



(Estd. 1934)

## MAHARASHTRA CRICKET ASSOCIATION

(Affiliated to The Board of Control for Cricket in India 10-1-37)  
(Registered Under Societies Reg. Act, 1860) (Maharashtra 565/Pune)  
(Registered Under Bombay Public Trust Act, 1950 Reg. No. F-1042/Pune)

**Maharashtra Cricket Association's International Stadium**

**At Post : Gahunje, Teh : Maval, Dist : Pune**

**Phone : 020-27377162**

**E-mail Id :cricketmaharashtra@yahoo.com**

### Order of the Electoral Officer

Date: 07/01/2023

**Sub: Regarding suspension of voting rights of MCA member Shri Ranade .....**

**Ref: (1) Show Cause Notice to you dated 26/12/2022.**

(2) Your reply dated 29/12/2022 to Show Cause Notice

(3) E.O. letter dated 02/01/2023 giving opportunity to peruse the proof of political pressure and submit documents of stay order.

(4) Your reply dated 06/01/2023 to ref. no. 3.

Sir,

1. I conducted a meeting of all the MCA members on 20/12/2022, following the request of MCA vide their letter dated 15/12/2022 to conduct the elections of MCA at the earliest. Minutes of the said meeting are enclosed herewith, which are self-explanatory.
2. I declared the Election Program on 21/12/2022, after considering all the facts, legal provisions, opinion of MCA counsels on the objections raised during the meetings etc.
3. A show cause notice was issued to you on 26/12/2022 for using political pressure for influencing E.O. through a political leader, ex minister of Maharashtra, to stop the election process. You denied the above allegation vide your letter dated 29/12/2022. However, you continued with your allegations of elections being illegal, non- approval of the amended constitution by Hon'ble Supreme Court and/or Charity Commissioner etc through various means including press conference, media publicity also.
4. Thereafter you were given an opportunity by EO vide letter dated 02/01/2023 to (a) produce the order of Hon'ble High Court and or/any other authority in support of your above allegations and (b) peruse the evidence of using the political pressure by

visiting Electoral Office at 12:00 noon on 06/01/2023. In response to above opportunity, you neither submitted the documents in support of allegations, nor visited the office of E.O. to peruse the concerned documents.

5. I have carefully gone through the legal provisions of elections, both of your replies and the concerned documents, and find that,

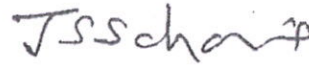
- a. The incoming call on 22/12/2022 at 9:47 hrs and the what's app message dated 22/12/2022 from 9:51 hrs to 14:44 hrs on my personal mobile phone, from senior political leader which also mentions your name, is the conclusive proof of you putting direct/indirect pressure on EO. Copies of this communication are on record of MCA.
- b. It is seen that you have been continuously making unsubstantiated allegations of elections being illegal. You have not been able submit any order of High Court and/or legal Authority of (i) elections having been stayed and/or (ii) elections cannot be held till the approval to the Amended Constitution by Hon'ble Supreme Court and/or Charity Commissioner. In fact the legal opinions given by MCA Adv Neela Gokhale dated 14/12/2022 and by Adv Wadekar dated 03/01/2023 are self-explanatory. Both have clearly advised to go ahead with the election in accordance with Constitution by the SGM on 10/11/2022. (Copies attached herewith)
- c. Rule 33(2) of the Constitution of MCA Pune, entrusts the duty on E.O. to oversee and supervise the entire election process. The same includes the responsibility to see that the elections are smoothly conducted and no rumours or false allegations be circulated which shall disturb the smooth process of elections or conducting of elections. Therefore, the authority to supervise the entire process of election and to ensure freeness and fairness in the process of election without permitting anybody to put undue influence on others in any manner or making false propaganda is vested in the electoral officer. Your continued

unsubstantiated allegations and use of political pressure create unwarranted suspicion about the purity of elections. This kind of obstructive policy by a senior member of MCA not only creates doubts in the mind of other MCA members but also public at large regarding the election not being free and fair and EO not being impartial. Creating this impression is not only unbecoming of a senior member of MCA like you but also is detrimental for healthier democracy.

6. In view of above, I personally feel that your activities are prejudicial to the free and fair election. Your intention seems to only obstruct the election by use of unsubstantiated allegations. I therefore feel that for the smooth conduct of election, your voting right should be suspended for the MCA election 2022-2025. I hereby pass the following Order.

