Board resolution was furnished for admission of new members time to time by Board of Directors w.e.f. 21.06.2001 i.e. the date when Board has appointed said Directors as scrutinizers to the application of new membership.

- (d) After receipt of application from the applicants, mainly two Directors namely Shri. S.P. Bansal, General Secretary and Shri C.K. Khanna, Vice President are approving applications either jointly or severally. It is also observed from the minutes of the meeting of executive committee held on 21.06.2001 that the



resolution was passed to constitute three members scrutiny committee for new membership consisting Shri. S.P. Bansal, Shri C.K. Khanna and Dr. Ram Babu Gupta.

- (e) Some new members were admitted without scrutiny of Shri S.P. Bansal, General Secretary, Shri C.K. Khanna, Vice President and Dr. Ram Babu Gupta.
- (f) In some of applications for admission of new member, the photos of applicants are not affixed and photos are also not available on the Membership register column marked for this purpose.

In view of above, it is observed that Directors namely Shri S.P. Bansal, General Secretary and Shri C.K. Khanna, Vice President did not comply with strictly the clause 4 of AOA read with section 36 of the Companies Act, 1956 for admission of new members and they have acted ultra-vires to Articles of Association. Thus, the company and Directors had not complied with clause of 4 of AOA read with section 36 of the Act in respect of passing of necessary resolution of Board of Directors and adoption of procedures for admission of new members prescribed in AOA since 2001.

However, the company has informed that a list of all members was placed before the Board of Directors at its meeting held on 24.12.2012 and Board had duly noted and ratified the same. A copy of the minutes of the executive committee meeting held on 24.12.2012 as furnished by the company is enclosed as Annexure II to this report.

**1.4 Comments of IOs on Termination of Membership:** During inspection, it was observed from the test verification from the records of the company that there are mainly three ways of cessation of Membership (i) Death of a Member (ii) On surrender of Membership and (iii) on declaration of a Member as defaulter of Membership fees. The company was asked to provide the resolutions of Executive Committee in compliance of clause of 20 of AOA and procedures for deciding termination of Membership.



The Company has stated in its letter dated 9<sup>th</sup> October, 2012 (instruction note 30) that normally there are (three ways as mentioned above) of cessation of Membership and chief administrator issues notices to the defaulting Members by the registered post and a notice is also posted on the notice board of DDCA. It is also replied that company is complying with clause 20 of AOA for termination of Membership. However, the company has not furnished any Board Resolution of Executive Committee at which the list of defaulters Members were approved for the purpose of giving 15 days notice to make the default good by the Members. As per clause 20(c) of AOA, after forming an opinion by Executive Committee, the default notice shall be sent to the defaulting Members by Executive Committee or by delegated Director / Officials by Executive Committee.

On test examination of some cases it is observed that demand notice is being issued by Shri Pankaj Bhardwaj, Chief Administrator without authorization by Executive Committee and without forming an opinion about the Member as defaulter under clause 20(c) of AOA by the Executive Committee. For an example of cessation of Membership of Shri Parakash Malik (M-60) on 12.10.2011 on the basis of demand notice letter dated 19.08.2011 sent by Shri Pankaj Bhardwaj, Chief Administrator. The endorsement of declaration of defaulter on Register of Member is being made by Shri. S.P. Bansal, General Secretary of DDCA.

It is observed that the necessary procedures including Board meetings of Executive Committee in compliance of clause 20C of AOA read with section 36 of the Act, at which the list of defaulters Members were required to be approved for the purpose of giving 15 days notice to make the default good by the Members, were not adopted by the Board of Directors and company. The company has mentioned in reply to PF letter



that 598 members have been terminated for non-payment of membership dues since 2001 onwards.

Thus, it is observed that the company and director namely Shri S.P. Bansal, General Secretary did not comply with requirements of clause 20(c) of AOA read with section 36 of Companies Act, 1956 in the termination of Membership in case of Members fails to pay the Membership fees and they are acting in ultra-vires of the AOA.

However, the company has informed that a list of all members was placed before the Board of Directors at its meeting held on 24.12.2012 (already enclosed as Annexure-11) and Board had duly noted and ratified the same.

**1.5 Ratification action by the company with regard to admission and termination of Members:-**

The company in its reply dated 12.01.2013 (refer Annexure-10) has informed that executive committee in its meeting held on 24.12.2012, (already enclosed as Annexure-11), a member list as on 24.12.2012 was placed before the Board of Directors and Board had duly noted, approved and ratified the same.

**2. Payments of remuneration/fees to the Members and Directors - Compliance of MOA and provisions of the Companies Act, 1956.**

2.1 The company is section 25 company and as per provisions of the Act, enjoying the protection of limited liability & certain exemption applicable to Section 25 company, under the Act. The MOA of the company prescribes the following restrictions on the company & members in respect of distribution of profit/payment of remuneration or fees to the Members :-

- a) Clause 4 (ii) provides that no portion of income & property thereof shall be paid or transfer directly or indirectly by way of dividend, bonus or otherwise by



way of profit to the person who at any time are or have been member of the said company.

b) Clause 4 (iii) provides that no remuneration or other benefit in money or money's worth shall be given by the company to any of its members whether officers or servants of the company or not except payment of out of pocket expenses, reasonable and proper interest on money let or reasonable and proper rent on premises let to the company.

c) Clause 4 (iv) provides that no member shall be appointed to any office under the company which is remunerated by salary, fees or in any other manner not accepted by clause (iii).

2.2 It has been observed that during the period of inspection i.e. (F.Y. 2008-09 - 2011-12), the company has paid remuneration/fees/liaison fees for the services rendered to the company by members and directors as manager/selector/coach/coordinator etc. as per details below as furnished by the company:-

SLNo.	Financial year	Amount
1.	2008-09	48,59,305/-
2.	2009-10	43,90,000/-
3.	2010-11	99,90,473/-
4.	2011-12	1,19,93,000/-

2.3 In addition to above payment to the Members, it was noted that a certain members namely 1. Sh. Sanli Mittal 2. Sh. Anil Khanna 3. Dr. S.S. Sargen 4. Mr. Pradeep Kashyap 5. Mr. Naresh Sharma 6. Mr. Vineet Kumar 7. Mr. Dhresh Sharma have also been paid remunerations for their liaison services rendered to the Company in connection with IPL matches of CMC without prior approval of Central Government. The company was asked



to clarify/give comment on compliance of clause 4(iv) of MOA read with section 36 of the Companies Act, 1956 by the Company.

In this regard the company has clarified that there was no financial burden over DDCA on account of liaison fee during 2008-09. Infact, GMR wanted the services of few responsible persons to understand the intricacies of IPL matches on payment of nominal charges and hence the company engaged the services of Mr. Sunil Mittal, Mr. Anil Khanna, Dr. S.S.Sareen, Mr. Pradeep Kashyap, Mr. Nareesh Sharma, Mr. Vineet Kumar and Mr. Dinesh Sharma for this work/ assignment. To pay the charges for their services, it was the liability of GMR only, however, due to some urgent requirements of the eminent persons the payment was made by the company during the year 2008-09 and the same was received from GMR vide consolidated cheque no. 210035 of Rs. 7,50,000/- (Rupees Seven Lacs Fifty Thousand Only) issued through ING Vysya Bank and deposited in DDCA Account on 7<sup>th</sup> August, 2008. From all this, it is very clear that the company has not paid any liaison fee to any of its office-bearers. The company vide its further letter dated 27.2.2013 had clarified that the total amount involved was only Rs.6,05,250/- instead of 7,50,000/- which was received by the company.

Since the company had made payments earlier on behalf of GMR and the same has been recovered, no action is called for, for making payments to members on behalf of GMR without the permission of the Board of Directors and Central Government.

**2.4 Non-compliance of Clause(ii) to (iv) of MOA read with Section 36 of the Act in respect to payment of fee/remuneration to members:**

As indicated in para 2.2 above, the company had paid remunerations to its members but it has not complied with clause 4(iv) of MOA or Sec. 36 for payment of remuneration to Members for the services rendered by them to the company in various capacity for the financial years 2008-09 to 2011-12 as no prior approval of the Central Government was obtained. The auditors of the company were also qualifying their report in this regard up to the F.Y. 2010-11.



In this regard the company has compounded the offence for non-compliance of clause 4 of the MOA by the Hon'ble Company Law Board for the F.Y. 2008-09, 2009-10 and 2010-11 (for six months i.e. 1.4.2010 to 30.9.2010) for such payments to the members.

In respect of the remaining period of F.Y. 2010-11 (1.10.2010 to 31.3.2011), the company had filed application with the ROC, Delhi in Form 61 which was approved by the office of ROC, Delhi. In this regard the ROC, Delhi in its report dated 7.11.2012 (copy enclosed as Annexure-12) has stated that "Section 25(8)(a) of the Act provides that 'a body in respect of which a license under the section is in force shall not alter the provisions of its memorandum with respect to its objects except with the previous approval of the Central Government signified in writing. Prima facie, the application filed by the company is not under section 25(8) of the Act and thus, form 61 was not the relevant form. Further, the list enclosed to the said form contains certain names which are on the Board of the company".

In respect of F.Y. 2011-12, the company has not taken approval of Central Government nor compounded the offence for such payments to the members.

The company was asked to clarify/give comment on compliance of clause 4 of MOA read with section 36 of the Companies Act, 1956 but the company has not given any comments in this regard. However, related information were furnished by the company in its letter dated 1.12.2012 which is enclosed as Annexure-13 along with CLB compounding order dated 28.09.2012 for the period of 2008-09, 2009-10, 2010-11 (6 months i.e. 1.4.2010 to 30.9.2010) in favour of company and three applicant directors and form 61 for approval of ROC for 2010-11 (6 months i.e. 1.10.2010 to 31.3.2011).



#### COMMENTS OF L.Os

i) As per the information furnished by the company, the position in respect to compounding / prior approval of Central Government for payment of fees / remuneration to the members for their services as manager/selector/coach/coordinator etc are as under:-

Sl. No.	Financial year	Remarks on payment to Members
1.	2008-09	Compounding of offence for payment of remuneration on non-compliance of clause 4 of MOA was made by CLB order dated 28.09.2012.
2.	2009-10	-do-
3.	2010-11	i) Compounding of offence for payment of remuneration on non-compliance of clause 4 of MOA was made by CLB only for 6 months i.e. 1.4.2010 to 30.9.2010.  ii) For remaining period (i.e. 1.10.2010 to 31.3.2011) of the F.Y. 2010-11, neither approval of Central Govt. was obtained nor compounded by CLB as per ROC, Delhi letter No. ROC/10/Comp/21662 dated 7.11.2012 to the Directorate.
4.	2011-12	For F.Y. 2011-12 neither approval of Central Govt. was obtained nor compounded by CLB.

It is noted that the company has never passed any resolution of Board of directors/Members at General Meeting for payment of remuneration to the members. However, the Board has passed a resolution on 9<sup>th</sup> September 2012 (copy enclosed as Annexure-14) for making compounding application to the Company Law Board for compounding of offence under section 25 of the Act (i.e. distribution of profit to the members without approval of Central Government as per terms of license granted by Central Government U/s 25 of the Act).

The company has furnished a copy of Board Resolution dated 13.3.2013 along with letter dated 15.3.2013 (already enclosed as Annexure-10A to this report) stating that



the company will apply for approval of ROC Delhi & Haryana for prior approval to the payment of Honorarium for 2011-12 and 2012-13 and advance approval for the cricket season 2013-14.

In view of the above, it is clear that the company and directors have not complied with clause 4 of MOA of the company r/w section 36 of the Act particularly i) for the period from 1.10.2010 to 31.3.2011 (financial year 2010-11) and financial year 2011-12.

Even though payments have been made to coaches/selectors/coordinators/managers etc., and the same required the prior permission of the Central Government as procedural requirement of MOA of the company. However, Ministry may consider above issues including the report of the ROC dated 7.11.2012 in respect of F.Y. 2010-11 (1.10.2010 to 31.3.2011) in a respect of passing form 61 filed by the company in this regard.

3. Compounding of offence for non-compliance of Clause 4 of MOA read with Section 36 of the Act in respect to payment of fee/remuneration to members by the three Directors only as an officer of default under section 5 of the Act.

3.1 The company has no Mg. Director or Whole Time Director as stated earlier while discussing management of the company. It is noted that the compounding application for non-compliance of clause 4 of MOA in respect of payment of remuneration to the members filed by the company and 3 Directors namely Shri Sunil Dey, Honorary Sports Secretary, Shri S.P. Bansal, Honorary General Secretary and Shri N.K. Batra, Honorary Treasurer. The company and Directors were requested to clarify as to why other officers in default U/s 5 of the Act in this matter were not made parties to the compounding application.

3.2 Company's reply vide letter dated 12.01.2013:-

The compounding application has been filed by four petitioners only due to the fact that the first petitioner is DDCA which is a non-profit organization for promotion of the game of cricket in and around Delhi. The second petitioner, namely, Mr. Sunil Dey, is the Honr. Sports Secretary of the Association and is responsible for the cricket activities undertaken by the Association pursuant to its objects. Honr. Sports Secretary is primarily responsible for and is involved in formation/selection for various teams and also supervises the appointment and working of the



team managers, coaches, co-coordinators, tour managers, logistic managers, trainers and physios etc. The third petitioner, namely Shri S.P. Bansal is the Hony. General Secretary of the Association and is looking after the day-to-day affairs of the Association. The fourth petitioner, namely Shri N.K. Batra is the Hony. Treasurer of the Association and is responsible for supervising the accounts and finance functions of DDCA. Therefore, the petition has been filed only by these persons and the entity. The compounding has been got done against the company and other three petitioners who are officer in default in terms of Section 5 of the Companies Act, 1956.

### 3.3 COMMENTS OF IOs

The company is managed by the Executive Committee (Board of Directors) elected by members at Annual General Meeting (AGM). On perusal of Minutes of meeting of executive committee, test check of books of accounts & vouchers for financial year 2008-09 to 2011-12 and duties performed by executive members, it is observed by IOs that the main functional directors are, namely (i) Shri S.P. Bansal, Gen. Secretary, (ii) Shri G. K. Khanna, Vice President, (iii) Shri N.K. Batra, Treasurer & (iv) Shri Sunil Dev, Sports Secretary who are exercising financial power in relation to payments relating sports activities.

In view of above facts, the Ministry may consider above issues and issue necessary instructions in this regard.

#### 4. Remuneration / Fees to the members who are also Director of the company – Non-Compliance of provisions of the Act relating to remuneration to the directors.

4.1 The company is a public limited company. It is observed that the following members who are/were also Directors of the company were also paid remuneration without any approval of Board of Director and Shareholders and Central Government as required under the provisions relating to remuneration to the directors under the Act for the financial years 2008-09 to 2011-12.



S.No.	Financial year	Name of the Directors
1.	2008-09	Shri Anil Jain, Shri Chetan Chauhan, Dr. S.S.Sarin, Shri Sunil Dev, Sh. Pradeep Kashyap, Sh. Sunil Khanna
2.	2009-10	Shri Anil Jain, Shri Chetan Chauhan, Dr. S.S.Sarin, Shri Sunil Dev, Sh. Pradeep Kashyap
3.	2010-11	Shri Anil Jain, Shri Chetan Chauhan, Dr. S.S.Sarin, Shri Sunil Dev
4.	2011-12	Shri Anil Jain, Shri Chetan Chauhan, Dr. S.S.Sarin, Shri Sunil Dev, Sh. Sanjeev Sharma

The above directors were discharging the duties as manager/coach/selectors/coordinator etc. as stated by the company in their compounding application filed before the Company Law Board for non-compliance of clause 4 of MOA.

It is further observed that the Directors have taken remuneration for their contract / arrangement of their services to the DDCA during the period under inspection and they have never disclosed the nature of interest to the Board of Directors in compliance of requirement under section 299 of the Act.

The company and directors were asked to give comments on compliance of section 299 & 314 r/w clause 46 of AOA and compliance of section 269 r/w Schedule XIII and 309 of the Companies Act, 1956.

#### 4.2 Company's reply vide letter dated 12.01.2013:-

Clause 38 of the Articles of Association of the Company provides that the Executive Committee shall consist of a President, 3 (Three) Vice-President, 1 (One) Honorary General Secretary, 1 (One) Honorary Sports Secretary, 1 (One) Honorary Club Secretary, 1 (One) Honorary Treasurer, 8 (Eight) Joint Secretaries namely 2 (Two) Joint Secretaries (Sports), 2 (Two) Joint Secretaries (Club), 2 (Two) Joint Secretaries (Accounts), 2 (Two) Joint Secretaries (Company Affairs) and eleven more members, three of whom can be the nominees of the Government of India with full voting rights. In view of this strength of the Executive Committee, Sh. Anil Jain, Sh. Chetan Chauhan, Dr. S.S. Sareen, Sh. Sunil Dev, Sh. Pradeep Kashyap, Sh. Sunil Khanna and Sh. Sanjeev Sharma were part of the Executive Committee with the designation as under:



S. No.	Name of Director	Designation			
		2008-09	2009-10	2010-11	2011-12
1	Sh. Anil Jain	Hon'y. Joint Secretary (Sports)	Hon'y. Joint Secretary (Sports)	Hon'y. Joint Secretary	Hon'y. Joint Secretary
2	Sh. Chetan Chauhan	Vice President	Vice President	Vice President	Vice President
3	Dr. S.S. Sareen	Hon'y. Joint Secretary (Accounts)	Hon'y. Joint Secretary (Accounts)	Hon'y. Joint Secretary	Hon'y. Joint Secretary
4	Sh. Sunil Dev	Hon'y. Sports Secretary	Hon'y. Sports Secretary	Hon'y. Sports Secretary	Hon'y. Sports Secretary
5	Sh. Pradeep Kashyap	Member	Member		
6	Sh. Sunil Khanna	Hon'y. Joint Secretary			
7	Sh. Sanjeev Sharma				Member

From the above, it is clear that no assignment/duty other than the members of the Executive Committee with the designation permitted by the Articles of Association was taken by any of the office-bearers pointed out in the letter under reference throughout the year but as and when cricketing season emerges they have been assigned responsibility such as selectors, coaches, managers etc. just for the cricketing season and not for the whole year and not like regular employment. Moreover, for every special assignment, there is a committee and system through which the decisions are to be taken and such persons have no absolute authority of their to finalize any issues without considering the opinion of the Committees, therefore, the compliance of Section 314 read with Section 299 of the Companies Act, 1956 is ruled out. However, it is correct that payment of honorarium was made to these office-bearers in lieu of their contribution in the promotion of the game of Cricket, the payment of honorarium merely covers the effort and the time spent by these persons for the promotion of game of cricket by rendering the services as Selectors, Coaches, Managers or Cricket officials. The payments were made in the interest of the game of cricket so as to provide best facilities and best support to the cricket players so that they can excel in their performance. The game of cricket has become competitive and hence, requires the services of experts. In our case, the expertise was available in house amongst the members of the Association, who also readily agreed to share their experience and expertise in true support of the game. In the present circumstances, it is well known fact that Delhi has given brilliant players to Indian cricket like Virender Sehwag, Gautam Gambhir, Ashish Nehra, Ishant Sharma, V. V. Kohli, Shikhar Dhawan and Umesh Chaudhary. These youngsters have been groomed by these experts and have proved their mettle in a competitive environment. Further, the payment of honorarium made to the members was much below the payment which the Association would have to pay had it hired professional services of the experts from outside. The payment of honorarium was just reasonable and justified and no prior approval was obtained. Having come to



know this lapse, necessary approval was obtained vide SRN B20809547 dated 20<sup>th</sup> September, 2011 which was approved on 23<sup>rd</sup> September, 2011 by the Registrar of Companies, NCT of Delhi and Haryana and payments have been made subsequent to this approval only. However, for the lapse on the part of the Company for the last 3 years, the offence has been compounded by the Hon'ble Company Law Board, Northern Region, New Delhi vide order dated 28<sup>th</sup> September, 2012 for the payment of compounding fee and thereafter, on the payment of compounding fee, the final order was issued on 13<sup>th</sup> December, 2012 and no further payment has been made since April 2011.

#### 4.3 COMMENTS OF LOs

It may kindly be observed from the clarification submitted by the company that the company has accepted that they have paid honorarium to certain members who are also office bearers and director of the company. The company has stated that the honorarium was paid to these office bearers in lieu of their contribution in the promotion of the game of the cricket, the payment of honorarium mainly covers the effort and the time spent by these persons for the promotion of game of cricket by rendering the services as selectors, coaches, Managers of cricket officials. The company has further stated that when they came to know about these lapses they have moved to the Company Law Board for compounding the offence for the payment of honorarium to the members including directors.

It is true that the company got compounded its offence for honorarium paid to the members of the company but in this connection it is stated that the company has failed to appreciate that there are specific provisions under the Companies Act to deal with honorarium/remuneration to the directors which are not applicable to the ordinary members of the company such as section 269 i/w Schedule XIII, Section 314 and 309 of the Act.