#### Order

**The voting rights of Shri Madhav Ranade, Benefactor Member (Final Voter List Category A at Sr. no. 83), is hereby suspended for the MCA election 2022-2025 scheduled to be held on 08/01/2023.**



**J. S. Saharia**  
(IAS Retd),

Ex State Election Commissioner, Maharashtra  
and Electoral Officer, MCA.

To,  
**Shri Madhav Ranade**  
Benefactor' member of MCA  
2117, Sadashiv Peth,  
Vijaynagar Colony,  
Pune 411030  
Mobile: 9371084067





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### FROM THE OFFICE OF ELECTORAL OFFICER

Date: 20/12/2022

### MINUTES OF THE MEETING HELD WITH MCA MEMBERS

- 1) A meeting of all the eligible members of MCA was conducted by EO at 5:00 pm on 20/12/22 at MCA stadium, Pune to discuss their suggestions , if any, for making the coming elections of MCA more better and pure. List of the participants is enclosed herewith.
- 2) Address by Electoral Officer
  - 2.1) Welcoming the members, Electoral Officer referred to the following:
    - i. his (J S Saharia) appointment as EO vide MCA letter dated 28/09/2022
    - ii. MCA letter dated 15/12/22 requesting the EO to conduct the elections since compliance had been done, in terms of the orders of Hon'ble SC , to the amended Constitution (SGM 10/11/22),
    - iii. SC orders dated 14/9/22 relating to cooling off period/ disqualification etc. & amended Constitution of MCA
  - 2.2) He thereafter explained the election procedure in brief including the sequence of elections i.e. first of 16 councilors & thereafter of 5 office bearers.
  - 2.3) E.O. thereafter asked members if they had any suggestions etc.
- 3) Several members including Shri Pramod Shere, Shri Madhav Ranade, Ms Shubhangi Kulkarni, Ms Kalpana Tapikar, Shri Arvind Despande and Shri Jayant Yelulkar expressed their concerns or doubts on the following points:

- Important documents relating to elections have not been made available to the members, (like Supreme Court Order dated 14/09/2022, amended Constitution etc.)
- It is not clear whether approvals of Charity Commissioner & Hon'ble SC to the amended constitution have been received or not. If not the elections should not be held till then.
- All the amendments necessary in terms of SC orders have not been done fully
- Disputes regarding Elections held in 2019 are still pending
- Do International Players have now voting right or not?
- International Players will be elected or nominated?
- No election should be conducted till the final disposal of the Writ in filed High Court by the Jalgaon Cricket Association (WP 8294/2022).
- CoA has written to MCA that the MCA elections of 2019 was illegal.
- Elections to Mumbai Cricket Association conducted by Shri Sahariya in October 2022 were free and fair, and we all members at MCA Pune expect the same for MCA Pune.
- Elections should be taken at the earliest since Cricket is suffering due to absence of Apex Council
- All the important documents should be uploaded on the website for information of all.

4) E.O. thereafter informed as follow:

- i. Adv Dr Neela Gokhale by her mail dated 14/12/22 has clarified to MCA that " I can safely advise you to proceed with your election schedule, subject to filing the amendment before the Ld. Charity Commissioner in compliance with the requirements of the Maharashtra Public Charitable Trust Act 1950".

- ii. Change Report has been received by the office of Charity Commissioner on 28/11/22.
- iii. As per MCA, there are no stay orders against holding the elections from any Court including Writ Petition 8294/2022 and IA18986/2022, mentioned by Shri Ranade.
- iv. MCA has categorically denied the allegation that COA has termed 2019 elections as illegal.
- v. Since International Players are life members now, they can vote for election of Councillors as well as vote for the Office Bearers election from Life Members category .

5) EO thereafter summarized that:

- A. His job as EO was only to conduct free, fair, transparent & pure elections in terms of the complied amended Constitution and various judgements of Hon'ble SC/HC. He cannot comment on issues, problems, infirmities etc. not related to the elections.
- B. Orders of the Hon'ble Supreme Court (dated 14/09/2022) being the law of the land, will be followed both in letter & spirit.
- C. There is no apparent hurdle in conducting the elections in view of clear advice of Adv Dr Neela Gokhale & explicit request of MCA dated 15/12/22. Waiting for the approval of Charity Commissioner and/or pending court cases (where there is no stay), would adversely affect the timely conduct of elections, which would be detrimental to healthy democratic tradition.

6) In the end, EO:

- 1) directed the MCA to immediately upload on MCA website all the important documents like Amended Constitution (10/11/22), Supreme Court Judgment dated 14/09/2022, receipt of Assistant Charity Commissioner to the Change

Report, E.O. letter dated 05/12/2022, Email of Adv Neela Gokhale to MCA, MCA letter dated 15/12/2022 etc.

- 2) appealed to all the members to cooperate and participate actively in the election process.

The meeting thereafter ended with vote of thanks.

Approved and Signed by E.O.



Fwd: compliance of Supreme Court order dated 14.9.2022

From: Riyaz Bagwan (riyazbaggy@gmail.com)

To: cricketmaharashtra@yahoo.com

Date: Friday, 16 December, 2022 at 12:51 pm IST



14/12

Sent from my iPhone

Begin forwarded message:

**From:** Riyaz Bagwan <riyazbaggy@gmail.com>

**Date:** 14 December 2022 at 2:24:27 PM IST

**To:** Sahariya SEC <jssaharia@gmail.com>

**Subject:** Fwd: compliance of Supreme Court order dated 14.9.2022

Sent from my iPhone

Begin forwarded message:

**From:** Neela Gokhale <neelagokhaleadvocate@gmail.com>

**Date:** 14 December 2022 at 10:43:48 AM IST

**To:** Riyaz Bagwan <riyazbaggy@gmail.com>

**Subject:** compliance of Supreme Court order dated 14.9.2022

Sir

This is to inform you that as per the Judgment and Order dated 14.9.2022 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 4235/2014, the Maharashtra Cricket Association has amended its Constitution accordingly. On instructions from the Association, the compliance affidavit has also been filed before the Supreme Court along with a copy of the amended constitution and a copy of the same has also been provided to Shri Maninder Singh, Ld. Amicus appointed by the Hon'ble SC.

In these circumstances, I can safely advise you to proceed with your election schedule, subject to filing the amendment before the Ld. Charity Commissioner in compliance with the requirements of the Maharashtra Public Charitable Trust Act, 1950.

This is for your info only

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Regards

**Dr. Neela Gokhale**

Advocate

Supreme Court of India

<http://ipilegal.com/>

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\*Save the Environment. Save Paper. Avoid printing of this mail\*



## Reply to the query about the legality of holding the elections as per amended Constitution

From: Steno (steno@mwassociates.in)

To: cricketmaharashtra@yahoo.com

Date: Tuesday, 3 January, 2023 at 01:24 pm IST

Sir,

Please ignore the previous mail. This is the modified finalized copy.

Regards,

Adv. Manoj Wadekar

-----  
Manoj Wadekar & Associates, Pune, India



MCA- reply to the query about elections as per amended constitution.docx  
14.3kB

Date : 3<sup>rd</sup> January 2023

To,  
Maharashtra Cricket Association,  
Pune.

Sir,

This is with respect to the query about the legality of holding the elections pursuant to the amended Constitution made by you.

In this regard I would like to bring to your notice that the amended Constitution has approved by the General Body in its meeting of the Special Annual General Body held on 10/11/2022. The amendments have been made pursuant to the Order passed by the Hon'ble Supreme Court of India in Contempt Petition No. 47/2017 in Civil Appeal No. 4235/2014 along with other proceedings.

The said amendments have been carried out pursuant the Order passed by Hon'ble Dr D. Y. Chandrachud, Justice of Hon'ble Supreme Court of India. After the said amendments were resolved and approved by the Annual General Body, the Change Report pertaining to the same bearing Change Report No. 3855/2022 has been filed before the Learned Assistant Charity Commissioner No. 1 Pune.

At this stage I would like to bring to your kind notice that it is a Precedent laid down pursuant to the decided cases of Hon'ble High Court and Hon'ble Supreme Court of India that a change is legally recognized and can be given effect to from the date of Resolution upon filing of the Change Report to that effect. Accordingly the amendments made to the Constitution are legally recognized for their implementation and giving effect to the same from the date of Resolution, pursuant to filing of the Change Report No. 3855/2022. Also a compliance report relating to the said amendment have been filed by Maharashtra Cricket Association with the Amicus Curie appointed by Hon'ble Supreme Court of India.

In my opinion, as such the amendments made to the Constitution can be legally recognized and the elections of the Apex Council may be conducted pursuant to the amended Constitution. Copy of which is submitted before the Hon'ble Amicus Curie appointed by Hon'ble Supreme Court of India and before the Hon'ble Assistant Charity Commissioner No.1, Pune Region in Change Report No. 3855/2022 which is pending before the Hon'ble Assistant Charity Commissioner No.1.

Thanking you,

Yours faithfully,

**Adv. Manoj Wadekar**