It is observed from the Minutes books of the company, that company has not passed any resolution of Board of Directors or resolution of members at General Meeting for payment of remuneration to the aforesaid Directors.



i) Applicability of section 269 r/w Schedule XIII of the Act:-

As already stated earlier that there is no Mg. Director or Whole time Director in the company, therefore, section 269 r/w Schedule XIII shall not be applicable in this matter.

ii) Section 314 of the Act:-

As per this section no director shall hold any office or place of profit under the company except that the consent of the company accorded by special resolution. Further sub-section (3) of section 314 clarifies office or place of profit under the company as under:-

As per section 314 (3) (a) of the Act, any office or place shall be deemed to be an office or place of profit under the company (within the meaning of this section) in case of the office or place is held by a director, if the director holding it (obtains from the company anything) by way of remuneration over and above the remuneration to which he is entitled as such director, whether as salary, fees, commission, perquisites, the right to occupy free of rent any premises as a place of residence, or otherwise:

The company has clarified that as and when cricketing season emerge they have been assigned responsibility, such as selectors, coaches, managers etc. just for the cricketing season and not for the whole year and not like regular employment.

The company has furnished a copy of Board Resolution dated 13.3.2013 along with letter dated 15.3.2013 (already enclosed as Annexure-10A to this report) stating that the company will apply for approval of Central Government under section 314 of the Act including for waiver of recovery of honorarium paid to the Directors for cricket season ended 2008-09 to 2011-12. The company has further stated in the Board Resolution 13.3.2013 that company will also file compounding application for violation of section 314 of the Act and for waiver of recovery of remuneration already paid before Company Law Board/Regional Director, Ministry of Corporate Affairs.



Considering the specific provisions clarifying the office or place of profit, the applicability of section 314 can not be totally ruled out.

iii) Section 309 of the Act

According to first proviso to section 309(1), any remuneration for services rendered by any director in any other capacity shall not be so included if—

- a) the services rendered are of a professional nature; and
- b) in the opinion of the Central Government, the director possesses the requisite qualifications for the practice of the profession.

This proviso enables the company to seek the opinion of the Central Government regarding possessing of requisite qualification, paying remuneration for services rendering to director in any capacity such as experts in any particular field.

The company has clarified that the game of cricket has become competitive and hence, requires the services of experts. In their case the expertise were available in-house amongst the members of the company who has readily agreed to share their experience and expertise in true support of the game. The company has further stated that the payment of honorarium made to the members was much below the payment which association would have paid at its highest professional services of the experts from the outside.

The clarification given by the company may hold good for the members who are not on the board of the company but payment of honorarium/remuneration on professional services, the company should have sought opinion of Central Government under section 309(1) of the Act before such payment of remuneration to the Directors.



iv) Section 299 of the Act-

In respect of appointment of the aforesaid directors as manager, coach, selector, coordinator etc. on remuneration, the matter has not been placed before any board meeting for approval of payment of such remuneration at which the aforesaid Directors would have disclosed their interest in the proposed contract/arrangement in compliance with provisions of section 299 (1) of the Act. However, it is observed that the directors have not given general notice of disclosures under section 299(3) nor under section 299(2) (b) of the Act.

In view of the facts stated above, the Ministry may kindly examine the matter for applicability of the provisions of section 314, 309 and 299 of the Act in the matter.

5. Disclosure of interest under section 299(2) r/w 301 of the Act by Director namely Shri Ravindra Kumar Manchanda in connection with contract / arrangement of the company with M/s Ganipon Dunkerely Limited.

5.1 It is observed that the company has sold the corporate boxes right during the International Matches such as rights of tickets and display of company name / brand in the corporate boxes allotted to the buyer and showing income from corporate boxes in each financial year in its P&L Accounts. It is also observed that income from such transaction i.e., sale of the corporate boxes rights to M/s Ganipon Dunkerely Limited was shown in each financial year i.e., 2008-09, 2009-10 & 2010-11 in which Shri Ravindra Kumar Manchanda was Director and interested.

On examination of the Minutes Book of Board of Directors, it is observed that Shri Ravindra Kumar Manchanda has never disclosed his interest required under section 299(2) read with 301 of the Act and clause 46 of the AOA before the Board of Directors or even after becoming Director on the Board of DICA. The company and Directors were asked to give comments on compliance of section 299(2) read with 301 and AOA.



## 5.2 Company's reply vide letter dated 12.01.2013:

With regard to Section 299 of the Companies Act, 1956 it is stated that Mr. Ravinder Manchanda was appointed as Director in M/s Gannon Dunkerely and Co. Limited on 11<sup>th</sup> December, 2008 as an Independent Director without any shareholding. However, the contract with M/s Gannon Dunkerely and Co. Limited for corporate boxes right was entered in the year 2003 and 2004 when Mr. Ravinder Manchanda was not appointed on the Board of that Company. Even after the appointment as an Independent Director on 11<sup>th</sup> December, 2008, the shareholding was NIL and hence, the terms of section 299 of the Companies Act, 1956 are not attracted. In the instant case, the corporate boxes right were booked out in the year 2003 and 2004, therefore, the provisions of section 297 are also not attracted. Moreover, the corporate boxes rights were booked on standard uniform terms and conditions for different parties including M/s Gannon Dunkerely and Co. Limited, such arrangements were made purely on commercial basis and no favour whatsoever were shown to M/s Gannon Dunkerely and Co. Limited in which Mr. Ravinder Manchanda has been a Director.

## 5.3 COMMENTS OF I.Os

It is observed that Shri Ravinder Manchanda has become Director of DDCA on 20.03.2009 and he has not made disclosure of his interest in relation to the contract of corporate boxes rights with M/s Gannon Dunkerely and Co. Ltd u/s 299(2) of the Act w/y clause 46 of AOA before the Board of Directors after becoming Director on the Board. However, the company has taken defense in its reply that shareholding of the Independent Director in the M/s Gannon Dunkerely and Co. Ltd was Nil in that company at the date of appointment i.e., 11.12.2008. IO has considered based on reply of company that Mr. Manchanda has Nil shareholding in M/s Gannon Dunkerely and Co. Ltd.

In view of section 299(6) of the Act reply of the company is satisfactory and no further action is called for.



6. Non qualifying by Auditors of the company in respect of non-compliance of the provisions of Accounting Standard, Schedule VI of the Act and accepted accounting practices by the company.

6.1 During the course of inspection the audited accounts for financial year 2008-09 to 2011-12, the IOs have observed that company has not complied with Accounting Standards i.e. AS-18, AS-15, AS-19, AS-5, AS-22, AS-29 r/w 211(3A) (3C) and requirement of Schedule VI of the Act. The detailed analyses of non-compliances are mentioned at para No.8 relating to Section 211 of the Act, in Part-B of the report.

In addition to above, it is also observed that company has weak internal control system, non-maintenance of fixed assets registers, major transactions in cash over Rs.20,000/- and transactions & payments to the directors/members without approval of Board of Directors and or Central Government, the detailed analysis of non-compliances/IO observation in this regard are mentioned at para No. 7,8, 9, 10, 11, 12, 13, 16, 17 and 18 respectively to this report.

The Auditors of the company have not qualified any non-compliances of Accounting Standards, Schedule VI of the Act and other violation of the Act



6.2. Thus, the Auditors ought to have not complied with strictly with section 227 of the Act.

PLACE: NOIDA  
DATED: 21 MAR 2013

  
(RAKESH CHANDRA)  
REGIONAL DIRECTOR

  
(S.K. SAXENA) 21/3  
DY. DIRECTOR (SHO)

  
(SANTOSH KUMAR)  
DY. DIRECTOR (NR)



**CONTRAVENTION/IRREGULARITIES WITHIN THE POWERS  
VESTED IN REGIONAL DIRECTOR(NR)**

**PART-B**

**7. Non compliance of Schedule VI read with Sections 211 and Accounting Standard-18 r/w Sections 211 (3A) (3C) of the Act.**

It is observed from the verification of the books of accounts for financial year 2008-09, 2009-10 that the company has various transactions with related parties in which Director are interested namely :-

- (i) Payment of remuneration to Directors.
- (ii) Payment of liaison service charges in connection with IPL matches to the Directors.
- (iii) Yearly income received / shown in the P&L Account from sale of corporate boxes to M/s Ganinon Dunkerely Limited in which Directors namely Shri Raviadra Kumar Manchanda is interested as common Director.

Where AS - 18 requires that company shall disclose the name of related parties, nature of relation and transaction, if any with the related parties. It is observed that the company has neither disclosed the name of related parties & their relation with the company nor disclosed the transaction with related parties in the notes of Accounts of the Balance Sheets. The company & Directors were asked to give comments on compliance of AS-18 r/w section 211(3A) (3B) and (3C) of the Act.



Company's reply vide letter dated 12.01.2013:-

The management has followed the applicability of AS-18 as per qualifying categories of the AS-18 as issued by the Institute of Chartered Accountants of India which are listed below for your ready reference:

Applicability of Accounting Standard - 18

1. Enterprises whose equity or debts are listed whether in India or outside India
2. Enterprises which are in the process of listing their equity or debt securities as evidence by Board of Directors resolution in this regard
3. Banks including co-operative banks
4. Financial Institutions
5. Enterprises carrying on insurance business
6. All commercial, industrial and business reporting enterprises whose turnover for immediately preceding accounting year on the basis of audited financial statement exceeds Rs. 50 Crores. Turnover does not include other income.
7. All commercial, industrial and business reporting enterprises having borrowings including public deposit in excess of Rs. 10 Crores at anytime during the accounting period.
8. Holding and subsidiary enterprises of any of the above at anytime during the accounting period.

As such, you will appreciate that DDCA does not fall in any of the 8 categories listed above. Therefore, the reporting requirements of AS-18 do not apply to DDCA.

COMMENTS OF LOS

The company in its reply has referred the Accounting Standards issued by the Institute of Chartered Accountants, whereas, Companies (Accounting Standards) Rules, 2006 will be applicable to the DDCA and Auditors of the Company.

As per the Accounting Standards Rules, 2006 AS-18 is a mandatory Accounting Standards applicable to all companies w.e.f. 07.12.2006 and non-disclosure of bank of related parties i.e. Directors and transactions with them i.e., payments to some Directors towards remuneration and liaison services fees. Hence, the company and Directors have not complied with AS-18 read with section 211(3A) and (3C) of the Act.



The remuneration paid to the Directors as selector/manager/coordinator/coach/trainer etc and liaison fees are not separately disclosed in the Sch. of P&L Account for financial year 2008-09 to 2011-12 as per requirements of Sch. VFrM 211 of the Act.

8. Non compliance of Accounting Standards (AS) - 19 r/w Sections 211 (3A) (3C) of the Act:-

It is observed from the P&L Account of the year under reviewed that company is paying rent in respect of the land taken on lease from E&DO as lessee (operating lease) but it has not given necessary disclosures in notes to accounts as required under AS-19 i.e., General description of the Lease Arrangements, total future minimum lease payment in the period not later than one month, later than one year but not later than five year and later than five years. The company & Directors were asked to comments on compliance of AS-19 r/w section 211(3A) (3B) and (3C) of the Act.

Company's reply vide letter dated 12.01.2013:-

The management has followed the applicability of AS-19 as per qualifying categories of the AS-19 as issued by the Institute of Chartered Accountants of India which are listed below for your ready reference:

Applicability of Accounting Standard - 19

1. Enterprises whose equity or debts are listed whether in India or outside India
2. Enterprises which are in the process of listing their equity or debt securities as evidence by Board of Directors resolution in this regard
3. Banks including co-operative banks
4. Financial Institutions
5. Enterprises carrying on insurance business
6. All commercial, industrial and business reporting enterprises whose turnover for immediately preceding accounting year on the basis of audited financial statement exceeds Rs. 50 Crores. Turnover does not include other income
7. All commercial, industrial and business reporting enterprises having borrowings including public deposit in excess of Rs. 10 Crores at anytime during the accounting period
8. Holding and subsidiary enterprises of any of the above at anytime during the accounting period

As such, you will appreciate that DDCA does not fall in any of the 8 categories listed above. Therefore, the reporting requirements of AS-19 do not apply to DDCA.



COMMENTS OF LOs

The company in its reply has referred the Accounting Standards issued by the Institute of Chartered Accountants, whereas, Companies (Accounting Standards) Rules, 2006 will be applicable to the DDCA and Auditors of the Company.

As per the Accounting Standards Rules, 2006 AS-19 is a mandatory Accounting Standards applicable to all companies with certain exemption to SMC (Small and Medium Size Company) i.e., from clause 25(a), (b) & (c) of AS-19. Thus, the company was required to disclose in respect of lease transaction with L & D O (operating lease) as per requirement of clause 25 (c) of AS-19 i.e., reorganization of lease rent in P&L Account with separate disclosure for amount of minimum lease payments made by the company for each financial year.

Hence, the company and Directors have not complied with AS-19 read with section 211(3A) and (3C) of the Act.

9. Non compliance of Accounting Standards (AS) - 15 read with Sections 211 (3A) (3C) of the Act:

It is observed from notes to Accounts of Balance Sheets for financial year 2010-11 that company has made provisions for Gratuity and Leave encashment based on actuarial valuation report dated 07.09.2011. But the company has not given any disclosure about (i) description of plans i.e., defined contribution plan / defined benefit plan (ii) reconciliation of opening and closing balances of the present value of defined benefit obligations (iii) reconciliation of opening and closing balances of plan assets (iv) the companies accounting policies for recognizing actual gain or/and losses and (v) total expenses recognized in the statement of P&L Accounts and the line item(s) of statement of P&L Account in which they are included. The company & Directors were asked to offer their comments on compliance of AS-15 w/ section 211(3A) (3B) and (3C) of the Act.



Company's reply vide letter dated 12.01.2013:-

The management has followed the applicability of AS-15 as per qualifying categories of the AS-15 as issued by the Institute of Chartered Accountants of India which are listed below for your ready reference:

Applicability of Accounting Standard - 15

1. Enterprises whose equity or debts are listed whether in India or outside India
2. Enterprises which are in the process of listing their equity or debt securities as evidence by Board of Directors resolution in this regard
3. Banks including co-operative banks
4. Financial Institutions
5. Enterprises carrying on insurance business
6. All commercial, industrial and business reporting enterprises whose turnover for immediately preceding accounting year on the basis of audited financial statement exceeds Rs. 50 Crores. Turnover does not include other income
7. All commercial, industrial and business reporting enterprises having borrowings including public deposit in excess of Rs. 10 Crores at any time during the accounting period
8. Holding and subsidiary enterprises of any of the above at anytime during the accounting period

Any enterprise which does not fall under any of the above 8 categories but has 50 or more people employed during the year will have to abide by AS-15 in its entirety except the following paras:

Para 11-16;  
Para 46, 139; and  
Para 50-123

Which concern recognition and measurement principles, presentation and disclosure requirements in respect of accounting for defined management plans. As such the disclosure about (i) description of plan; (ii) reconciliation of opening and closing balances of the present value of defined benefit obligations; (iii) reconciliation of opening and closing balances of plan assets; (iv) the companies' accounting policies for recognizing actual gain or loss and (v) total expenses recognized in the statement of Profit & Loss Account and the line item(s) of statement of Profit & Loss Account in which they are included, will not apply, so the DDGA was not under obligation to the disclosures you have requested.



#### COMMENTS OF LO:

The company in its reply has referred the Accounting Standards issued by the Institute of Chartered Accountants, whereas, Companies (Accounting Standards) Rules, 2006 will be applicable to the DDCA and Auditors of the Company.

As per the Accounting Standards Rules, 2006 AS-15 is a mandatory Accounting Standards applicable to all companies with certain exemption to SMC (Small and Medium Size Company) i.e., from clause 11 to 16, 46 & 139 and presentation & disclosure requirement under 117 to 123.

The company would have disclosed other required information under AS-15 which is not exempted to SMC including the disclosures requirements as mentioned in PF letter issued by this office. Hence, the company and Directors have not complied with AS-15 read with section 211(3A) and (3C) of the Act.

#### 10. Non compliance of Accounting Standards (AS)- 5 read with Sections 211(3A) (3C) of the Act:

It is observed from the Schedule-O of Balance sheet for the financial year 2010-11, 2009-10 and 2008-09 that company has shown prior period income/expenses as an expenditure of current year whereas AS-5 requires prior period income/expenditure should be separately disclosed on the face of the P & L A/c so that impact on the current profit and loss can be perceived. The company and directors were asked to give comments on compliance of AS-5 r/w section 211(3A) (3B) and (3C) of the Act.



Company's reply vide letter dated 12.01.2013:-

The profit and loss account for the financial year 2010-11, 2009-10 and 2008-09 have been prepared as per extant requirement of pre-revised Schedule VI which was applicable till the Balance sheet as at 31<sup>st</sup> March, 2011, however, as per the revised Schedule VI prior period income/expense needs to be mentioned in the Profit & Loss accounts and the same has been done in the Balance sheet as at 31<sup>st</sup> March, 2012, a copy of which has been enclosed as an *Annexure I*. The Balance sheet for the year 2011-12 has been prepared under the revised Schedule VI format and prior period disclosures have been done accordingly. We humbly submit that Schedule VI format takes precedence over any Accounting Standards requirements for deviations, if any.

COMMENTS OF LOs

The reply of the company is not satisfactory as AS-5 is a mandatory Accounting Standard applicable to all the companies and there is no conflict between Schedule VI of the Act and AS-5 in respect of treatment and presentation of prior period income/expenditure in the books of Accounts of the company.

It is observed from the Schedule-O of Balance sheet for the financial year 2010-11, 2009-10 and 2008-09 that company has shown prior period income/expenses as an expenditure of current year in non-compliance of AS-5 which requires prior period income/expenditure should be separately disclosed on the face of the P & L A/c so that impact on the current profit and loss can be perceived. On test verification of vouchers it was also observed that there are instances where the company had given advances to the parties in a particular financial year and bills are getting adjusted in the next financial year Accounts as a current year expenses. Hence, the company and Directors have not complied with AS-15 read with Section 211(3A) and (3C) of the Act.



11. Non compliance of Part-II Schedule VI read with Section 211 of the Act in respect of routing of certain income directly to Reserve & Surplus.

It is observed from the balance sheet and P&L Account for the financial year 2008-09, 2009-10 and 2010-11 income from admission fees, income from subsidy from BCCI and income from corpus fund from BCCI/certain income are Directly Credited to Reserve and Surplus without routing to the P & L A/c in non compliance of Part - II of Schedule VI read with 211 of the Act. The company & directors were asked to give comments on compliance of Part-II of schedule VI read with 211 of the Act.

Company's reply vide letter dated 12.01.2013:-

DDCA has followed the policy of directly crediting to reserve and surplus the following:

- (a) income from admission fee
- (b) subsidy from BCCI
- (c) corpus fund from BCCI.

As the above stated receipts were of capital nature. The management has disclosed this practice under the head "capital receipt" in the significant accounting policies as notes to accounts in the respective years' balance sheets.

COMMENTS OF LOS.

The reply of the company in this regard is not satisfactory as the income whether in "revenue nature" or "capital receipt nature" both should be recognized as an income in P & L A/c and then surplus (income over expenses) should be credited to Reserve & Surplus A/c in compliance with Part-II of Schedule VI w/ Sec. 211 of the Act. The company has not adopted correct accounting practices in respect of income from admission fees, income from subsidy from BCCI and income from corpus fund from BCCI/certain income which were directly credited to Reserve and Surplus without routing to the P & L A/c during financial year 2008-09 to 2010-11. Moreover these incomes/receipt of the DDCA are arising in course of ordinary activities of DDCA over the years. Thus, the company and directors have not complied with Schedule VI w/ section 211 of the Act.



12. Non compliance of Part-II Schedule VI read with Section 211 of the Act in respect of Misc. expenses:

It is also observed from the P&L Account of the financial year under review that some expenses items are clubbed under the head Misc. Expenses (for an example "Professional Charges" for financial year 2009-10 and "Legal Expenses" & "Profession Expenses" for the financial year 2010-11) in spite of the particular expenses items exceed 1% of total turnover of the company. Part-II of Schedule VI requires that such item shall be shown as a separate and distinct items against an appropriate account head in P&L Account and shall not be combined with any other item to be shown under Misc. Expenses. The company and directors were asked to give comments on compliance of Part-II (i) of Schedule VI read with section 211 of the Act.

Company's reply vide letter dated 12.01.2013:

We had a bona-fide belief that due to the nature of promotion of cricket, we have been working on the basis of receipts and payments and accordingly, the reporting of the expenses in the Financial Statements has happened. This is a one time offence and hence, we are in the process of filing necessary compounding application under section 621A of the Companies Act, 1956.

COMMENTS OF L.Os:

The company in its reply admitted its default for clubbing the professional charges and legal expenses for financial year 2009-10, 2010-11 in spite of particular expenses items exceeds 1% of total turnover of the company and also stated that the company is in process of filing necessary compounding application for the same. Thus, the company and directors have not complied with Part-II (i) of Schedule VI of section 211 of the Act.



13. Non compliance of Part-II (4B) of Schedule VI read with Section 211 of the Act in respect of Misc. expenses:-

On verification of the vouchers, it is observed that other professional charges were given to the Auditors amounting to Rs.2,35,206.00 for financial year 2008-09, Rs. 26,17,749.00 for financial year 2009-10 and Rs.5,36,610.00 during the year 2010-11 over Audit fees i.e., Rs.50,000/- during 2008-09, 2009-10 and Rs. 1 lac during 2011-12.

The Auditors have been paid professional fees in addition to Audit Fees, but same were not disclosed in the P&L Accounts / notes to accounts during the financial year 2009-10 and 2010-11 in compliance with Schedule-VI r/w Sec. 211 of the Act. The company and directors were asked to give comments on compliance of Part-II (4B) of Schedule-VI r/w Sec. 211 of the Act.

Company's reply vide letter dated 12.01.2013:-

We have ourselves noticed the same but we would insist that there is no adverse intention on the part of management. Besides, auditing the accounts, the Auditors were providing other services in relation to the Local and Central taxation to the DDCA for which they were paid accordingly. The professional charges paid to the Auditors were as per assignment and fiduciary relationship with the Auditors. We have high regards for the straight forwardness and independent advice of the Auditors on all matters handled by them. However, in the year 2011-12 point no. H in Note No. 21 under heading Payment to Auditor has been shown as per schedule VI format. The figures for 2010-11 have been re-cast accordingly.

COMMENTS OF LOS

The company has not given any explanation on non-compliance of Part-II (4B) of Schedule VI r/w Sec. 211 of the Act in respect of disclosure of payments made to the auditors for consultancy and other services (other than audit) separately under the Head "Auditors Remuneration and Consultancy charges". It is important to note that huge amount were paid to the auditors as compared to the audit fees and same was not informed to the members by way of correct disclosure as per the requirement of the Act. Thus, the company and directors have not complied with Part-II (i) of Schedule VI r/w section 211 of the Act.



14. Non-compliance of Section 217(3) of the Act in respect of directors report for the year ended 31.3.2009.

It is observed from the point no. 7 of Auditors Reports for the financial year 2008-09 that the Auditors has qualified about the payments made the members for their services rendered to the company without approval of Central Government. Whereas, the Directors of the company have not given fullest information and explanation in its Directors Report on the qualification / adverse remarks of the Auditors in compliance of section 217(3) of the Act. The company was asked to give comments on compliance of section 217(3) of the Act.

Company's reply vide letter dated 12.01.2013:-

No explanations/ clarifications could be given in the Directors' Report for the Balance Sheet as at 31<sup>st</sup> March, 2009 on the qualification/ adverse remarks of the Auditors in compliance of section 217(3) of the Companies Act, 1956. However, necessary compliance was done in the Balance Sheets of subsequent years. Therefore, a lenient view can be taken for the violation in respect of the Balance Sheet as at 31<sup>st</sup> March, 2009.

COMMENTS OF LOs.

The company has admitted the default in its reply and stated that a lenient view can be taken for violation in respect of Balance sheet as at 31.3.2009. Thus, the directors of the company have not complied with 217(3) of the Act in respect of giving fullest information and explanation in their director's report on qualification/adverse remarks mentioned at Point No. 7 of the auditors report for financial year 2008.



15. Non compliance of Section 166 r/w 210 of the Act in respect of non holding of AGM for the year 2012 and adoption of books of accounts for financial year 2011-12:-

The company has not convened its AGM and adopted annual accounts for the year ended 31.3.2012 up to 31<sup>st</sup> October, 2012 (extended time by ROC) in compliance with the provisions of section 166 read with section 210 of the Act. The company was asked to give comments on compliance of section 166 read with section 210 of the Act by Company and Directors.

Company's reply vide letter dated 12-01-2013:-

The Annual General Meeting has been held belatedly on 21<sup>st</sup> December, 2012 for the year ended 31<sup>st</sup> March, 2012. In respect of the default under section 166 read with section 210 of the Companies Act, 1956, compounding application has been submitted with the Registrar of Companies, NCT of Delhi and Haryana vide SRN B64605112 dated 25<sup>th</sup> December, 2012.

COMMENTS OF I.O.

The company has admitted the default under section 166 r/w 210 of the Act in its reply and stated that the compounding application in this regard has been filed with the ROC Delhi. Thus, the company and directors have made default under section 166 r/w 210 of the Act.

However, the company and directors are also liable for non-filing of balance sheet and P & L A/c under section 220 of the Act and filing Annual Returns with the ROC concerned under section 139 of the Act within statutory time within which AGM for 2012 would have been held by 31.10.2012. Ministry may like to consider the matter and issue necessary instructions.



16. Non-compliance of Section 209(3) (b) of the Act and AS-22, AS-29 r/w 211 (3A) & (3C) of the Act in respect of Non-provision of Income Tax for F.Y. 2011-12 and previous F.Y. 2009-10 and 2010-11.

The company has not made provisions for income tax even for financial year 2011-12 in spite of assessment order 2009-10 dated 23.12.2011 issued by Income Tax Department stating that w.e.f. 1.4.2009, The company is not falling under the category of charitable organization in view of amendment in section 2(15) of Income Tax Act and accordingly the benefit under section 11/12 is not allowed. The Income Tax Department has also withdrawn the exemption registration under section 12AA of Income Tax Act, 1961. In view of said development vide assessment order dated 23.12.2011 and Income Tax Amendment w.e.f. 1.4.2009 the company is required to follow following accounting practices for following financial years:-

For Financial year 2011-12 - provisions for the Income Tax on accrual basis as per section 209(3) (b) of the Act and in compliance with AS-22 r/w 211 (3A) & (3C) of the Act should have been made.

For Financial year 2009-10 and 2010-11 - provisions for the Income Tax on accrual basis as per section 209(3) (b) of the Act and in compliance with AS-22 r/w 211 (3A) & (3C) of the Act should have been made including showing the previous year liabilities as contingent liability in compliance of AS-29 r/w 211 (3A) & (3C) of the Act because the assessment order for financial year 2008-09 was made by Income Tax Department vide Assessment Order dated 23.12.2011 and company has deposited Rs. 209 lacs under protest against the demand draft for Rs 810.43 lacs.



The company's reply:

During the inspection, IOs have asked the clarification on the above issues and the company's representative have replied that the explanation in this regard has been mentioned at para 1.40 of notes to accounts for financial year 2011-12 which is produced as under:-

"The Income tax Department has withdrawn registration u/s 12AA of income tax Act 1961. However, the association has filed an appeal to the competent authorities and is of the view that the registration under section 12AA of Income Tax Act, 1961 shall be restored. Therefore, provision for Income Tax and deferred tax assets/liabilities is not required."

IOs observations:

In view of assessment order dated 23.12.2011 in respect of financial year 2008-09 by withdrawing the Income Tax exemption certificate under section 12AA w.e.f. 1.4.2009 due to amendment in section 2(15) in respect of definition of charitable purpose, the company is liable to pay income tax on its income w.e.f. financial year 2008-09 and onwards.

The company has not made provisions for Income Tax for current financial year 2011-12 even after receipt of assessment order on 23.12.2011 on accrual basis in compliance with section 209(3) (b) of the Act and recognized deferred tax assets/liability as case may be in compliance with AS-22. The then Department of Company Affairs had given the views vide letter No. 3/124/75 CL VI dated 9.7.1975 reported in Companies Act (Ramaya Publication) that failure to make the provisions for taxation would not disclose true and fair view of the state of affairs.

The company should have also made provisions for previous financial year 2009-10 and 2010-11 year as prior period expenses in compliance with AS-29 and accrual method of accounting as prescribed under 209 (3) (b) of the Act. The company has not even made disclosure of contingent liability for the said two previous financial year in state of liability to be arises on assessment of said two financial years.



17. Non maintenance of proper records under section 209(1)(c) of the Act with respect to Register of Fixed Assets:-

It is observed that the company is not maintaining Register of Fixed Assets for keeping proper books of accounts in relation to the assets of the company. Hence, company is not complying with provisions of section 209(1)(c) of the Act. The company and directors were asked to give comments along with a certificate from the auditors that the Fixed Assets shown in the balance sheet are physically in existence with the company.

Company's reply vide letter dated 12.01.2013:-

The provisions of CARO, 2003 are not applicable to DDCA, however, fixed assets are disclosed in the Balance Sheet every year. The Fixed Asset Register as required under Section 209(1)(c) of the Companies Act, 1956 was maintained in electronic form and the same was verified in the process of inspection. However, the process of transferring the data to the physical format as per your guidance has already been started and the Certificate from the Auditors in respect to the physical verification of Fixed Assets will be submitted in due course.

COMMENTS OF LOS:-

During the course of inspection it was observed that the company is not maintaining proper records of Fixed Assets in form of Fixed Assets Register containing complete particulars for each type of assets under separate folio with the date of purchase, date of addition to the particular fixed assets, date and description of disposal, amount of purchase, amount for disposal and substantiation of entry by authorized directors/officer of the company. Instead of the said compliances, the company has given the computer print out of fixed assets schedule mentioned in the balance sheet in support of the compliances of section 209(1)(c) in respect of proper maintenance of records of fixed assets. Thus the company and directors have not complied with provisions of the Act.



18. Financial irregularities/weak internal control system / non-compliance of section 209 of the Act in maintaining proper Books of Accounts :-

During inspection of Books of Accounts following points are observed in respect of financial irregularities/weak internal control system / non-compliance of section 209 of the Act in maintaining proper Books of Accounts. The company was asked to give comments on following issues including on compliance of section 209 of the Act in respect of maintaining proper Books of Accounts with respect to money received, money expended, sales, purchase, assets and liabilities of the company :-

18.1 Large amount of advance (given in cash) are standing in the accounts of few employees/members such as S/Shri C.K. Bhardwaj, Pankaj Bhardwaj and Pradeep Agarwal and without settlement of old balances; further advances were given to them.

Company's reply vide letter dated 12.01.2015:-

All advances were duly approved for legitimate purposes, there could be multiple advances outstanding in the persons name because they were for different purposes. The management is fully aware of such advances and duly approved bills have been submitted at periodic intervals.

COMMENTS OF LOs

During the course of inspection on test check, it is observed that the company is incurring large amount of the payments towards expenses in cash and also giving advance to the employees in cash. As on 31.3.2011 following amounts were outstanding in the name of following employees/members as advance:-



Sl. No.	Name of the employee/member	Amount due as on 31.3.2010 Rs.	Amount due as on 31.3.2011 Rs.	Remarks
1	Pankaj Bhardwaj, Chief Administrator	2,75,000/-	5,42,000/-	He is an employee of the company and also having other advance against salary as on 31.3.2011 amounting to Rs.3,00,794/- (interest free). It is observed that the DDCA is keep on giving advance without settlement of old balances, for example balance shown as on 31.3.2011 was still outstanding in October, 2012 (i.e. date of inspection) and pending for finalization of accounts for F.Y.2011-12).
2	C.K. Bhardwaj, Jr Administrator	52,335/-	90,853/-	He is employee of the company and also having other advance against salary as on 31.3.2011 amounting to Rs.7,20,000/-. It is observed that the DDCA is keep on giving advance without settlement of old balances, for example balance shown as on 31.3.2011 along with subsequent advances given during F.Y.2011-12 was still outstanding on October, 2012 (i.e. date of inspection) and pending for finalization of accounts for F.Y.2011-12).
3	Pradeep Agarwal, Member	4,51,159/-	4,35,370/-	He is member of the company and taken advance for U.K. trip under 19 team matches during the F.Y. of 2009-2010 and the account was not settled till October, 2012 (i.e. date of inspection) and Accounts were pending for finalization for F.Y.2011-12).

The explanation of the company in this regard is not satisfactory because payments towards expenditure should be made by cheque/bank transfer, if payment is Rs. 20,000/- and more and staff and members should not be given advances without settlement of old advances taken during previous Financial Year. It clearly indicates that company has weak internal control system and surplus money would have been kept in the bank account for earning interest and whenever required payment should have been made through bank account.



18.2 It is observed that supplier/service provider's bills are directly paid under the expenditure head in the books of accounts instead of crediting the Parties Accounts. For example professional fees to the Auditors/Consultants are paid directly by debiting to the Professional Expenses A/c and without giving credit to the Parties Accounts. Due to this practice adopted for various types of payments, it is very difficult to verify any individual/person transaction with DDCA during entire financial year.

Company's reply vide letter dated 12.01.2013:-

Your observation may be true for some bills, however, it can easily be ascertained as to whom the payments were made and there is no impact on the disclosures made in the Balance Sheet. Further, for the sake of convenience and records, entries have been made reflecting the amount paid to specific party and hence, no extra effort is required to be made to ascertain the break-up of payments made to some parties. Thus, it is clear that procedural lapse has been rectified.

#### COMMENTS OF LO:-

The company has admitted its irregularities as major payments towards expenditure under various heads are made by crediting cash/bank account and without routing the transaction in the party's accounts/Ledger. Due to this practice it is very difficult for outside agencies to check the transaction of the company with particular party during a financial year.

- a) For example, the professional fees to the Auditors/Consultants are paid directly by debiting to the Professional Expenses A/c and without giving credit to the Parties Accounts. The payments to the auditors were made multiple times to the audit fees for providing other consultancy services and such additional payments was not even disclosed in the Balance Sheet of the company in compliance with the requirement of the Act. The said accounting practice shows that intention of the company is to hide the certain transaction from the outside agencies who hold it.



ii) Tickets for matches are purchased from outside for distributing as complementary tickets, in respect of IPL matches in cash and booked directly under different accounting heads like IPL match expenses A/c. For example voucher No. 31498 dated 31.3.2009 for an amount of Rs. 2,43,000/- in respect of purchase of IPL match tickets by Shri Pankaj Bhardwaj, Chief Administrator and hand made bill is enclosed with voucher passed by Shri S.P. Bansal Gen. Secretary. Similar instances were also found in subsequent financial years.

iii) It is also observed that a company namely 21<sup>st</sup> Century Media Private Limited which is sponsoring the advertisement for DDCA matches is getting commission in every year against the sale of corporate boxes in 2003-04 which appears to be un-justified and no supporting agreement in this regard duly approved /ratified by executive committee was furnished to the IOs by the company. For example - during the financial year 2011-12 about 33 lacs were given credit to 21<sup>st</sup> Century Media Private a/c for commission against various International matches during financial year.

iv) It is also observed during the verification of voucher No 3-C259 dated 28.7.2012 for Rs. 15 lacs for the F.Y. 2011-12 that Ex-gratia payment of Rs. 15 lacs (5 lacs each) was given to Mr. Preetam Kumar, Mr. Pankaj Bhardwaj and C.K. Bhardwaj in cash and booked under the head of Ex-gratia expenses A/c without routing of transaction through concerned employee accounts by cheque.

v) It is observed from the ledger of Entertainment Expenses a/c that tickets were purchased for Rs.18 lacs on 31.10.2011 and Rs. 19 lacs on 31.12.2012 for the international matches India Vs. England hosted by DDCA at its own ground. No supporting vouchers were attached and same were purchased in cash for complementary distribution. No evidence was enclosed for making of payments the ticket cost to the booking agencies/banks. The propriety of such expenditure is doubtful as company should not purchase its own tickets beyond the complementary tickets issued by it as per decision of Board of Directors/Court.

Thus, there is violation of Section 209 (1) (a) of the Act for not maintaining the proper Accounts towards expenditure of the company.



18.3- It is also observed that DDCA is generally giving advances to the suppliers/service providers time to time and finally the suppliers are submitting bills at the end of financial years for settlement of their accounts.

AND

The company is also not following the prudent practice of making payments by cheques particularly for the transaction value for more than Rs. 20 thousands.

Company's reply vide letter dated 12.01.2013:-

The advances given to the suppliers are regularly settled against the bills and hence, it is confirmed that advances given during the year ending 31<sup>st</sup> March 2009, 31<sup>st</sup> March 2010 and 31<sup>st</sup> March 2011 to suppliers have been settled and there is no advance pending for adjustment as of now.

#### COMMENTS OF LO:

The company's explanation in this regard is not found to be satisfactory as per the test check verification of audited accounts for F.Y. 2008-09 to 2011-12. Due to following reasons and examples:-

i) The company has furnished cash ledger for some period of each financial year (2008-09 to 2011-12) and same is attached in the information furnished against inspection note 59 by the company which clearly shows that company is habitual in huge payments in cash even amount exceeds Rs. 20,000/- or more.

ii) Huge payment in cash were given to various parties under the expenses head of IPL matches account in each financial year including tickets for the matches were also purchased in cash without support of reliable evidence except hand written bills of company's staff. Whereas, GMR is giving complementary tickets to DDCA against each IPL matches.

iii) Huge payments in cash for hiring tents in various matches including in practice matches. For example payments made to M/s New Jahn Tent House and M/s Pearl Tent & Decorators A/c. It is also observed from the ledger account of M/s Pearl Tent & Decorators A/c that various payments including cash payments



vii) Huge amount of expenditure were made in cash under ground renovation &c as re-inbursement of hand made bills for hired worker/pitch expert in spite of the company has sufficient employees including contract labour to maintain the ground of DDCA.

viii) The ledger A/c for F.Y. 2011-12 of Pooja Decorators shows that company is regularly paying advance in cash even payment is more than 20,000/- and later on settlement of a/c on 31<sup>st</sup> March by submission of bills where the propriety of expenses is doubtful.

18.4 It is observed that DDCA is making huge expenses on IPL Matches i.e. Rs. 2.38 Crores for financial year 2008-09, Rs. 37.28 Lacs for 2009-10 & Rs. 1.32 Crores 2010-11. Whereas it receives Rs. 10 Lacs for each IPL matches from GMR as per Minutes of meeting dt. 11/08/2008 between DDCA and GMR. It is observed from test check of some vouchers of expenditure under the head "IPL match expenses" that DDCA had incurred the expenses which has to be borne by GMR and there is also of propriety issues on such expenditure/bills.

Company's reply vide letter dated 12.01.2013:

DDCA gets Rs. 10 Lacs for each IPL match from GMR and got Rs. 10 Crores for the year 2008-09, Rs. 8.10 Crores for the year 2009-10 and Rs. 8.10 Crores in 2010-11 from BCCI, as such DDCA had sizeable surplus from IPL. We have an agreement with GMR about division of responsibilities regarding various jobs for handling IPL matches, in the normal course both the parties bear cost of their responsibilities, however due to urgency at times DDCA may have incurred some minor expenses. DDCA in its spirit of promotion of the game of cricket and healthy relations with all parties concerned borne some of the expenses. Such payments were made purely for the promotion of the game of cricket.

#### COMMENTS OF IOs

The IOs have raised the related issues with DDCA and company has furnished its information against inspection note 31 (copy enclosed in the complaint section) wherein it has enclosed a copy of agreement between DDCA and GMR Sports Pvt Ltd. The agreement clearly defines the expenditure to be borne by GMR during IPL matches. On test verification of vouchers in respect of IPL matches expenses A/c, it is observed that following expenses should have been incurred by GMR instead of DDCA:



- ij) Voucher No. 4C53A dated 8.4.2010 for Rs. 4,68,000/- in cash for purchase of IPL tickets for 104 staff. Whereas staff entry is freely allowed and they are also on the different allocated jobs on the ground. Whereas as per clause 2 of the agreement, GMR will provide complementary tickets/passes to DDCA for external agency/Department/Authorities/service providing agency/VIPs.
- ii) Voucher No. 4C158 dated 20.4.2010 for Rs. 4,40,640/- in cash, flag board printing for IPL matches. Whereas as per clause 5(o) of agreement such cost has to be borne by GMR.
- iii) Voucher No. 5J16 dated 20.05.2010 for Rs. 7,89,400/- for payment of Manpower Assistance for IPL match 2010. Whereas, as per clause 5(b) of the agreement Manpower cost shall be borne by M/s GMR.
- iv) Voucher no. 3J428 dated 31.03.2011 for Rs. 38,09,550/- towards Tent Agency and Security Expenses and credit was given to GMR Sports Pvt Ltd. Whereas, as per clause 5(b) and (c) of the Agreement such expenses has to be borne by GMR.
- v) Voucher no. 3J353 dated 31.03.2010 for Rs. 3,42,000/- in cash, towards expenses of flag board printing for IPL matches. Whereas as per clause 5(o) of agreement such cost has to be borne by GMR.
- vi) Voucher No. 3C319 dated 24.03.2010 for Rs. 3,27,000/- in cash for purchase of IPL tickets for staff. Whereas staff entry is freely allowed and they are also on the different allocated jobs on the ground. Whereas as per clause 2 of the agreement, GMR will provide complementary tickets/passes to DDCA for external agency/Department/Authorities/ service providing agency/VIPs.



18.7 It is observed that other professional charges were given to the Auditors amounting to Rs.2,35,160/- for financial year 2008-09, Rs. 26,17,749.00 for Financial year 2009-10 and Rs.5,36,610.00 during the year 2010-11 over Audit fees i.e., Rs.50,000/- during 2008-09, 2009-10 and Rs. 1 lac during 2011-12. In view of heavy payments towards other professional services there is a conflict of interest of auditors of the company with their independence as Auditors.

Company's reply vide letter dated 12.01.2013:-

The statutory audit firm has been paid professional fees other than the audit fee as they were providing different streams of specialized services to DDCA. Besides auditing the accounts, the Auditors were providing other services in relation to local and central taxations to the DDCA for which they were paid accordingly. The company has full faith in their professional ethics and independence. Further, as regard the question of Auditors not qualifying or giving adverse comments / not giving adverse comments of the violations of Accounting Standards, provisions of Companies Act etc, we have submitted in our reply to Point no. 3 that there were no violations of Accounting Standards, provisions of Companies Act. Under these circumstances, the independence of Auditors should not be doubted.

COMMENTS OF L.Os:

The reply of the company on independence of the Auditor is not satisfactory because of the conflict of interest as an Auditor and as a consultant of the company. Since, the Auditors are getting multiple times other professional charges over audit fees (i.e., consultancy charges amounting to Rs.2,35,206.00 for financial year, 2008-09, Rs. 26,17,749.00 for Financial year 2009-10 and Rs.5,36,610.00 during the year 2010-11 over Audit fees i.e., Rs.50,000/- during 2008-09, 2009-10 and Rs. 1 lac during 2011-12).

In addition to above, the Auditors of the company have not qualified any non-compliances under section 227 of the Act in respect of accounting Standard, Schedule VI of the Act and other violation of the Act.



vii) Similar instance were also observed in subsequent financial year in respect of payment of overtime, lunch, dinner & conveyance allowance to staff, purchase of dinner from Five Star hotels for hospitality of expenses in connection with IPL matches from DDCA account instead of payment by GMR.

Thus it is clear from above instance that company is not incurring expenses in a prudent manner and in the best interest of the company nor keeping proper records of purchase and expenditure as per section 209(1)(a) & (b) of the Act. These types of instances also indicate financial irregularities in the affairs of the company due to non existence of any financial manual for authorization of such expenses by the concerned Directors.

However the company has replied that now it has prepared a financial manual for authorization and approval of payments w.e.f. 25.12.2012 by enclosing a copy of the manual along with reply.

18.5:- During the inspection, the company has failed to produce before LO, balance confirmation letters received from debtors and creditors as on the closing date of balance sheet to confirm the correctness of debtors & creditors and balance shown in the balance sheet in order to show true and fair view of the affair of the company. The company has also mentioned in the notes of accounts of the balance sheet that balances are subject to confirmation from respective parties. Thus the debtors /creditors balance as on the closing of the accounts were not verified based on confirmation from the parties. The company was asked to give comments on compliance of section 209(1)(c) of the Act for maintaining proper books of account with respect to assets and liabilities of the company.

Company's reply vide letter dated 12.01.2013

The perusal of balance sheet as at 31<sup>st</sup> March, 2009, 31<sup>st</sup> March 2010..... Schedule VI of the Companies Act, 1956.



#### Comment of L.O's

The reply of the company in this regard is not satisfactory and in order to show true and fair affairs of the state the debtors and creditors balances (assets and liabilities) should be accurate which can be realized or paid. Generally debtors' balances are standing in the books and accounts due to regular on account payments (particularly in cash) to various parties over the bill furnished by the company.

The company has no practice of confirming the balance with the debtors and creditors at the year end so that auditors can also satisfy itself balances are coming correct in the balance sheets and debtors and creditors are generally exists. The auditors have not commented on this issue on its Audit Report whereas company has mentioned in its notes to accounts that debtors and creditors balance are subject to confirmation from respective parties. Thus the company and director are maintaining proper records of debtors and creditors (Assets and Liabilities) as per section 209(1) (c) of the Act.

18.6:-it is observed that the company has appointed internal auditors namely M/s Kishan C. Jain & Co. C.A. for internal Audit of the company. The company was asked to the copy of internal audit report. However the company has stated in its letter dated 12.01.2013 that there was no statutory requirement to appoint Internal auditor. DDCA used the services of M/s Kishan C. Jain & co. as an internal auditor to advice the accounting department to strengthen the financial system.

#### Comment of L.O's

The reply of the company is not satisfactory and internal auditor are required to see the internal control and financial irregularities to give the advice to the management time to-time for corrective steps. The company has not given any internal audit report to the L.O. In the absence of internal audit report, it is doubtful about the use of services of internal auditors.



18.8 It was observed that large number of bills are passed by single Director namely Shri. S.P. Bansal, General Secretary beyond his authorization (i.e. up to Rs. 50 thousand) or by two Directors beyond their authorization (i.e. up to Rs. 1 lac) by Board of Directors vide resolution dated 9/09/2010 and Internal Auditors / statutory Auditors have not commented on this financial irregularities / weak internal control system of the company.

Company's reply vide letter dated 12.01.2013:-

In terms of resolution passed on 9<sup>th</sup> September 2010, the payments were made to office-bearers based on the list approved not only by Mr. S.P. Bansal but also by Mr. Sunil Dev, Hony. Sports Secretary. This clearly indicates that extra precautions were taken by taking approval of both the office-bearers along with other senior Executive Committee members for all cases including payment below Rs. 50,000/- (Rupees Fifty Thousand Only) and Rs. 1,00,000/- (Rupees One Lac Only). In view of this, the propriety of expenses should not be doubted.

#### COMMENTS OF IOs

The reply of the company is not satisfactory and on test verification it is observed majority of bills even above Rs. 1 Lacs was passed by Shri. S.P. Bansal, General Secretary except few bills relating to tournaments/sports expenses. The IO has brought several instances in the report where irregular payments particularly in cash were made and propriety of the expenses is doubtful.

S/Shri. Pritam Kumar Account Manager, Pankaj Bhardwaj, Administrator and C.K. Bhardwaj, Junior Administrator are verifying the vouchers and the vouchers above Rs. 1 Lacs were also passed by Shri. S.P. Bansal against his authorization by the Board of Directors. The IO has brought several instances in the report where irregular payments particularly in cash were made and propriety of the expenses is doubtful. Thus, it can be concluded Company and Directors are not maintaining proper records of expenses as per authorization of Board and in accordance with section 209(1)(a) of the Act.



18.9 The company does not maintain any Financial Manual to have an adequate internal control over the expenditure and purchase of assets in a transparent manner.

Company's reply vide letter dated 12.01.2013:

As CARO is not applicable, however, it is a good suggestion to have a financial manual in the Company. Considering the utility of financial manual to strengthen the financial discipline, financial manual has been prepared and is being introduced by placing the same before the Executive Committee in its meeting held on 24<sup>th</sup> December, 2012, a copy of the same has been enclosed as an Annexure-III.

COMMENTS OF LOs

During Inspection, it was observed that the DDCA was not maintaining any Financial Manual with respect of authorization of passing of Bills, approval limit of individual officials, terms and conditions of granting loans and advances and the officers who can authorize such payments and etc. The IO has observed only one Board resolution in this regard which was operational i.e. Board of Directors resolution dated 9/09/2010 authorizing approval of payments by single Director namely Shri S.P. Bansal, General Secretary beyond his authorization ( i.e. up to Rs. 50 thousand ) or by two Directors beyond their authorization (i.e. up to Rs. 1 lac) and same was also not complied with by the company.

However, the company has furnished a financial manual dated 25.12.2012 duly approved by Executive Committee at its meeting 24.12.2012 along with the reply letter dated 12.01.2013.



19. Non-holding of Meeting of Executive Committee in compliance with section 285 read with clause 43 of AOA of the Company.

As per clause 43 of AOA of the company, section 285 the exemption granted by Central Government U/s 25 of the Act "The Executive Committee shall meet not less than once in every six months of each calendar year for the transaction of business."

During inspection of statutory records of the company, the company has produced the minutes of the executive committee (Board) meetings and it is observed that no Board meeting was held between following period: -

S.No.	Period for which minutes of the meetings were not produced for inspection	Remarks
1.	16.06.2006 to 17.08.2007	The gap between two meetings was 14 months and the company was not able to give the dates of any meetings held between said periods. On examination of minutes of Board meetings dated 17.08.2007 there is no agenda for approval of the previous minutes of the Board meetings as per the practice of the company. Hence, it is concluded that no meeting was held between said 14 months period.
2.	02.03.2010 to 09.09.2010	The gap between two meetings was more than 6 months and company has confirmed during inspection that no meeting was held during said period. On examination of minutes of the Board meetings dated 09.09.2010, the last minutes of the meeting held on 02.03.2010 was confirmed in this meeting. Hence, it is concluded that no meeting was held between 06 months of said period.



Hence, the company and Directors have not complied with section 285 and clause 43 of AOA read with section 36 of the Act.

PLACE: NOIDA  
DATED: 21 MAR 2013

(RAKESH CHANDRA)  
REGIONAL DIRECTOR

(S.K. SAXENA)  
Dy. DIRECTOR (SHO)

(SANTOSH KUMAR)  
Dy. DIRECTOR (NR)



**CONTRAVENTION/IRREGULARITIES WITHIN THE POWERS VESTED  
IN REGISTRAR OF COMPANIES.**

**PART-C**

**20. Non-compliance of section 303(2) of the Act in respect of filing of Form 32 in respect of directors of the company.**

During the inspection it is observed that the company has not filed Form 32 in respect of 9 Directors namely Mr. Anil Jain, Mr. Salil Seth, Mr. V.N. Agarwal, Mr. Manjeet Singh, Mr. Sanjiv Sharma, Mr. Dinesh Kumar Sharma, Mr. Arvind Singh Lovely, Mr. Rajeev Shukla and Mr. Naveen Jindal in compliance with the provisions of section 303(2) of the Act. The company was asked to give comments.

**Company's reply vide letter dated 12.01.2013:**

In compliance of section 303(2) of the Companies Act, 1956, Form 32 in respect of six Directors has been filed with the Registrar of Companies, NCT of Delhi and Haryana and a copy of challan has been enclosed as an *Annexure - II*. We are in the process of filing Form 32 for the remaining Directors and the filing of compounding application for the offence under section 303(2) of the Companies Act, 1956.

**COMMENTS OF I.Os:**

The company has admitted the default under section 303(2) of the Act in its reply in respect of delay filing of Form 32 for six directors and also stated that we are in process of filing form 32 for remaining directors and filing of compounding application for offence committed under section in this regard has been filed with the ROC Delhi. Thus, the company and directors have made defaults under section 303 of the Act for non-filing of Form 32 for some directors out of the list of directors given by the company for the last 5 years.



21. Non-maintenance of proper statutory Registers i.e. Register of Member under Section 150(1)(a) of the Act.

It is observed from the test check that in some cases address in the Index of Members and in the Register of Members are not matching. For an example address of Members namely Ms. Samira Gobind Malani (Membership no. LM-2185) and Mr. Samir Gobind Malani (Membership no. LM-2186) in the Register of Member are A-28, Sector 17, Noida, U.P. whereas address of these two Members in the index of Members and mailing list are 192, Kailash Hills, New Delhi. On enquiry it was informed by the concerned officer (Mr. C.K. Bhardwaj) that Proxies and AGM notices are being sent at the address shown in the index of members. Therefore, the company is not maintaining proper address of Members in the Members Register. The company and Directors were asked to give comments on compliance of section 150(1)(a) of the Act.

Company's reply vide letter dated 12.01.2013:

It is clarified that the residential address recorded in the Register of Members is their previous address as they have been shifted and transferred. However, vide letter dated 25<sup>th</sup> July, 2012, request was made to make the correspondence on second address, though, the previous address was to be continued as it is. Considering the request, all letters/proxy forms were mailed at the correspondence address with the intention that the members should exercise their right.

COMMENTS OF LO:

During inspection, the Members registers, index of members and applications forms for admission of new members were verified on test check basis and followings are observed:-

- (i) It is observed from the test check that in some cases address in the Index of Members and in the Register of Members are not matching. For an example address of Members namely Ms. Samira Gobind Malani (Membership no. LM-2185) and Mr. Samir Gobind Malani (Membership no. LM-2186).



- (ii) In certain cases it has been noticed on requests application from only one Member for a change of his address and his relatives, the company has changed the address of his relatives without proper authorization and sending proxies at changed address. The company was asked to provide proper authorization from his relatives in this regard but the same has not been given to IOs.
- (iii) It has been observed that there are instances of more than one Member at a single address but it has also been found that the same address was filled up in the application forms for admission of new Membership.

The reply of the company in this regard is not satisfactory and in view of above instances, prima-facie it appears that the compliances with regard to section 150 of the Act, is not proper.

22. Noa maintenance of proper statutory Registers, i.e. Register of Directors in compliance of section 303(1) of the Act:-

It is observed during the inspection that the company is not maintaining proper Register of Directors having complete particulars of Directors since incorporation, entries are not authenticated and required information relating to some Directors whose names are entered in the Register are also not mentioned in the Register of Directors. The company and Directors were asked to give comments as to how the company is maintaining proper Register of Directors in compliance of section 303(1) of the Act.

Company's reply vide letter dated 12.01.2013:-

As per the provisions of Section 209 of the Companies Act, 1956, the company being registered under Section 25 of the Companies Act, 1956, it is required to maintain records of 5 years. Still, the company has updated the Register of Directors since 1989 covering the period of around 23 years. Besides, entries made in the Register of Directors have also been presently authenticated by Mr. Pankaj Bhardwaj, Chief Administrator.



- (ii) In certain cases, it has been noticed on requests application from only one Member for a change of his address and his relatives, the company has changed the address of his relatives without proper authorization and sending proxies at changed address. The company was asked to provide proper authorization from his relatives in this regard but the same has not been given to IOs.
- (iii) It has been observed that there are instances of more than one Member at a single address but it has also been found that the same address was filled up in the application Form for admission of new Membership.

The reply of the company in this regard is not satisfactory and in view of above instances, prima-facie it appears that the compliances with regard to section 150 of the Act, is not proper.

22. Non-maintenance of proper statutory Registers i.e. Register of Directors in compliance of section 303(F) of the Act:-

It is observed during the inspection that the company is not maintaining proper Register of Directors having complete particulars of Directors since incorporation, entries are not authenticated and required information relating to some Directors whose names are entered in the Register are also not mentioned in the Register of Directors. The company and Directors were asked to give comments as to how the company is maintaining proper Register of Directors in compliance of section 303(F) of the Act.

Company's reply vide letter dated 12.01.2013:-

As per the provisions of Section 209 of the Companies Act, 1956, the company being registered under Section 25 of the Companies Act, 1956, it is required to maintain records of 5 years. Still, the company has updated the Register of Directors since 1989 covering the period of around 23 years. Besides, entries made in the Register of Directors have also been presently authenticated by Mr. Pandey Bhadwar, Chief Administrator.




COMMENTS OF LO:

The explanation of the company for maintenance of statutory records i.e. register of director for five year only as section 25 company is not correct because the Ministry has not given any relaxation by way of notification to section 25 company for compliance of section 303(1) of the Act. Hence, the company and directors are violating the provisions of section 303(1) of the Act.

PLACE: NOIDA

DATED: 21 MAR 2013

  
(RAKESH CHANDRA)  
REGIONAL DIRECTOR

  
(S.K. SAXENA) 298/13  
Dy. DIRECTOR (SFO)

  
(SANTOSH KUMAR)  
Dy. DIRECTOR (INSPN)



#### PART-D

### 23. National Sports Development Code of India, 2011 released by the Ministry of Youth Affairs & Sports to promote good governance in the Management of Sports Development, including Sporting excellence in Country.

Ministry of Youth Affairs and Sports has released the National Sports Development Code of India, 2011. This code is a compilation containing all guidelines issued by Government of India from time to time to promote good governance in the Management of Sports Development, including Sporting excellence in Country. While releasing National Sports Development Code of India, 2011, then Minister of State (I/C) said that this Code will be published in official gazette of India so that all National Sports Federation can follow it.

Thus, the said code, 2011 is also applicable to the Sports of Cricket and to the DDCA. The copy of press release dated 05.11.2012 published in Press Information Bureau website in respect of National Sports Development Code of India, 2011.

The National Development Code of India, 2011, inter-alia governs the following issues relating to good governance in Sports Federations:

- i) Restoring the limits on duration of tenure of office bearers of Indian Olympic Association and all recognized National Sports Federations.
- ii) Guidelines for Good governance in the context of Basic Universal Principle of Good Governance.
- iii) Annual reorganization of National Sports Federations.
- iv) Measures to combat fraud in age of players.
- v) Prevention of sexual harassment of women in sports etc.
- vi) Notifying IOA and NSEs as Public Authority under Right to Information Act.



- vii) Drawal of advance calendar of sporting events both national and international.
- viii) National Anti-Doping Rules notified vide gazette notification No.21-4/2008-10 dated 5<sup>th</sup> February, 2010.
- ix) Guidelines for efficient management of Coaching Camps, Selection of Coaches, Selection of Athletes, etc.
- x) Representation of Indian Nationals only, in National Teams.

The Hon'ble M.P. Shri Kirti Azad has also raised certain issues which are beyond the scope of the provisions of the Companies Act, 1956 and falling under the jurisdiction of other regulatory authorities. Since Ministry of Youth Affairs and Sports is the concerned regulatory Ministry for all sports federation and development of sports in India, it may be considered in the Ministry to forward a copy of this report to the Ministry Youth Affairs for necessary action, if any, at their end.

It is important to note that the Ministry of Youth Affairs has also nominated Hon'ble Minister Shri Rajiv Shukla and Sports of Authority of India had nominated Shri Navin Jindal M.P. (Lok Sabha) on the Board of DDCA as their nominee w.e.f. 01.07.2011.

**24. Non-Renewal of Lease of Ferozeshah Kotla Ground on which DDCA stadium is constructed and other related issues including safety concern on Stadium building/construction of stadium building.**

Shri Kirti Azad has also raised the issues of non-renewal of Lease of Land by Ministry of Urban Development (L&DO) on which Ferozeshah Kotla stadium is constructed / renovated, Lease of Corporate Boxes without taking approval of L&DO, NOC / Clearance from MCD / ASI/ DUAC, (Delhi Urban Arts Commission)/ Delhi Jal Board/ Fire Fighting Department, Delhi are pending. Thus, it appears that there is a safety concern in use of Stadium and matches are played without obtaining necessary clearance including completion certificate from concerned Government Department.



However, the company has submitted that the Ministry of Urban Development (L&DO) is asking to bring completion certificate so that Lease of the Land can be renewed and fresh Lease deed can be executed. The company has also stated that they are in the process of getting completion certificate on resolution of dispute between DUAC and MCD for preparation of Foot Bridge at Delhi Gate.

Since the matters are falling under the jurisdiction of Ministry of Urban Development (L&DO), the Ministry may consider to refer the matter to the Ministry of Urban Development for its consideration and action at their end.

PLACE NOIDA

DATED: 21 MAR 2013

(RAKESH CHANDRA)  
REGIONAL DIRECTOR

(S.K. SAXENA)  
DY. DIRECTOR (SRO)

(SANTOSH KUMAR)  
DY. DIRECTOR (NR)



F.No 1/20/2013 CLH (MR)  
Government of India भारत सरकार  
Ministry of Corporate Affairs/ कर्पोरेट कार्य मंत्रालय

'A' Wing, Shastri Bhawan, New Delhi  
ए विंग, शास्त्री भवन, नई दिल्ली  
Dated 04.07.2013

To,  
The Regional Director,  
Northern Region,  
Ministry of Corporate Affairs,  
NOIDA

Subject: Inspection u/s 209A of the Companies Act, 1956 - In the matter of  
Delhi and District Cricket Association

Sir,

I am directed to refer to your D.O. letter No. 1479/101/2012/ U/s 209A/12141 dated 21.3.2013 along with inspection report in respect of Delhi and District Cricket Association and Annexure A submitted along with your letter dated 25.2.2013 & request you to initiate following action in the inspection report of the captioned company and submit your action taken report within 30 days. Further, agreeing with the views of IOs furnished at para 28 of Annexure A to the report, you are requested to take up the matter of the internal control system and governance issues with the Executive Committee of the company with an advice to constitute an Audit Committee and submit their report within 120 days:

2. Para 1 of Annexure A to the IR: Since the facts stated at this para are stated at para 1 of Part A of the report also, instructions at Sl. No. 29 of this letter may be complied with.
3. Para 2 of Annexure A to the IR: Since the facts stated at this para are stated at para 21 of Part C of the report also, instructions at Sl. No. 57 of this letter may be complied with.



4. Para 3 of Annexure A to the IR: Since the facts stated at this para are stated at para 1 of Part A of the report also, instructions at SL No. 20 of this letter may be complied with.
5. Para 4 of Annexure A to the IR: No violation or irregularity has been pointed out by the ICS. ✓
6. Para 5 of Annexure A to the IR: The elections have been conducted under supervision of Sh. B. C. Chopra (Retd High Court Judge) as Chief Election Officer and ADI Sh. S. L. Gaig (Retd). ✓
7. Para 6 of Annexure A to the IR: Since the facts stated at this para are stated at para 3 of Part A of the report also, instructions at SL No. 32 of this letter may be complied with.
8. Para 7 of Annexure A to the IR: Since the facts stated at this para are stated at para 4 of Part A of the report also, instructions at SL No. 33, 34 & 35 of this letter may be complied with.
9. Para 8 of Annexure A to the IR: Refer to the matter for inspection of the company.
10. Para 9 of Annexure A to the IR: For payments in excess of Rs. 20,000, ICS be directed to call IR returns and assessment order for the relevant period from the company and after their examination submit report to the Ministry to consider further action in the matter.
11. Para 10 of Annexure A to the IR: The company may be advised to refer the matter to the audit committee for taking necessary action.
12. Para 11 of Annexure A to the IR: The company may be advised to refer the matter to the audit committee for taking necessary action.
13. Para 12 of Annexure A to the IR: Since the facts stated at this para are stated at para 6 of Part A of the report also, instructions at SL No. 36 of this letter may be complied with.



14. Para 14 of Annexure A to the IR: Since the facts stated at this para are stated at para 17 of Part B of the report also, instructions at Sl. No. 46 of this letter may be complied with.
15. Para 15 of Annexure A to the IR: The company may be advised to refer the matter to the audit committee for taking necessary action.
16. Para 16 of Annexure A to the IR: The company may be advised to refer the matter to the audit committee for taking necessary action.
17. Para 17 of Annexure A to the IR: Since the facts stated at this para are stated at para 7 of Part B of the report also, instructions at Sl. No. 27 of this letter may be complied with.
18. Para 18 of Annexure A to the IR: The matter may be referred with complete facts to the Ministry of Urban Development.
19. Para 19 of Annexure A to the IR: The matter may be referred with complete facts to the Ministry of Urban Development.
20. Para 20 of Annexure A to the IR: Since the facts stated at this para are stated at para 18 of Part B of the report also, instructions at Sl. No. 28 of this letter may be complied with.
21. Para 21 of Annexure A to the IR: Since the facts stated at this para are stated at para 18 A of Part B of the report also, instructions at Sl. No. 50 of this letter may be complied with.
22. Para 22 of Annexure A to the IR: The company may be advised to refer the matter to the audit committee for taking necessary action.
23. Para 23 of Annexure A to the IR: Since the facts stated at this para are stated at para 17 of Part B of the report also, instructions at Sl. No. 46 of this letter may be complied with.



24. Para 24 of Annexure A to the IR: Since the facts stated at this para are stated at para 18A of Part B of the report also, instructions at Sl. No. 51 of this letter may be complied with.
25. Para 28 of Annexure A to the IR: As per recommendations in IR, the matter may be referred to Executive Committee of the company to form an audit committee and submit report within 120 days.
26. Para 29 of Annexure A to the IR: Since the facts stated at this para are stated at para 15 of Part B of the report also, instructions at Sl. No. 44 of this letter may be complied with.
27. Para 30 of Annexure A to the IR: The company may be advised to refer the matter to the audit committee for taking necessary action.
28. Para 31 of Annexure A to the IR: The company may be advised to refer the matter to the audit committee for taking necessary action.
29. Non compliance of MOA and AOA r/w Sec. 35 of the Act in respect of admission of member (para 1 of Part A of the IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non compliance of MOA and AOA r/w Sec. 35 of the Act in respect of admission of member. Unless the offences are compounded, the company be proceeded against under that section.
30. Non compliance of MOA and AOA r/w Sec. 36 of the Act in respect of termination of members (para 1 of Part A of the IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non compliance of MOA and AOA r/w Sec. 36 of the Act in respect of termination of members. Unless the offences are compounded, the company be proceeded against under that section.
31. Non compliance of clause (a) to (iv) of MOA r/w Sec. 36 of the Act in respect of payment of fee/remuneration to the members (para 2.4 of Part A of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non



compliance of clause (ii) to (iv) of MOA r/w Sec. 35 of the Act in respect of payment of fee/remuneration to the members.

- 32) Compounding of offence for non compliance clause A of MOA r/w Sec. 35 of the Act in respect to payment of fee/remuneration to members by three directors only as officers in default u/s 5 of the Act (para 3 of Part A of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non compliance of clause 4 of MOA r/w Sec. 35 of the Act in respect to payment of fee/remuneration to members to the remaining directors as officers in default u/s 5 of the Act.
- 33) Applicability of Sec. 314 of the Act (para 4 of Part A of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for holding office or place of profit by the members of the executive committee.
- 34) Applicability of Sec. 309 of the Act (para 4 of Part A of IR): IOs have not concluded the point raised in respect of compliance or otherwise of Sec. 309 of the Act. IOs may be advised to give proper recommendation for proposed action, if any.
- 35) Applicability of Sec. 293 of the Act (para 4 of Part A of IR): IOs have not concluded the point raised in respect about compliance or otherwise of Sec. 293 of the Act. IOs may be advised to give proper recommendation for proposed action, if any.
- 36) Non compliance of the provisions of Sec. 227 of the Act (para 6 of part A of IR): IOs may be directed to take up the matter with the auditors of the company and to submit his report along with his reply to the Ministry.
- 37) Non compliance of Sch. VI r/w Sec. 211 and AS-18 r/w Sec. 214 (3A) & (2C) of the Act (para 7 of Part B of IR): ROC may be directed to provide an opportunity to file an application for compounding u/s 621A of the Act within 30 days for non disclosure of the names & transactions with related parties.



- 38) Non compliance of Accounting Standard-19 r/w Sec. 211(3A), (3C) of the Act (para 9 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non disclosure of lease transactions with L & DO.
- 39) Non compliance of Accounting Standard-15 r/w Sec. 211(3A), (3C) of the Act (para 9 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non disclosure for employee benefits.
- 39) Non compliance of Accounting Standard-5 r/w Sec. 211(3A), (3C) of the Act (para 10 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non disclosure of certain items in the statement of profit and loss.
- 40) Non compliance of part II of Sch. VI r/w Sec. 211 of the Act in respect of routing of certain income directly to Reserve & Surplus (para 11 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for not adopting correct accounting practices in respect of income from term deposits, income from subsidy from BCC and income for corpus fund from BCC etc.
- 41) Non compliance of part II of Sch. VI r/w Sec. 211 of the Act in respect of miscellaneous expenses (para 12 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for dubbing the professional charges and legal expenses for the financial year 2009-10 and 2010-11.
- 42) Non compliance of part II (A) of Sch. VI r/w Sec. 211 of the Act in respect of miscellaneous expenses (para 13 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for not informing the members about huge amount paid to the auditors as compared to audit fees.
- 43) Non compliance of Sec. 217(3) of the Act in respect of directors report for the year ending 31.3.2009 (para 14 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s



621A of the Act within 30 days for not giving fullest information and explanation by the directors in their report on qualification/ adverse remarks of the auditors for the F.Y. ended 31.3.2008.

- 44) Non-compliance of Sec. 166 r/w Sec. 210 of the Act in respect of non holding of AGM for the year 2012 and non adoption of books of accounts for the F.Y. 2011-12 (para 15 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for non adoption of annual accounts for the year ending 31.3.2012 upto 31.10.2012 (extended time by ROC) in compliance of Sec. 166 r/w Sec. 210 of the Act. ROC may also be directed to provide an opportunity to file an application for compounding u/s 621A of the Act within 30 days for non filing of balance sheet and annual return in compliance with Section 220 and 159 of the Act in respect of F.Y. ending 31.3.2012.
- 45) Non compliance of Sec. 209(3)(h) of the Act and AS-22, 29 r/w Sec. 241 (3A) & (3C) of the Act in respect of non provision of Income tax for the F.Y. 2011-12 & previous F.Y. 2009-10 & 2010-11 (para 16 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for failure to make the provisions for previous F.Y. 2009-10 and 2010-11 as prior period expenses in compliance of AS-29 and accrual method of accounting as prescribed u/s 209(3)(b) of the Act as the company has not made disclosure of contingent liability for the said two previous financial years.
- 46) Non maintenance of proper records u/s 209(1)(c) of the Act w.r.t. register of fixed assets (para 17 of Part B of IR): ROC may be directed to provide an opportunity to file compounding application u/s 621A of the Act within 30 days for not maintaining proper records of fixed assets containing complete particulars for each type of the assets.
- 47) Financial irregularities/weak internal control system/non compliance of Sec. 203 of the Act in maintaining proper books of accounts (para 18 of Part B of IR): ROC may be directed to ask the company for a copy of its IT return and assessment orders for the relevant period and examine



payment of more than Rs. 20,000 in cash and submit report to the Ministry to consider further action in the matter.

- 48) Non compliance with the provisions of Sec. 209(1) of the Act (para 18.2 of Part B of IR): ROC may be directed to provide an opportunity to the compounding application u/s 621A of the Act within 30 days for making major payments towards expenditure under various heads by crediting cash/bank account and without routing the transactions in the party's account/jedger.
- 49) Para 18.3 of Part B of IR: IOs may be asked to advise the company for a copy of its IR returns and assessment order for the relevant period for examination and submit report to the Ministry.
- 50) Para 18.4 of Part B of IR: The report is inconclusive. Since IOs have not proposed any action, IOs may be advised to examine the matter and state the action called for.
- 51) Para 18.5 of Part B of IR: The IOs comments are self contradictory. At the start it is stated that the reply of the company is not satisfactory whereas at the end it is mentioned that the company and directors are maintaining proper records. The report is inconclusive. IOs may be advised to examine the same and state the action called for.
- 52) Para 18.6 of Part B of IR: IOs have not recommended any action in their report. IOs may be asked to give specific recommendations about the proposed action in the matter.
- 53) Para 18.7 of Part B of IR: IOs may be directed to take up the matter with the auditors of the company for non-compliance of the provisions of Sec. 227 of the Act and submit report along with the reply of the auditors to the Ministry.



- 54) Para 18.8 of Part B of IR: ROC may be directed to provide an opportunity to file compounding application u/s 521A of the Act within 30 days for not maintaining proper records of expenses as per authorisation of the Board.
- 55) Non holding of meeting of executive committee in compliance with Sec. 285(1) clause 43 of MOA of the company (para 19 of Part B of IR): Company's explanation has not been called, ROC may be directed to ask the company to clarify non compliance with the provision of Sec. 285 of the Act and submit report to the Ministry.
- 56) Non compliance of Sec. 303(2) of the Act (para 20 of Part C of IR): ROC may be directed to provide an opportunity to file compounding application u/s 521A of the Act within 30 days for not filing of form No. 32 in respect of change in particulars of directors.
- 57) Non maintenance of proper statutory registers i.e., register of members u/s 150(1)(a) of the Act (para 21 of Part C of IR): ROC may be directed to provide an opportunity to file compounding application u/s 521A of the Act within 30 days for not maintaining register of members properly.
- 58) Non maintenance of proper statutory registers i.e., Register of Directors u/s 303(1) of the Act (para 22 of Part C of IR): ROC may be directed to provide an opportunity to file compounding application u/s 521A of the Act within 30 days for not maintaining register of directors properly.
- 59) National Sports Development Code of India, 2011 released by the Ministry of Youth Affairs and Sports to promote good governance in the Management of Sports Development, including sporting excellence in country (para 23 of Part D of IR): The matter with the relevant extract of the inspection report may be referred to Ministry of Youth Affairs and Sports for necessary action, if any, at their end.



- 60) Non renewal of lease of Ferozsha Kalla Ground (para 24 of Part D of IR):  
The matter may be referred to Ministry of Urban Development for their consideration and necessary action at their end.



ANN.-VII

दक्षिणी दिल्ली नगर निगम

**Sub: Request of DDCA for Provisional Occupation Certificate from 1<sup>st</sup> December to 10<sup>th</sup> December-2015 for India Vs. South Africa Fourth Test Match at Feroz Shah Kotla Cricket Stadium**

May kindly refer to the letter dated 10.10.2015 of Shri Chetan Chauhan-Vice-President-DDCA in connection with the above subject.

In this regard, it is submitted that the permission to hold matches at Feroz Shah Kotla Stadium is a long standing and contentious issue. The Notice for Completion / Occupancy Certificate stands rejected vide letter No. D/EE(B)CZ/2010/170 dated 14.05.2010 due to non-compliance on the part of applicant DDCA, with regard to submission of statutory clearances and mandatory requirements.

S.D.M.C.

The DDCA, since 2005 onwards during the regime of erstwhile M.C.D., has been holding international cricket matches without obtaining occupancy certificate by obtaining provisional occupancy permission from erstwhile MCD, now SDMC, as and when matches are held. Since such events remain matter of national pride and provisional permission is sought at very last moment, SDMC leaves with no option but to consider it irrespective of the fact that no such provision exists in Building Bye-Laws-1983 or DMC Act-1957. A number of provisional permissions have been granted so far. Initially,, the applicant DDCA used to seek partially occupancy certificate citing the reason of incomplete structure and importance of event, but such plea does not apply any more since structure is complete.

(With a view to settling the issue in a legal manner, the South DMC on its own took initiative and requested the DDCA vide this office letter No. D/93/AE(B)IV/CNZ/2013 dated 26.09.2013 and dated 05.11.2013 to submit the statutory clearances requirements in connection with Occupancy / Completion Certificate. In the above mentioned letter, requirements were specifically conveyed so as to enable the DDCA to get acquainted with as to what is required on their part. One of the compliances to be carried out pertains to demolition of unauthorized structure booked vide File 28/B/UC/CZ dated 28.06.2010. No compliance is forthcoming in this regard despite reminder to DDCA. The onus is on DDCA to get the occupancy certificate obtained. The case shall be re-opened as soon as appeal is filed by DDCA alongwith compliance in respect of statutory clearances and mandatory requirements.

There is a court case before Hon'ble High Court in respect of said site, which primarily pertains to dispute in respect of Property Tax and being contested by the House Tax Department. The Hon'ble High Court, vide its orders dated 03.10.2011, passed in WP ( C ) No. 7215/2011 & CM No. 16416/2011 (for stay) and 16671/2011 (for direction) titled "Delhi & District Cricket Association Vs MCD & Ors" had inter-alia directed MCD to issue provisional occupancy certificate and also directed DDCA to file Affidavit to the effect that DDCA shall continue to take steps to obtain the completion certificate within 06 months. The compliance of said direction remain unfulfilled on the part of DDCA.)



subject to compliance of following requirements, as directed by the Hon'ble High Court in one of earlier orders:

1. Undertaking in the shape of Affidavit to the effect that DDCA shall be held responsible for all consequences due to non-compliance of statutory requirement by DDCA;
2. No Objection Certificate from Delhi Fire Service;
3. No Objection Certificate from Assistant Electrical Inspector;

So far as Occupancy Certificate is concerned, it is submitted that the following are the major compliances, which remain pending on the part of DDCA:

1. NOC from the lessor i.e. L&DO-- Government of India;
2. NOC from DUAC was issued by DUAC, with certain observations, the major of which is NOC from UTTIPEC, DDA. Regarding foot-over bridge
3. Latest NOC from Delhi Fire Service;
4. Demolition of unauthorized structures booked by the Department;
5. NOC from House Tax Department with other compliances;

Submitted please.

AE(Bldg)  
Central

Zone

EE(Bldg)-Central Zone

S-48

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ W.P.(C)7215/2011

DELHI AND DISTRICT CRICKET ASSOCIATION THROUGH ITS  
HONORARY GENERAL SECRETARY ..... Appellant

Through: Mr Sunil K. Mittal and Mr Anshul Mittal,  
Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS..... Respondents

Through: Mr Gaurang Kanth and Ms Biji Rajesh,  
Advocates

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

09.04.2015

%

CM No.6220/2015

A similar application was made earlier (CM No.16000/2014) which was disposed of by an order dated 30.09.2014. In that order, it has been recorded that the petitioner had completed all formalities for obtaining the completion certificate except for the permission from the Land & Development Office.

Mr Sunil K. Mittal, the learned counsel appearing on behalf of the petitioner submits that despite repeated requests and reminders, the permission from the Land and Development Office has not yet been granted. He submits that there are five matches scheduled on 12.4.2015, 20.4.2015, 23.04.2015, 26.04.2015 and 01.05.2015 of the IPL at the Feroz Shah Kotla Ground. It is in this connection that the present application has been made seeking a direction to the South Delhi Municipal Corporation to issue a provisional occupancy certificate from 12.04.2015 to 01.05.2015 as has been done from time to time in the past.

Mr Gaurang Kanth, the learned counsel appearing on behalf of the South

*True Copy*

*B. Shrivastava*

*11/5*  
District Court  
New Delhi



Delhi Municipal Corporation has drawn our attention to the order dated 07.05.2014 where certain concerns about the kitchen being run were raised. In that context, the then learned counsel for the DDCA (the petitioner herein) stated that no food would be cooked in the Stadium and consequently, no kitchen would be operated and that only pre cooked food, which would be reheated, would be provided.

For this purpose, we permit one Inspector from the Health Department of the South Delhi Municipal Corporation to be present on each of these dates to ensure that the above undertaking which has also been given for the present five matches is complied with.

The petitioner has already deposited a sum of Rs 1.5 Crores towards alleged property tax dues, on account and without prejudice to the rights and contentions of the parties.

In view of the foregoing, we direct the South Delhi Municipal Corporation to issue a provisional occupancy certificate by tomorrow for the period mentioned above. This will, however, be subject to a "No Objection Certificate" to be issued by the Delhi Fire Services as well as a "No Objection Certificate" from the Assistant Electrical Inspector as also to an undertaking to be furnished by the petitioner that the DDCA shall be held responsible for any consequences on account of non-compliance of any statutory norms by the said Association.

The application stands disposed of.

*Dasti* under the signatures of the Court Master.

APRIL 09, 2015  
SV

*Sd/-*  
BADAR DURREZ AHMED, J

*Sd/-*  
SANJEEV SACHDEVA, J

*True Copy*  
*B. Shauhan*

*29/04/15*  
Court  
New Delhi

S-35

IN THE HIGH COURT OF DELHI AT NEW D  
W.P.(C) 7215/2011DELHI & DISTRICT CRICKET ASSOCIATION THROUGH ITS  
HONRARY GENERAL SECRETARY

..... Petitioner

Through: Mr B.B.Jain, Advocate,

versus

MUNICIPAL CORPORATION OF DELHI &amp; ORS. .... Respondents

Through: Mr Sudhir Nandrajog, Sr. Advocate with  
Ms Biji Rajesh, Advocate.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

30.09.2014

%

CM 16000/2014

The learned counsel for the petitioner states that all formalities have been completed for obtaining the completion certificate except for the permission from the Land and Development Office. He further states that repeated reminders have been sent to the Land and Development Office for grant of permission. The learned counsel states that there is a one day international cricket match fixed between Indian Cricket Team and West Indies Cricket Team on 11.10.2014 at the Feroz Shah Kotla Ground. It is in this connection that this application has been made seeking a direction to the South Delhi Municipal Corporation to issue a provisional occupancy certificate as has been done in the past from 01.10.2014 to 12.10.2014.

Upon hearing the learned counsel for the parties, we direct that the petitioner shall deposit a sum of Rs 25 lakhs with the South Delhi Municipal Corporation by way of a cheque latest by 07.10.2014. The said deposit shall be without prejudice to the rights and contentions of the parties.

True Copy  
Court Master  
High Court of Delhi  
30/09/14



In view of the fact that the said amount would be deposited, we direct the South Delhi Municipal Corporation to issue a provisional occupancy certificate by tomorrow for the period mentioned above. This will, however, be subject to a 'No Objection Certificate' to be issued by the Delhi Fire Service as well as a 'No Objection Certificate' from the Assistant Electrical Inspector as also to furnishing of an undertaking in the shape of an affidavit to be submitted by the petitioner to the effect that the Delhi and District Cricket Association shall be held responsible for all consequences due to any non-compliance with any statutory norms by the said association.

The application stands disposed of.

*Dasti* under the signature of the Court Master.

*Sd/-*  
BADAR DURREZ AHMED, J

*Sd/-*  
SIDDHARTH MRIDUL, J

SEPTEMBER 30, 2014

mk

*True Copy*  
*(B. Chaudhary)*  
*30/09/14*  
Court Master  
High Court of Delhi  
New Delhi

M40  
CS/5/141877  
5/5/14

Govt. of NCT of Delhi  
District Disaster Management Authority  
Office of the Dy. Commissioner (Central)  
Old Employment Exchange Building, Daryaganj, New Delhi-110002  
Telefax: 23243124, Email: ddmacentral@gmail.com

F No. DC C/DRM/IPL-2014/9545

Date:- 04/05/2014

Report of inspection regarding preparedness of the DDCA for the IPL- 2014 done  
03.05.2014 at 08:00 PM at Feroz Shah Kotla Stadium.

Pursuant to the order issued by District Magistrate, (Central) regarding preparedness of DDCA an inspection was conducted by a team headed by ADM (Central) regarding preparedness of DDCA for the IPL-2014. The inspections were carried out on 03.05.2014 at 08:00 PM onwards. During the inspection it was found that DDCA has not paid any attention to the shortcomings noticed during the last inspection carried out on 02.05.2014 and public safety was put on which shows highly irresponsible attitude at the part of DDCA.

During the match an incident of fire took place on the back side area of Hill A in Feroz Shah Kotla stadium at 11:25 PM on 03.05.2014. After seeing the site, prima facie, it seems that took place due to lack of management from DDCA side. Some lunch packets and paper cartons were placed adjacent to the wall of exit corridor at Gate no.7 which made this area vulnerable to fire and this could have been avoided if preventive measures were taken by DDCA well in time. It was further noticed that total five drums containing diesel were lying in open near to the place where said fire incident took place which made it more vulnerable to fire disaster and it could have increased the extent of disaster if fire would have spread to these diesel drums. It was also noticed during inspection that one truck was parked near to the kitchen, which was run without any valid license from competent authority; made the stadium more vulnerable for fire disaster because it was noticed that a tandoor was placed hardly 7 to 10 feet far from diesel tank of said truck and 15 feet from above said five diesel drums.

No search and rescue team was found available during inspection. Floor wise Nodal Officers were also not deployed by DDCA during inspection. It was also noticed that during fire incident the work was done by the DDMA team and Fire Department only. Not a single person was present from search and rescue team of DDCA.

Points for concern as noticed during the course of inspection:-

1. The Incident Command Post (ICP) was found ill equipped despite repeated directions. List of phone numbers of nodal officers of search and rescue team, health team etc.



not placed in ICP. It was also found that proper seating arrangement as per requirements were not made by the DDCA and also the place was too small to sit for all the concerned officers/Health team of DDMA. Incident Command Post has been created at roof top of Willington Pavilion during IPL 2014 which itself is very much vulnerable having narrow entry/exit. Complete view of the stadium was not available from the ICP. The HILL A where the fire incident took place was also not visible from the ICP which caused unnecessary delay in rescue operation of DDMA Team due to lack of visibility/intime information. Needless to say that delay in rescue operations may also happen in future also due to delayed information to the Incident Commander DDMA Central District who stations at ICP during the match.

2. No search and rescue team was found available during inspection. Floor wise Nodal Officers were also not deployed by DDCA during inspection. It was also noticed that during fire incident the work was done by the DDMA team and Fire Department only. Not a single person was present from search and rescue team of DDCA.
3. It is found during the inspection that inspite of regular directions regarding kitchens in Feroz Shah Kotla Stadium, the same were found to be running without valid license from South Delhi Municipal Corporation.
4. In one of the kitchens, situated at 3<sup>rd</sup> floor of the Old Club Bldg, it was observed that the premises, on which the kitchen is running, is not even fit for use as a kitchen. There is no ventilation for smoke, no proper washing and drainage system. Even there is no arrangement for fire safety.
5. It was noticed that some food stalls, made of inflammable material, were installed in the Ground Floor of West Stand. As per the provisions of Delhi Municipal Corporation Act, prior permission of MCD is required for installing Food Stalls. But in the instant case, no such permission has been obtained from the Health Dept of MCD.
6. It was observed that although the building of the Stadium was constructed many years ago but till date no completion certificate has been issued by the Building Dept of MCD.
7. It was observed that a tin-structure in the Old Club House has been created by DDCA.
8. It was observed during the inspection that valid lift license was not available in the lift car installed in Old Club House.
9. Medical relief camp was not found during the inspection.
10. Only four Medical kiosks one for each stand, which were half in no. from last IPL session and seems inadequate as per strength of Feroz Shah Kotla stadium it is also

found the no. of medical Kiosks was not specified by DDCA under disaster management plan

11. Medical Aid Centers were ill-equipped.
12. Near Gate no.18, there is a Petrol pump making the Stadium vulnerable to Fire Disaster during the inspection there was no arrangement found for mitigation of Disaster due to fire.

Recommendations & Actionable Points for future events to be held in Feroz Shah Kotla Stadium:-

1. The deployment of only three ambulances for the stadium with a capacity of approximately 43,000 spectators is very less. More/proportionate deployment may be sought.
2. The designated location of medical relief camp to be submitted.
3. Coordination arrangement with government hospital for evacuation to be submitted.
4. Nodal Coordination's of the medical response teams as lined up by Max to be submitted.
5. The roster and deployment of personnel, both medical and paramedical is to be sought.
6. The infrastructural arrangements at the medical relief camp e.g. patients observations beds, I/v stands, O2 Cylinders etc. to be ensured.
7. Necessary action must be taken regarding emergency medical response as per the Disaster Management Plan of DDCA and according to the expected gathering.
8. South Delhi Municipal Corporation must take necessary action to ensure that public safety is not put at risk.
9. Unlawful/ unlicensed activities must not be undertaken without specific permission from competent authority.
10. Further, Building Structural Certificate must be obtained by the Building Dept of MCD.
11. DDCA must update their Disaster Management Plan prepared for Feroz Shah Kotla Stadium and furnish it to this office along with action taken report on above said issues.



12. DDCA must submit copy of following NOCs/License from the below listed departments for upcoming matches:

- Delhi Fire Services for LFG point of view & inspection report.
- Delhi Police, Licensing Unit —
- Delhi Police Law & Order —
- South Delhi Municipal Corporation
- Electrical Inspector for electrical installation safety.
- MCD for structure stability certificate.

13. The valid copy of lift license must be available with staff operating the lift.

14. DDCA shall submit a detailed report of Mock Drill organized before the upcoming matches along with photographs.


15. It has been noticed that DDCA follows a reactive approach whereas, it is expected to be proactive on such an important issue of Disaster Management. It appears that the concern of DDCA remains tied up with conduct of matches, whereas, it is expected to be equally concerned with public safety and must take all necessary measures so as to ensure that Public safety is not put at risk in any circumstance.

DDCA shall look into all the above said recommendation noticed by members of inspection team and shall also take all necessary action regarding all the shortcomings.

Despite repeated direction, the necessary action has not been taken by DDCA. DDCA has shown disrespect, disinterest and negligence towards the provisions of the Disaster Management Act, 2005. Further, disobedience has been shown for the directions of Competent Statutory authority. Most importantly, public life/public safety is being put at risk consistently by DDCA.

Further, the Licensing Unit of Delhi Police is directed to note that in view of afore said giving license for forthcoming IPL matches would again put public safety at risk. Necessary action may be ensured accordingly.

Encl. As above (8 Pages)

  
04/05/14

(RAJANISH SINGH)  
CEO, DDMA (Central)  
Additional District Magistrate (Central)

To,

I. Additional Commissioner of Police, Licensing Unit, Police Station - Defence Colony,  
New Delhi.

2. Sh. S.P Bansal, President DDCA, Feroz Shah Kotla Stadium, New Delhi-110002, Fax No-23722097
3. Sh. Chetan Chauhan, Venue Operations Manager and Vice-President, DDCA, Feroz Shah Kotla Stadium, New Delhi-110002.
4. Sh. Pankaj Bhardwaj, Chief Administrator DDCA, Feroz Shah Kotla Stadium, New Delhi-110002, Fax No-23722097

Copy to:-

1. Additional District Magistrate (Central), 14, Darya Ganj, New Delhi-02 (Member- District Disaster Management Authority Central).
2. Sub Divisional Magistrate (Kotwali), 14, Darya Ganj, New Delhi-02
3. District Project Officer (Central), 14, Darya Ganj, New Delhi-02
4. Asst. Commissioner of Police, Licensing Unit, Police Station, Defence Colony, New Delhi.
5. Asst. Commissioner of Police (Central), Kamla Market, Delhi-110006.
6. Asst. Commissioner (Central Zone), South Delhi Municipal Corporation, Shiv Mandir Marg, Lajpat Nagar-II, New Delhi-110024.
7. CDMO (Central), Directorate of Health Services, Gali No. 4 Bagichi Alaudin, Nabi Karim, Pahar Ganj, New Delhi-110055. (Member- District Disaster Management Authority Central)
8. Divisional Fire Officer, Delhi Fire Service, Connaught Place, New Delhi-110001.
9. Assistant Electrical Inspector (Labour), 5, Sham Nath Marg, Delhi-54
10. Asst. Commissioner (Central) Food & Supplies, M Block, Vikas Bhawan, I.P Estate, Delhi.
11. Instructor Civil Defence (Central), Behind Kamla Market Police Station, Delhi.
12. Zonal Officer, CATS

Copy for information & necessary action to:-

1. Commissioner Excise, Ent. & Luxury Tax, Govt. of NCT of Delhi, L-Block, Vikas Bhawan, New Delhi.
2. Commissioner, Food & Supplies Department, K Block, Vikas Bhawan, I.P Estate, New Delhi.
3. Special Commissioner -cum- Spl. Secretary, Food & Supplies Department, K Block, Vikas Bhawan, I.P Estate, New Delhi.
4. Dy. Commissioner of Police, Licensing Unit, Police Station, Defence Colony, New Delhi.
5. Dy. Commissioner of Police (Central), Adjacent to Darya Ganj Police Station, New Delhi-110002. (Member- District Disaster Management Authority Central).
6. Deputy Commissioner (Central Zone), South Delhi Municipal Corporation, Shiv Mandir Marg, Lajpat Nagar-II, New Delhi-110024. (Member- District Disaster Management Authority Central).
7. Director, Delhi Fire Services, Connaught Place, New Delhi-110001
8. Director, CATS, B-Wing, 9<sup>th</sup> Level Delhi Secretariat, I.P Estate, New Delhi.
9. Dy. Electrical Inspector (Labour), Employment Exchange, Pusa Road, Delhi.
10. Director Delhi Health Services, Karkardooma, New Delhi.
11. Superintending Engineer, PWD, CBMC, M-43, E/D, 12<sup>th</sup> Floor, MSD Building, I.P Estate, New Delhi.
12. Superintending Engineer, PWD, M-32, Near ISBT Kashmere Gate.

Inspection Report DDMA (Central)

P3



Copy to :- All Members of Delhi Disaster Management Authority

1. Principal Secretary to Hon'ble Lt. Governor, Chairperson, Delhi Disaster Management Authority, Raj Niwas, Court Lane, Delhi - 110054.
2. Chief Secretary/CEO, Delhi Disaster Management Authority 5<sup>th</sup> Level, Delhi Sectt., IP Estate, New Delhi-110002.
3. GOC (HQ), Member, Delhi Disaster Management Authority, Hqr. Delhi Area, (Near Gopi Nath Bazar), Delhi Cantonment, New Delhi-110010.
4. Principal Secretary (Home), Member, Delhi Disaster Management Authority 5<sup>th</sup> Floor, Delhi Sectt., IP Estate, New Delhi-110002.
5. Commissioner of Police, Member, Delhi Disaster Management Authority Police Headquarter, IP Estate, New Delhi-110002.
6. Secretary (Revenue), Convener/Member, Delhi Disaster Management Authority, 5, Sham Nath Marg, Delhi - 110054.
7. Commissioner, North Delhi Municipal Corporation (NDMC), Member, Delhi Disaster Management Authority MCD, 4<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee Civic Center, JLN Marg, Minto Road, New Delhi - 110002.
8. Commissioner, South Delhi Municipal Corporation (SDMC), Member, Delhi Disaster Management Authority MCD, 5<sup>th</sup> Floor, Dr. Shyama Prasad Mukherjee Civic Center, JLN Marg, Minto Road, New Delhi - 110002.
9. Joint Secretary (DM), Member, Delhi Disaster Management Authority Ministry of Home Affairs, Jaisalmer House Humants, New Delhi.

*[Signature]*  
04/05/14

(RAJANISH SINGH)  
CEO, DDMA (Central)/  
Additional District Magistrate (Central)

## LIST OF CRIMINAL CASES REGISTERED IN POLICE STATION I.P. ESTATE, DDCA RELATED MATTERS.

S.No.	FIR No.	Name of Complainant	PERSONS AGAINST WHOM ALLEGATIONS ARE MADE	Gist of Allegation.
1.	538/14 u/s 420/468/471/120 (B)/34 IPC	Sh. Kirti Azad, Hon'ble MP, Lok Sabha.	Vinod Tihara, Convenor Sports Working Committee, DDCA, Sunil Dev, Sports Secretary, DDCA and 12 cricketers under 16 & 19 age category,	The 12 under age 16 & 19 categories cricketers have fudged the date of birth in connivance of Vinod Tihara, Convenor Sports Working Committee, DDCA, Sunil Dev, Sports Secretary, DDCA by depriving the deserving candidates. <u>Case is pending under investigation.</u>
2.	312/15 u/s 420/468/471/120 (B)/34 IPC	Sh. Kirti Azad, Hon'ble MP, Lok Sabha.	Vinod Tihara, Convenor Sports Working Committee, DDCA, Sunil Dev, Sports Secretary, DDCA, and Dinesh Verma, Some coaches & cricket clubs, and official of Vidya Jain Public School, Rohini, Delhi. and 10 cricketers under 14 & 16 age category,	The 10 under age 14 & 16 categories cricketers have fudged the date of birth in connivance of Vinod Tihara, Convenor Sports Working Committee, DDCA, Sunil Dev, Sports Secretary, DDCA, and Dinesh Verma, Some coaches & cricket clubs, and official of Vidya Jain Public School, Rohini, Delhi by depriving the other deserving candidates. <u>Case is pending under investigation.</u>
3.	699/15 u/s 406/409/ 420/468/471/120 (B)/34 IPC	Sh. Sunil Dev, Sports Secretary, DDCA	Chetan Chauhan, Vice President, DDCA, Ravinder Manchanda, Treasurer, DDCA, Bank Manger, Central Bank Of India, Press Area, Delhi.	Alleged that Rs. 6.5 Crs., were transferred from the accounts of DDCA at Bank of Maharashtra into the new account opened at Central Bank Of India and cheque book of 100 leaves were issued 22 days in advance. Blank signed cheques were issued by Sh. Ravinder Manchanda, Treasurer, DDCA, after handing over to Ravi Bajaj & Co, and then left for a foreign tour. <u>Case is pending under investigation.</u>



# FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

CJPA-R1.11 00

1. District: CENTRAL DELHI P.S.: L.P.ESTATE Year: 2014 FIR No.: 538 Date: 15-12-2014

2. Act(s): Section(s):  
(i) IPC 1860 420/468/471  
(ii)  
(iii)  
(iv)

3. Occurrence of Offence: Unknown date and time:

(a) Day: Date From: Date To:  
Time Period: Time From: Time To:  
(b) Information received at P.S.: Date: 15-12-2014 Time: 21:05 hrs  
(c) General Diary Reference: Entry No.: 29A Time: 21:05 hrs

4. Type of Information: WRITTEN

5. Place of Occurrence:

(a) Direction and Distance from P.S.: North/1.0 Km. Beat No.: 09

(b) Address: FSK STADIUM, NEW DELHI

(c) In case, Outside the limit of the Police Station:

Name of P.S.:

District:

6. Complainant/Informant:

(a) Name: KIRTI AZAD

(b) Date/Year of Birth: Nationality: INDIA

(c) Passport No. Date of Issue: Place of Issue:

(d) Occupation:

(e) Address: H. NO 25, PT. RAVISHANKAR SHUKLA LANE, K.G. MARG, NEW DELHI-110001

7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary):

(i)

(ii)

(iii)

8. Reason for delay in reporting by the complainant/informant: NO DELAY

9. Particulars of the properties stolen/involved(attach separate sheet if necessary):

Sl.No.	Property Type(Description)	Est. Value(Rs.)	Status
(i)			
(ii)			
(iii)			

10. Total value of property stolen:

11. Inquest Report/U.D Case No., if any:

to check this malaise immediately. Thanking you in anticipation,  
Yours truly, Sd English Kirti Azad 25 Pt. Ravishankar Shukla Lane,  
K.G. Marg New Delhi-110001 Ph. +91-(011)-23073234 Telefax: + (011)  
-23782645 Email: kirtiazad.mp@gmail.com. Do IP Estate, On the  
basis of the complaint overleaf Prima facie a case U/S 420/468/471  
IPC is made out kindly register a case and investigation be handed  
over over to me. Sd हिन्दी अशोक कुमार Ashok Kumar Insp/Inve/P.S IP  
Estate 15/12/14 At 9:00 PM कार्यवाही पुलिस तहरीर की दरपेशगी पर मुकदमा दर्ज  
रजिस्टर करके व दर्ज CIPA Computer Operator द्वारा कराकर नकल मिसल पुलिस व असल  
तहरीर नज्द Insp. Ashok Kumar साहब के हवाले की गई जो आईन्दा तफ्तीश अमल मे लायेगे  
। दीगर नकुलात बजरिये डाक अफसरान बाला की खिदमत मे अरसाल होंगे ।

13 - Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No.2:

(i) Registered the case and took up the investigation

OR

(ii) Directed (Name of the I.O): ASHOK KUMAR  
No.: 16900102

Rank: INS

to take up the investigation, OR

(iii) Refused investigation due to:

OR

(iv) Transferred to P.S (name):  
on point of jurisdiction.

District:

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the  
complainant/informant, free of cost:

R.O.A.C:

14 .

Signature / Thumb Impression  
of The Complainant/Informant:

Signature of Officer

Name: ANIL KUMAR

Rank: HC

No.: 28061028

15 - Date and Time of despatch to the court:



# FIRST INFORMATION REPORT

CIPA-R1,11 00

(Under Section 154 Cr.P.C.)

1. District: CENTRAL DELHI P.S.: I.P.ESTATE Year: 2015 FIR No.: 312 Date: 22-05-2015

2. Act(s): Section(s):  
(i) IPC 1860 420/468/471  
(ii)  
(iii)  
(iv)

3. Occurrence of Offence: Unknown date and time:

(a) Day:	Date From:	Date To:
Time Period:	Time From:	Time To:
(b) Information received at P.S.:	Date: 22-05-2015	Time: 13:15 hrs
(c) General Diary Reference:	Entry No.: 16A	Time: 13:15 hrs

4. Type of Information: WRITTEN

5. Place of Occurrence:

(a) Direction and Distance from P.S: South/1.2 Km.	Beat No.: 09
(b) Address: DDCA FSK STADIUM, DELHI	
(c) In case, Outside the limit of the Police Station:	
Name of P.S.:	District:

6. Complainant/Informant:

(a) Name: SH. KIRTI AZAD HON M.P./ LOK SHABA		
(b) Date/Year of Birth:	Nationality: INDIA	
(c) Passport No.	Date of Issue:	Place of Issue:
(d) Occupation:		
(e) Address: 25, PANDIT RAVI SHANKER SHUKLA LANE, K.G. MARG, NEW DELHI 110001		

7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary):

(i)

(ii)

(iii)

8. Reason for delay in reporting by the complainant/informant: NO DELAY

9. Particulars of the properties stolen/involved(attach separate sheet if necessary):

Sl.No.	Property Type(Description)	Est. Value(Rs.)	Status
(i)			
(ii)			
(iii)			

10. Total value of property stolen:

11. Inquest Report/U.D Case No., if any:

## 12. F.I.R Contents(attach separate sheet,if required):

Sh Sandeep Geol, Jt Commissioner of Police, Central District, Police Headquarters, I P Estate, New Delhi, -110002, Dear Sh Geol, Re:- Fake DOB certificate-Age group fraud in DDCA In November, 2012, I had given a complaint to Insp R S Yadav, IP Estate PS, against certain DDCA officials, who in connivance with Vidya Jain Public School, Rohini had a perpetrated a fraud and have institutionalized the fudging Date of birth of several cricketers thereby enabling them to play in the lower age groups, and have thereby deprived the genuine age group boys from an opportunity to play. The modes operandi was that a boy changed his school and got transferred to Vidya Jain Public School and in this process his DOC is lowered. There was a club, LB Shastri Cricket Club, Bharat Nagar which then took on the responsibility of playing these boys in various age group teams. Two years on, Sh Yadav, has done his best to keep the investigation under wraps, and I now understand that he has been transferred to some other Police Station, and has not taken the investigation in the instants case to its logical end. In the meantime, I have carried on my private enquiries, and have been able to lay my hands on authentic documents proving the fake Date of Birth certificate, on MCD Stationary are being peddled by touts led by some officials of DDCA, and a few coaches, schools and officials are directly involved in this nefarious operation. I had given a copy of MCD certificate of Manjot Singh who was the captian of Delhi under-14 cricket team, and against whom the legendary ex-India caption, Sh Bishan Singh Bedi had complained in writing about his fudged date of birth. Promptly, Sh Sunil Dev (the Sports Secretary of DDCA) dismissed the complaint, since he himself had selected this boy, in the first place I am given to understand that the said boy has a fake DOB certificate and a passport also, on the basis of this fake certificate. Since there are several such cases I suggest that you please obtain a list of all boys who have been selected in the last three years, under the signature of the sports secretary, and also obtain the certified copies of their age confirmations/proofs along with medical certificates of tests conducted on them. Then, please also compare these DOBs with the DOBs submitted in School /DDA games and see how manipulations have been taking place in a very organized manner. Please also check with Vidya Jain Public School as to how many cricketers have joined them in senior classes and compare their DOBs with the previous schools particulars. Because of fraud and manipulation indulged in by officials, coaches, schools, touts etc genuine and deserving boys are unable to play in their respective age groups, and your officers sit on investigation for years at years at end, without even informing a public representative about the progress in the investigation. I am attaching 12 cases, where MCD itself has made itself has made it clear that the certificate under reference are fake. Since there is clear cut cases of forgery under Sec 467 and



468 made out apart from sec 420 and criminal conspiracy (Sec 120-B) I expect the police to immediately file a FIR against the accused person. There is also a case in the Hon. High Court of Delhi (cases no 758) filed by one Sh Rajeev Gupta (M-9717668372) where a lot of such age related frauds have been highlighted. Similarly, one Shri Promod Jain (M-9311002616) is also aware of various manipulation and can give you more information about this rampant fraud. Please file an FIR against the school, boy's parents, DDCA officials, Sunil Dev, Sports Secretary, and Vinod Tihara (Sports Convener, and owner of Vidya Jain Public School), Dinesh Verma etc. as soon as possible and bring this racket to an end once and for all. Please also note, I have been sent on a leather hunt by you personally in the past, and I will now not hesitate to lodge an FIR against police officers for trying to obfuscate the course of justice any more. Mr. R S Yadav will surely be the first such officer, who I will soon be filing an FIR against, for not just dereliction of duty, but misleading a public representative about the course of investigation for 2 years. Since I have been investigating the cases against corrupt activities myself, I will have no compunction in bringing the conniving / apathetic conducts of senior officers like you, to the notice of home ministry so that my complaint along with proof can be placed in your personal file, for future reference, which you may be mindful of. I expect to hear from you soon. Yours truly, Sd English (Kirti Azad) -12 fake certificates - MCD's confirmation - CBSE's reply to my RTI dt. 18th Sept. 14 Cc. Sh Rajnath .. Hon Home Minister, Cc. Sh. B.S Bassi .. Commissioner of police. DO/PS I.P. Estate a complainant alongwith some documents including Birth certificate of some children was received from Sh Kirti Azad Hon'ble MP/ Lokshaba at P.S. I. P. Estate. The matter was enquired. On the basis of the complainant allegation levelled, prima facie an offense U/S 420/468/471 IPC has been made out. Please register a case and investigation be handed over to Insp. K. C. Kaushik please. Sd English SHO/ I.P Estate 22/5/15 कार्यवाही पुलिस तहरीर की मौसूली पर मुकदमा दर्ज रजिस्टर करके व दर्ज CIPA Computer Operator द्वारा कराकर नकल मिसल पुलिस व असल तहरीर Insp. K.C. Kaushik साहब के हवाले की गई जो आईन्दा तपत्तीश अमल में लाएंगे। दीगर नकुलात बजरिये डाक अफसरान बाला की खिदमत में अरसाल होंगे।

13. Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No.2:

(i) Registered the case and took up the investigation

OR

(ii) Directed (Name of the I.O): KHEM CHAND KAUSHIK

No.: 28790466

Rank: INS  
to take up the  
investigation, OR

(iii) Refused investigation due to:

OR

(iv) Transferred to P.S (name):

District:

on point of jurisdiction.

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost:

R.O.A.C:

14.

Signature / Thumb Impression  
of The Complainant/Informant:

Signature of Officer

Name: ASHA RANI

Rank: W/HC

No.: 28900854

15. Date and Time of despatch to the court:



# FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (ज़िला): CENTRAL DELHI P.S.(थाना): I.P.ESTATE Year(वर्ष): 2015 FIR No.(प्र.सू.रि.सं.): 0699 Date (दिनांक): 03/11/2015

2. Act(s)(अभिनियम): Section(s)(धारा(एँ)): 406/409/420/468/471/120B/34  
- IPC 1860

3. Occurrence of Offence (अपराध की घटना):

(a) Day(दिन): Date From(दिनांक से): Date To(दिनांक तक):  
Time Period (समय अवधि): Time From (समय से): Time To (समय तक):  
(b) Information received at P.S.(थाना जहाँ सूचना प्राप्त हुई): Date(दिनांक): 03/11/2015 Time (समय): 19:50 hrs  
(c) General Diary Reference (रोजानामा संदर्भ): Entry No.(प्रविष्टि सं.): 022A Time (समय): 19:50 hrs

4. Type of Information (सूचना का प्रकार): WRITTEN

5. Place of Occurrence (घटनास्थल):

(a) Direction and Distance from P.S. (थाना से दूरी और दिशा): NORTH-WEST, 1.2 KM(s) Beat No(बीट सं.): 9  
(b) Address(पता): FIROZ SHAH KOTLA STADIUM, DELHI  
(c) In case, Outside the limit of the Police Station (यदि थाना सीमा के बाहर है):  
Name of P.S.(थाना का नाम): District(ज़िला):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

(a) Name(नाम): SH SUNIL DEV  
(b) Date/Year of Birth (जन्म तिथि /वर्ष): Nationality (राष्ट्रियता): INDIA  
(c) Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि): Place of Issue (जारी करने का स्थान):  
(d) Occupation (व्यवसाय):  
(e) Address(पता): DELHI AND DISTRICT CRICKET ASSOCIATION, FIROZ SHAH KOTLA GROUNDS.  
CENTRAL, DELHI, INDIA

7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary)(ज्ञात/संदिग्ध/अज्ञात अभियुक्त का पूरा विवरण सहित वर्णन):  
- UNKNOWN

8. Reason for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):  
NO DELAY

9. Particulars of the properties stolen/involved (attach separate sheet if necessary):

Sl.No. (क्र.सं.)	Property Type(Description)	Est. Value(Rs.)(मूल्य (रु में))	Status
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10. Total value of property stolen (चोरी हुई सम्पत्ति का कुल मूल्य):

11. Inquest Report / U.D. Case No., If any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण नं., यदि कोई हो):

## 12. F.I.R. Contents (attach separate sheet, if required)(प्रमाण सूचना रिपोर्ट तथ्य):

BEFORE THE CHIEF METROPOLITAN MAGISTRATE, TIS HAZARI COURTS, DELHI CRIMINAL COMPLAINT NO. OF 2015 IN THE MATTER OF: SH. SUNIL DEV (DIRECTOR) DELHI & DISTRICT CRICKET ASSOCIATION FERROZSHAH KOTLA GROUNDS, NEW DELHI (Through his constituted SPA) Sh. RAVI JAIN, (DIRECTOR- FINANCE), DDCA,.... COMPLAINANT VERSUS 1. Sh. RAVINDER MANCHANDA D-2B1, DEFFENCE COLONY, NEW DELHI-110024 2. SH. CHETAN CHAUHAN D-22, NAGARJUN APARTMENT, MAYUR VIHAR, PHASE-I, NEW DELHI 3. BRANCH MANAGER, CENTRAL BANK OF INDIA PRESS AREA BRANCH, LINK HOUSE, 3, BAHADUR SHAH ZAFAR MARG, NEW DELHI-110002.... ACCUSED 4. UNKNOWN PERSONS P.S. I.P. ESTATE CRIMINAL COMPLAINT UNDER SECTION 200 Cr.P.C. ON BEHALF OF COMPLAINANT Sir, MOST RESPECTFULLY-SHOWETH: 1. That the complainant is a Director of the "Sports Body" by the name DELHI & DISTRICT CRICKET ASSOCIATION, herein after referred to as DDCA. The present complaint is being preferred through the constituted SPA of the complainant namely Sh. Ravi Jain (Director Finance-DDCA), as the complainant is mostly travelling out of Delhi due to his busy schedule as a Cricket Administrator & Sports Secretary (DDCA). 2. That the accused No. 1 & 2 are office bearers of the "Sports body DDCA" and are guilty of committing "cognizable criminal offences" of Criminal Breach of Trust, Cheating, Impersonation, Forgery in Documents, through a treacherously laid out modus operandi which is detailed as under: (a) The accused No. 1 & 2 in criminal Conspiracy with the Accused No. 3 and other unnamed bank officials opened a "fraudulent account" at the Central Bank of India, Press Area Branch, New Delhi by impersonating and forging the signatures of the Complainant who is one of the "authorized signatory" of the Sports Body DDCA. A copy of the account opening Form of the Bank depicting the forgery & impersonating of the signatures & photograph of the complainant. Copy of the account opening form is Annexure-A. (b) Although the complainant had not signed the Account Opening Form, the accused No. 3 along with his colleague and other unknown accomplices employed at the Central Bank, Press area Branch illegally opened a "New Bank Account vide Current Account No. 3423110503. Since the account was opened without the signatures of the authorized signatory i.e. the Complainant the RBI regulations and guidelines were violated with disdain. (c) Even before the formalities regarding the opening of the Current Account was complete in all respects, the illegal account was not only "formally opened and made operational" but a cheque book containing 100 leaves were also illegally issued to the Accused No. 1 thereafter handed over signed blank cheques to all and sundry with intent to siphon funds from the account to his own men. Copies of the signed blank cheque are Annexure-B. (d) The accused No. 2 was an active co-conspirator in the entire conspiracy as his wife Ms. Sangeeta Tehan, is working as a high official in the Central Bank where the illegal account was opened in utter violation of the RBI norms and guidelines. It is possible that the illegal account was opened and funds worth Rs. 6.5 Crores mobilized to help wife of the accused No. 2 to gain professionally. All these are matters of investigation by the police which the complainant cannot do. (e) After the illegal account was opened, the Accused persons illegally transferred Rs. 6.5 Crores into the "New" account and got fixed deposits (FDR) worth Rs. 4.5 Crores leaving the balance cash in the current account. The FDR were got prepared for denominations of such amounts which "fetched" lesser interest. The details of the FDR prepared and the interest rate prevailing in the market would clearly reveal that the Accused deliberately made the Sports Body suffer loss of interest and illegal motives. (f) Most importantly, after the matter came to light the sports body through its Chairman lodged a complaint with the Chairman of the Central Bank of India, who taking cognizance of the complaint "stopped all operation of the bank account" and constituted an "internal enquiry" into the matter. Copy of Complaint lodged with Chairman Central Bank of India vide e-mail is Annexure-D. (g) Thereafter, the complainant approached the local police with a written complaint vide his complaint dt. 27.01.2015. Copy of the complaint lodged with the local police is Annexure-E. (h) That acting on the complaint dt. 27.01.2015 lodged with the Police Station I.P. Estate, New Delhi (Central)-an investigation Officer (IO) was appointed and notices have been issued to all the Accused persons wherein it has been conclusively revealed that the allegations made in the complaint by the complainant were confirmed regarding the commission of the "cognizable offence" committed by the accused. (i) Despite, the above the police has not lodged any FIR into the "cognizable offence" much to violation of the legal proposition laid down by the Hon'ble Supreme Court in Lalita Kumari Vs State of U.P., which has been reaffirmed by the constitution bench of the Supreme Court delivered recently. 3. That thereafter the complainant was forced to approach the Deputy Commissioner (Central) and lodged a personal complaint against the accused persons and their accomplices and narrated the whole incident, however, nothing has been done in this regard till date, but for issuing notice to the accused persons and seeking their response and incriminating documents. The police is growing cold feet in the matter and are dragging the inevitable with ulterior motives. That, faced with such a challenge the complainant has no effective remedy but to approach this Hon'ble Court to restore and uphold the sanctity of rule of law and tame the accused persons and ensure further that the accused persons are proceeded against and FIR is lodged under the provisions imposed by Criminal law. 4. That, the accused persons are hence liable to be prosecuted for having committed the offences of cheating, criminal breach of trust, forgery in documents, impersonation, in conspiracy with each other with an intention to cheat and misappropriate funds. 5. The accused are thus guilty of committing offences of cheating, Criminal breach of trust, forgery in documents, impersonation and other offences. Under the circumstances this Hon'ble Court has the jurisdiction to entertain this complaint, summon the accused and punish them in accordance with law. 6. That the conduct of the accused persons shall reveal, that the accused persons had dishonest intention from the very beginning and under such a planned effort the accused had filed account opening form by



impersonating & committing forgery of the complainants signature to defraud thereby committing "cognizable offence" punishable under the IPC. 7. That in the light of the above facts, figures and circumstances as explained in the preceding paragraphs, the complainant has been put to face to not only financial losses but also considerable mental & physical harassment by the accused. 8. That the contents of the complaint dt. 27.01.2015 to the SHO Police Station, IP Estate, New Delhi and also to the Chairman of Central Bank of India, (employer of the accused No. 3) vide E-mail dt. 24.01.2015, 28.01.2015, 25.02.2015 be also read as part and parcel of this complaint and accordingly the contents and averments contained therein are not being treated for the sake of repetition. 9. That the above facts prima facie make it abundantly clear that the accused persons had hatched a criminal conspiracy and in pursuance of such criminal conspiracy forged documents, committed impersonation, illegally influenced decisions of the bank officials to open a bank account even without the formalities being complete, made false statements, siphoned Rs. 6.50 crores in the bank accounts, issued blank cheques among others illegal acts and omissions with mala fide intention which makes the accused liable to be prosecuted U/s. 420, 406, 419, 468, 471, 34, 120-B IPC and other provisions of law. 10. The offences as detailed above have been committed in Delhi and thus this Hon'ble Court has jurisdiction to try and entertain the present complaint. PRAYER: In view of the aforementioned facts and also in the interest of justice, it is therefore, most respectfully and humbly prayed that this Hon'ble Court may graciously be pleased to:- (A) Take cognizance of the offence and direct registration of FIR under Sec. 420, 406, 120-B I.P.C. being committed by the Accused persons and initiate appropriate legal action against the Accused persons and punish them in accordance with law. Issue warrants in lieu of or in addition to the summons and the accused is dealt in accordance with law. (B) In the alternative the case may be referred to the local police station with a direction to register an FIR in the matter and thereafter conduct enquiry & investigation U/s. 156 (3) Cr.P.C. (C) Such other and further relief as the nature and circumstances of the case may require. And for this act of kindness, the complainant shall ever pray. Sd English Complainant Through Counsel Sd English Yashwant Singh & Pankaj Singh (Advocates) Date: 31st Oct 2015 DO/PS IP Estate please register a case u/s 406/409/420/468/471/120(B)/34 IPC and hand over the investigation to the undersigned. KC Kaushik Inspector/Investigation D/3536 P.S IP Estate (Delhi) 3/11/15. कार्यवाही पुलिस तहसीर की मौजूदगी पर मुकदमा दर्ज रजिस्टर करके व दर्ज Computer Operator द्वारा कराकर नकल मिसल पुलिस व असल तहसीर Insp. K.C. Kaushik साहब के हवाले की गई जो आईन्दा तफतीश अमल में लाएंगे। टीगर नकुनत वजरिये डाक अफसरान वाता की बिदमत में अरसाल होगे।

**13. Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:**

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं.2 में उल्लेख द्वारा के तहत है):

(i) Registered the case and took up the investigation:

OR (या)

(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(ii) Directed (Name of the I.O./जांच अधिकारी का नाम): KHEMCHAND KAUSHIK

Rank (पद):

I (INSPECTOR)

No(सं.): 28790466

to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) OR (या)

(iii) Refused investigation due to (जांच के लिए):

OR (के कारण इकार किया गया)

(iv) Transferred to P.S.(name)(थाना):

District(ज़िला):

on point of Jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost : (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी) :

R.O.A.C. (आर.ओ.ए.सी.):

**14. Signature / Thumb Impression of the Complainant / Informant:**

(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

Signature of Officer

Name(नाम): PRAMOD KUMAR

Rank (पद): HC (HEAD CONSTABLE)

No.(सं.): 28902209

**15. Date and Time of despatch to the court:**

(अदालत में प्रेषण की दिनांक और समय):

### LIST OF PENDING COMPLAINTS

<u>S.No.</u>	<u>Name of the Complainant</u>	<u>Complaint pending against whom.</u>	<u>Gist of allegation</u>
<u>1.</u>	Sh. Kirti Aazad, Hon'ble MP, Lok Sabha & Sh. Chetan Chauhan, Vice President, DDCA	Sh. S.P. Bansal, President DDCA and Sh. Anil Khanna, General Secretary, DDCA.	Embezzlement of Rs. 1.55 Crs. and transferring the amount in three different companies for the purpose of investment. <u>Complaint is pending under inquiry.</u>
<u>2.</u>	Sh. Kirti Azad, Hon'ble MP, Lok Sabha and Sh. Naveen Choudhary	Vinod Tihara, Convenor Sports Working Committee, DDCA, Sunil Dev, Sports Secretary, DDCA	Usurping of youngster cricket club belongs to Late Sh. Devender Choudhary. <u>Complaint is pending under inquiry.</u>
<u>3.</u>	Sh. Kirti Azad, Hon'ble MP, Lok Sabha	Sh. S.P. Bansal, President, DDCA & others DDCA officials.	Mismanagement, loot in IPL tickets, cuts & commissions in contracts of DDCA and misuse of subvention money given by BCCI. <u>Complaint is pending under inquiry.</u>
<u>4.</u>	Sh. Dinesh Kumar @ Balli, Jt. Secy & Director, DDCA 8.8.15	Sh. C.K. Khanna, Vice President DDCA and BCCI.	A massing huge wealth by manipulation, unfair means and irregularities committed in DDCA and threat of criminal intimidation. <u>Complaint is pending under inquiry.</u>
<u>5.</u>	Sh. Dinesh Kumar @ Balli, Jt. Secy & Director, DDCA 24.9.15	Sh. Ravinder Manchanda, Treasurer, Anil Khanna, General Secretary, C.K. Khanna, Vice President, Chetan Chauhan, Vice President, DDCA. etc, DDCA Officials	Theft of CD of minutes of meeting and forgery & criminal intimidation by Chetan Chauhan & others. <u>Complaint is pending under inquiry.</u>
<u>6.</u>	Sh. Vinod Tihara, Convenor, Sports Working Committee, DDCA 24.8.15	Sh. C.K. Khanna, Vice President, & Anil Khanna, General Secretary, DDCA.	Alleged forgery and manipulation in membership register maintained in DDCA office. <u>Complaint is pending under inquiry.</u>





# DELHI & DISTRICT CRICKET ASSOCIATION

(AFFILIATED TO THE BOARD OF CONTROL FOR CRICKET IN INDIA)

FEROZESHAH KOTLA GROUNDS, NEW DELHI - 110 002  
Tel. : 23319323, 23312721, 23752667, Fax : 91-11-23722097  
CIN No. U92411DL1909PLC000407

ANN. X

Date: 13/11/2015

The President

Board for Control of Cricket in India,  
Mumbai.

Sub: Furnishing of false financial statements to BCCI by certain  
Directors & office bearers of DDCA.

Sir,

We being the officials of DDCA wish to bring to light the misrepresentation being played by certain Directors and office bearers of DDCA and the loot which is being done on the name of game of cricket.

The undersigned has understood from the recent media reports that the financial statements including Balance sheets, profit and loss account etc for the period 2013-14 has been submitted with BCCI in order to take further financial assistance from it. It is well reported otherwise that the DDCA has become a hub for corrupt practices and misappropriation by few of the Directors and Office Bearers of DDCA to their own use. It is worth mentioning herein that though the undersigned are Directors of DDCA as well as holding the position of Hon. Club Secretary and Joint Secretary (Company Affairs), however no such financial statements, balance sheets or even trial balance was brought to the notice of the Executive. It shall

Page 1 of 5

not be out of place to mention herein that it is obligatory under the provision of Section 179 (3) (g) of the Companies Act, 2013 that the financial statements of a company shall necessarily be approved by the Board of Directors in a duly convened meeting of the Board or executive as the case may be and any other self assumed process of signing of such balance sheet is not only unjust but is patently illegal under the provision of the Companies Act, 2013 and attracts penal provisions as well. Provisions of Section 179 (3)(g) of the Act is reproduced herein below for ready reference:

**"179. Power of Boards-**

**(3) The Board of Directors of a company shall exercise the following powers on behalf of the company by means of resolutions passed at meetings of the Board, namely:—**

**(g) to approve financial statement and the Board's report;....."**

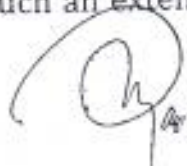
It is pertinent to mention herein that nor any meeting of Executive Committee has been convened nor called for approval of any of the financial statements of the DDCA. It shall not be out of place to note herein that infact the so called financial statements if any submitted to BCCI are nothing but an act of misrepresentation being played upon BCCI for extracting more financial assistance and to misappropriate the same. The statements, being not approved by duly convened meeting of the executive are non est in law and cannot be acted upon in any manner being not a legal document in eyes of law. It has also been reported that Mr. C.K. Khanna has submitted the said financial statements with BCCI. Shocking is the fact that Mr. C.K. Khanna being Vice President of DDCA as well as BCCI and being fully aware about the above fact as well as settled provisions of law, why and on whose instance he has attempted to present such false

 Page 2 of 5



financial statements with the BCCI is a matter deserves to be inquired into and appropriate action thereupon against the guilty is sine qua non. However, it is also unknown as to how he was able to secure access to these documents which are otherwise not put into public domain and not even put to the board in any manner whatsoever. These backdoor transactions if any are not only to be discouraged but are to be met with iron hands in order to save the game and its patrons.

Another astonishing fact which the BCCI must be aware about is that, it has been rumored that these illegal financial statements bear signatures of the persons including Mr. C.K. Khanna, Mr. Chetan Chauhan and Mr. Ravinder Manchanda, who were not only instrumental in appointing the fact finding committee through a duly passed resolution of executive committee in the meeting dated 13.12.2014 to give its finding on the financial irregularities reported by Internal Auditor as well as otherwise, the statement is further rumored to bear signatures of even few of members of the said fact finding committee itself. It is worth noting herein that it was Mr. Chetan Chauhan and Mr. Ravinder Manchanda along with Mr. C.K. Khanna who not only accepted the findings of the fact finding committee but had made several press briefings appreciating the findings of the fact finding committee as such and even issued various charge sheets to Mr. S P Bansal, Mr. Anil Khanna and Mr. Pankaj Bhardwaj (Ex. Chief Administrator) under the signatures of Mr. Chetan Chauhan calling their explanation upon the findings given by the above said committee. Now on the contrary what media reports suggest is that the financial statements have been manipulated to such an extent that the irregularities reported in the



manipulated to such an extent that the irregularities reported in the fact finding committee are being illegally regularized.

A mere perusal of the fact finding report would reveal that monies running into lakhs and crores are being misappropriated under garb of fictitious payments to close aids of various office bearers of the Association, without any actual work being done in regards to which the payments are being claimed. The fact finding report though once approved and accepted by the majority of the Executives of the Association is now being ignored and distorted in order to meet illegal desires of these corrupt office bearers. The fact finding committee notes various irregularities and misappropriation such as transactions with interrelated companies, payments to Kaushnik Buildcast Pvt. Ltd., unauthorized /unapproved payments to professionals, illegal payments to advocates, non maintenance of fixed assets register, money spent on Entertainment of directors, auditors, members etc., illegal payments through housekeeping and security service, illegal payment to tent house and decorators, caterers payments made to GMR and IPL cash expenses, misappropriation of funds by accounts manager Pritam Panwar, Chief administrator Pankaj Bhardwaj, Administrator CK Bhardwaj and civil engineer AK Chaurasia etc. The report is enclosed herein for ready reference.





It is also worth noting herein that the major misappropriation and irregularities pertain to period 2013-14, yet the treasurer for the said period has turned ignorance to all such fraud and misappropriation, which further creates doubt as to how under his supervision these financial misappropriation were committed. He infact claims that he has never signed any financial document or statement, which further establishes that he being custodian of finances of association deliberately did not do his duty being aware of these irregularities and allowed them to happen for reasons best known to himself.

There is more than what meets the eye, even we were approached by some of the Directors to sign these illegal financial statements, however my conscience did not allow me to sign the said fabricated documents. We therefore request you to kindly do not act upon any financial statement submitted to you without it being placed before the duly convened board of the Association and being deliberated upon by the board. We further request you to take appropriate action as deemed fit against the persons responsible for such misappropriation and falsification of the records.

Thanking you,



(SUNIL JAIN)

Club Secretary



(DINESH SAINI)

Joint Secretary (Company Affairs)

CC to:-

1. Mr. Chetan B. Sanghi, IAS, Principal Secretary U.D.P.W.D, Govt. of NCT of Delhi
2. Registrar of Companies, Delhi & Haryana
3. Mr. Anurag Thakur, BCCI Secretary

कीर्ति आज़ाद  
कीर्ति आज़ाद  
KIRTI AZAD

Member of Parliament  
(Lok Sabha)

Member  
Committee on MPLADS (Lok Sabha)  
Committee on Estimates  
Committee on Rural Development  
Consultative Committee : Ministry of Home Affairs



सत्यमेव जयते

ANN. XI  
खी.ओ. नं०/D.O. No. KA/7048/15

कैम्प/Camp : दिल्ली/Delhi  
बरनगा/Barhanga

दिनांक/Dated : 13/9/15

To,

Sh Arun Jaitley,  
Finance Minister,  
Government of India,  
North Block,  
New Delhi-110001

Respected Finance Minister,

Re: Defalcation of public money and taking action against DDCA for various frauds and irregularities.

We cricketers, coaches and cricket lovers have been raising issues with government authorities, about the rampant corruption and mismanagement in Delhi & District Cricket Association, over the last several years particularly those 15 years that you were in charge, but very little action, if any at all, has been taken to bring you and your "valued colleagues" to book. Several inquiries by ROC, SFIO, Internal Auditors, Executive Committee members etc have confirmed massive defalcations and round tripping of money, yet you and the government agencies under your charge have been remiss in taking action against the office bearers of DDCA.

You will recall at least 300 letters/emails/messages that I and other well meaning members, cricketers and cricket lovers have sent you over the years but as is your arrogant wont, you have never cared to even acknowledge those letters/messages and in fact have gone ahead to tarnish their image instead of looking within. Several responsible and reputed cricketers along with members of DDCA have been repeatedly complaining about the illegal and unauthorized construction carried by DDCA with scant regard to the law governing constructions in Delhi, so much so that we have a huge structure which has been constructed to house 42000 spectators, which is at a humongous risk. You are personally the architect of this monstrous stadium that has no approval for building plans and for which no Completion Certificate has been granted by Municipal Corporation of Delhi till date. The Disaster Management Authority (DDMA) has red-flagged the serious breaches of disaster preparedness of DDCA, yet matches have been going on in the stadium which has put the lives of 45000 spectators at risk. Your 'influence' ensures that DDCA keeps getting 'ad hoc' approvals from season to season even when there is no system of such approvals. While there is no procedure to grant NOCs with the condition that DDCA will be responsible for any mishaps, yet MCD have been buckling down to your unwarranted and illegal pressures in granting NOCs before every match. When MCD wishes to refuse, Courts are approached to get clearances without divulging the true picture. Facts are often hidden and ad hoc clearances are sometimes got even from the courts to ensure that matches are continued to be held without a care in the world.

It is shocking to note that illegal corporate boxes were constructed and were sub leased to 10 corporate houses. A company close to you and your family, 21st Century was tasked to 'sell/sub lease' these boxes for 10 years at Rs 36 crores, for which a commission of Rs 5.40 crores was paid to the said company, even when it was commonly known that you had personally spoken with companies like ONGC to get them to illegally sub lease these boxes, and that 21st



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**KIRTI AZAD**

Member of Parliament  
(Lok Sabha)



सत्यमेव जयते

डी.ओ. नं०/D.O. No. : KA/7048/15

कैम्प/Camp : दिल्ली/Delhi  
दरभंगा/Darbhanga

Member :  
Committee on MPLADS (Lok Sabha)  
Committee on Estimates  
Committee on Rural Development  
Consultative Committee : Ministry of Home Affairs

दिनांक/Dated : 13/8/15

Century had very little to do with sub leasing these boxes. Why commission was paid to them is perhaps known to you only?

It is common knowledge that gas cylinders and high voltage hot cases are used for cooking purposes in the stadium premises which only exacerbate the risk to the lives of 42000 spectators who throng the stadium to watch various IPL and International matches.

Whilst on the subject, I wish to draw your attention to the tough stand taken on 31st March, 15 by the Hon Supreme Court when it held that the three stands (L,J,K) of the MA Chidambaram Stadium in Chennai will not be used for seating spectators during cricket matches as they do not conform to regulations and public safety and their unauthorized parts need to be demolished. To quote what they said- "Your starting point was wrong. You are not an average citizen constructing one room or so, you are TNCA. Everything smells and everything stinks." a bench of Justice Ranjan Gogoi and Justice R.V. Ramana told the Tamil Nadu Cricket Association which owns the stadium, formerly called Chepauk Stadium. It asked the TNCA to submit to the Chennai Municipal Corporation its plan for the demolition of unauthorized structure. Directing that the requirements of setbacks must be complied with by carrying out necessary demolitions, the court said that once it is done, the TNCA would inform the CMC and seek inspection. Asking the TNCA to take necessary steps to remove unauthorized construction to meet the requirements of public safety, the court said: "If deficiencies are found to be removed, then CMC will act accordingly."

Further, the DDCA management has been earmarking thousands of tickets for being given as freebies, by being priced at mere Rs 100/- each, just to evade Entertainment tax. Several crores of Entertainment tax is evaded by under pricing of the most coveted stands. SFIO report, Internal Audit Report of V K Bajaj & Company, Fact finding Committee of DDCA office bearers, police, press, media etc have all but trashed the defence of your favorite DDCA office bearers who were literally ripping apart DDCA funds. Fake, exaggerated bills, sham accounts, round tripping of money, conflict of interest, influencing the then UPA government to look the other way for infraction of rules and procedure etc has all but exposed DDCA's manipulation of the system to evade the law. Some examples which will give you an insight into DDCA's fraud are:

1. Robbing of clubs was given a special fillip by DDCA's office bearers. No club today is now safe from the raiders, Sunil Dev and Vinod Tihara. Even a man who has died, his club is being taken over by DDCA's office bearers, who are prepared to return it only if they are paid a ransom of Rs 55 lakhs, which is all on tape. Complaints with the police are pending since very influential people are involved and the police is under intense pressure not to proceed against them.
2. Retaining the auditor specially handpicked by you, year after year, to camouflage the loot, has been a specialty of DDCA. First, Ashish Makhija, who was made Joint Secretary, Accounts when his own wife and her CA partner, Sanjay Bhardwaj were auditing the DDCA accounts was an example of extreme 'conflict of Interest'. Various members kept raising this serious breach in AGMs and letters, but DDCA was hell bent to retain the said Audit firm, albeit in different names. In fact 17 CA firms were being paid nearly Rs 2 crores as professional fees, and a few lawyers including those having relationship with DDCA office bearers were again being paid Rs 2 crores. When these lawyers were not appearing in cases for DDCA, they were discussing cases with senior lawyers of your



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सत्यमेव जयते

डी.ओ. नं०/D.O. No. : KA/7048/15

कैम्प/Camp : दिल्ली/Delhi  
दरभंगा/Darbhanga

Member :  
Committee on MPLADS (Lok Sabha)  
Committee on Estimates  
Committee on Rural Development  
Consultative Committee : Ministry of Home Affairs

दिनांक/Dated : 13/01/15

- own law firm, on phone, which was being charged at Rs 15000/ per telephonic discussion. Today, Sanjay Bhardwaj is facing Disciplinary action for various charges such as manipulating and window dressing accounts, and a case has been filed against him in Tis Hazari Courts by ROC (case no 215(3)) for the same charges. You will recall how several members routinely spoke up against retaining Sanjay Bhardwaj as auditor in view of the fraud accounts that he was passing, but you personally went out of your way to retain him as DDCA auditor and dubbed me as a Complaint Filing Authority and your role was to 'stand by' your 'valued colleagues'.
3. Much of the stadium was constructed without tenders, as has been confirmed by your personal friend Sh Narinder Baira, the then Treasurer, to SFIO. Contract given to EPI was further sub contracted to known companies, which can be traced through inter related directorships. From an initial budget of Rs 24 crores, the cost has escalated to Rs 130 crores, and the stadium is yet to get the completion certificate- showing an expenditure of several crores every year, helps some of your friends to ferret out money by producing fake bills from companies which have a direct/indirect relation with these very officials. In fact, many of the companies which have been steadily favored by advance payments for doing large but imaginary civil works, despite the stadium having been constructed only a few years back. It is now becoming clear that most of this money was swindled by the key office bearers by producing fake bills, many of which have been clandestinely passed by Narinder Batra and S P Bansal- the latter has since been caught with his hands in the till while round tripping DDCA's money into his company, Rattan Industries. And, Narinder Batra is trying his best to wash off his hands by somehow getting the last Balance Sheet of 2013-14 passed which had you and him still in saddle, for 9 months till 31 December, 13. I will not be surprised if all the papers relating to the construction of the stadium are destroyed or surreptitiously removed one of these days.
  4. It is clear that nearly Rs 25 crores were swindled in each of the years when your management was in power. You never bothered to answer queries raised by members and cricketers like us. In fact, you never answered questions raised even by a couple of your own colleagues such as Late Rakesh Mathur, Dr S S Sareen and Sunil Mittal. Of course, Bishan Singh Bedi, NCT Cricketers Association and I kept shouting from rooftops to wake you up but you chose to tacitly allow the loot and defalcation to go on unabated.
  5. Underpricing tickets, just to save Entertainment tax was a great ploy to keep everyone happy. Even if meant cheating of the Exchequer, you did not deem it proper to do a fair analysis of the entire costing process. The best seats in the stadium were priced at Rs 100/ whereas the lesser seats were priced at Rs 5000/ and above.
  6. Overage cricketers were allowed to play in lower age groups, which proved to be a hurdle for genuine young boys in turning out for their genuine age group teams. Corruption was endemic in DDCA and office bearers have been sticking to their chairs by exploiting the proxy-voting system, perfected under your 'crooked' leadership.

Kindly recall my hundreds of letters, meetings, several DDCA's AGMs, SMSs to you wherein I had brought to your attention the various acts of omission, commission, defalcation of public money and loot indulged in, by many of your trusted colleagues in various sports bodies, notably in DDCA. Despite your best attempts to keep the truth buried, truth is coming out slowly but surely.

SFIO report, Internal Audit Report of V K Bajaj & Company, Fact finding Committee of DDCA office bearers, police, press, media etc have all but trashed your defence of your colleagues who



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KIRTI AZAD

Member of Parliament  
(Lok Sabha)



सत्यमेव जयते

सी.ओ. नं०/D.O. No. : 4A/704R/15

कैम्प/Camp : दिल्ली/Delhi  
दफ्तर/Office : दिल्ली/Delhi

Member  
Committee on MPLADS (Lok Sabha)  
Committee on Estimates  
Committee on Rural Development  
Consultative Committee : Ministry of Home Affairs

दिनांक/Dated : 13/8/15

were literally ripping apart DDCA funds. Fake, exaggerated bills, sham accounts, round tripping of money, conflict of interest, your writing to police to overlook the misdeeds of your friends, meeting and influencing the then UPA government to look the other way for infraction of rules and procedure etc has all but exposed your double standards. Carefully crafted words, often using deft statements to signify sinister things while crafting a self perceived but exaggerated respectable view of yourself, is now beginning to come unstuck. Some examples which will jog your memory are:

1. Without any financial and HR manual in place, most of your friends in DDCA took out as much money as they wanted, on the basis of self approvals. Anybody could recruit anybody, even without necessary qualifications for the job without seeking the EC's approval. The result is that there are 60 peons in DDCA today, without any work.
2. Robbing of clubs was given a special fillip by your support to your dear colleagues. Had you acted in time, when I brought up Syndicate Bank's case, we would have been spared of a position where no club today is now safe from the raiders, Sunil Dev and Vinod Tihara. Even a man who has died, his club is being taken over by your dear friends, who are prepared to return it only if they are paid a ransom of Rs 55 lakhs, which is all on tape. Of course, without you at the helm, this plan is likely to come unstuck, since your support helped these crooks to succeed in their nefarious designs in the past and without your support, they will probably land behind bars soon.
3. Your great legal brain was used to play games in BCCI. Who can forget the commissioning of Private panel of Ex Judges to exonerate Meiyappan in IPL match fixing saga? Manipulating the flow of events in BCCI meeting, from a Delhi hotel is all too well known to merit any statement.
4. Under-pricing tickets, just to save Entertainment tax was a great ploy to keep your dear constituency happy. Even if meant cheating of the Exchequer, you did not deem it proper to do a fair analysis of the entire costing process. The best seats in the stadium were priced at Rs 100/ whereas the lesser seats were priced at Rs 5000/ and above.
5. Your role in the takeover of Hockey is equally inglorious. From being a lawyer representing Narinder Batra against IHF in 2008, you helped him to usurp the game of hockey from IHF which was running hockey since 1925, when you were not even born. By manipulating Government patronage, and leveraging your own Leader of The Opposition status, you pressurized the Sports Ministry to grant NSF status to Hockey India, of which your dear friend, Narinder Batra is the usurper King. Various legal rulings have gone against you and yet, the Government has been sitting tight over the entreaties of IHF to restore their NSF status.
6. On the same lines of DDCA, where massive bungling has been taking place over the years right under the patronage of Sh Narinder Batra and other cronies, you have now found another route to benefit HI. I am given to understand that your office has prevailed upon ONGC to give a grant of Rs 5 crores to HI to support hockey in India. As a Finance Minister, it is clearly a conflict of interest to ask any PSU to give large amounts to an organization in which you have a direct, personal interest. As a Board member, along-with your close buddies, Rajat Sharma, Rajeev Shukla, Narinder Batra etc, you have no business to seek funds from private or PSU bodies. Matchless qualities of round tripping expertise as witnessed in DDCA will soon be seen in HI too. I am sure that persons close to you including your own relatives will be given lucrative 'consultancy and legal' contracts to route the money to their accounts, as in the case of DDCA in the past.



कीर्ति आज़ाद  
कीर्ति आज़ाद  
KIRTI AZAD

Member of Parliament  
(Lok Sabha)



सत्यमेव जयते

डी.ओ. नं०/D.O. No. KA/7048/15

कैम्प/Camp : दिल्ली/Delhi  
दरभंगा/Darbhanga

Member :  
Committee on MPLADS (Lok Sabha)  
Committee on Estimates  
Committee on Rural Development  
Consultative Committee : Ministry of Home Affairs

दिनांक/Dated : 13/8/15

You will recall that I had sent you three letters alongwith books containing proof and had advised you to institute an SIT probe into DDCA, dating back to your own period of presidentship. You understandably buried the proof as well as my letters, despite an oath to act as per the constitution. In fact, the answers to my Parliamentary Question early this year given by Sh Jayant Sinha was full of factual inaccuracies which I have already taken up with the Honourable Lok Sabha Speaker. Whilst you are trying to get all the infractions as brought out by SFIO, compounded by smartly getting your own favorite lawyer U K Chaudhary (who used to represent DDCA in CLB for many years) as Member, Lok Adalat which settled many applications for as little as Rs 1000/- per infraction. It is shameful that a fraud of Rs 400 crores has probably been 'compounded' for Rs 10 lakhs, thanks to your own Ministries' benevolence.

Unfortunately, there is a conflict of interest in every Ministry that you are currently holding. I shall be releasing all material that I have assiduously collected over the years. Seeing you misuse your powers as Minister in-charge of several key Ministries, very reluctantly a few journalists have started reporting your involvement in a massive fraud that took place right under your nose during 15 years that you were in saddle in DDCA. I would love to see how you influence the media not to report such damning disclosures for very long.

Your nefarious role in messing up in DDCA and HI is coming out gradually. The day is not far when you will have to be answerable for all the loot that took place right under your charge. Despite repeated requests from well meaning people like Bishan Bedi, Gurcharan Singh, other cricketers and members, to quit DDCA since you did not have any idea of administration and finance you chose to be glued to the chair. While cricket went to the dogs in your regime, only your trusted friends prospered. The same model is now being replicated in Hockey India. Seeing your 'passion' for sports after having been a failure in any sporting discipline yourself, I will not be surprised if you try to become a President/Director in kho kho, Gulli danda, marbles etc. Since, many cases are being investigated by Ministry of Corporate Affairs and Finance Ministry against you and your friends, your role in suppressing the truth, if any, will be highlighted by people like me. I suggest that you desist from trying to influence these Ministries to whitewash action against your dear friends. I am looking forward to your being made accountable for your various actions/inactions over the years.

Your malicious and mischievous remarks about my being a 'loose cannon' all during my sustained campaign against your dark tenure in DDCA, are getting exposed and I have probably proved to be a far more focused cannon than you ever gave me credit for. And in all this, your mask is coming unstuck. Please use a better glue to keep it intact.

With regards?

*Yours Personal*

Yours truly,

*Kirti Azad*  
(KIRTI AZAD)

Encl: As above  
Cc. Hon MOS Finance, I&B  
Cc... All Secretaries in Finance, I& B, and Ministry of Corporate Affairs  
Cc... Director, CBI, Enforcement, CBDT.



Confidential

No. 5845/PE.4(S)/15/SCU.V/SC-II/CBI/New Delhi  
Central Bureau of Investigation  
Special Crimes-II, 2<sup>nd</sup> floor, 5-B,  
CGO Complex, Lodhi Road, New Delhi  
Phone: 011-24363303, Fax: 011-24361037

Dated: 23-10-15

To

The Hony. General Secretary,  
Delhi & District Cricket Association,  
Ferozeshah Kotla Ground, New Delhi-02.

Sub: CBI PE No. 4(S)/2015/SCU.V/SC-II/CBI/New Delhi

Sir,

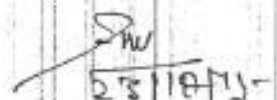
In connection with the subject cited Enquiry, attested copies of following documents/information for the period 2008-2013 are urgently required by the CBI:-

1. Copy of the Memorandum and Article of Association in respect of Delhi & District Cricket Association (DDCA).
2. The names and designation of the Govt. nominees on the Managing Committee of DDCA and the duties discharged by them for the aforesaid period.
3. The names and designation of the members of the Executive Committee of DDCA and the duties discharged by them for the above mentioned period.
4. The details of movable/immovable properties possessed by the DDCA and the manner in which they are possessed.
5. The details of immovable properties held by DDCA on Lease alongwith the certified copies of the lease deeds.
6. The details of constructions made by the DDCA for the above mentioned period.
7. What is the process of purchase of routine and non-routine items by the DDCA?
8. The details of the purchases of routine and non-routine items made by DDCA through inviting tenders and without inviting tenders.

9. The details of payments made to the members of the Executive Committee of the DDCA for the above said period.
10. The details of elections held by the DDCA.
11. The details of Audit of the financial transactions of DDCA alongwith the particulars of the Audit team and the fees paid to it.
12. The procedure of drawing salaries by the members of the DDCA.
13. The details of fine paid by the office bearers of DDCA during the above mentioned period.
14. Details of Inspection of DDCA carried out by different authorities.
15. The process of leasing, sub-leasing of Corporate Boxes of Ferozeshah Kotla Stadium, New Delhi and the details of the same for the aforesaid period alongwith the certified copies of lease deeds.
16. Copies of Annual Reports and statements of accounts of DDCA for the aforesaid period.
17. Details of Taxes paid by the DDCA to different Govt. authorities for the period 2008-2013.
18. Details of sources of income of DDCA.
19. Details of funds raised by DDCA for 2008-2013 and the source of funding.
20. The details of matters of DDCA pending in the Hon'ble High Court of Delhi at New Delhi or any other Court of Law.

It is, therefore, requested that the above mentioned documents/information may please be furnished to the undersigned at the earliest for the purpose of Enquiry.

Yours faithfully



(S.S. Kishore)  
Supdt. of Police (I/c),  
CBI/SC-II/New Delhi

Supdt. of Police  
CBI, SC-II, New Delhi