



2026:AHC:161014-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 3329 of 2026

The Cricket Association of Uttar Pradesh

.....Petitioner(s)

Versus

Uttar Pradesh Cricket Association and 6 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ramesh Kumar Yadav
Counsel for Respondent(s)	: A.S.G.I., Anuj Srivastava, C.S.C., Gaurav Bishan, Manjari Singh

Reserved

A.F.R

In Chamber

HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.
(Per : Justice Siddharth Nandan)

Sl.No.	Index	Page Nos.
I	Exordium	2-3
II	Facts	3-5
III	Contentions on behalf of the petitioner	5-7
IV	Contentions on behalf of the respondents	7-20
V	Issues	20-21

VI	Discussion	21-32
VII	Conclusion	33

1. Heard Sri Ramesh Kumar Yadav, learned counsel for the petitioner, Sri Kartikeya Saran, learned Additional Advocate General for respondent no.1, Sri Rishi Kumar, learned Additional Chief Standing Counsel, Sri Manoj Kumar Mishra and Sri Chandrika Patel, learned Standing Counsel for the State-respondents, Sri Gaurav Bisan, learned counsel for respondent nos.5 and 6, Sri Anuj Srivastava, learned counsel for respondent no.7.

2. The present writ petition has been filed with the following prayers:-

- i. Issue a writ order or direction in the nature Mandamus directing the concerned authorities to transfer all the assets, accounts and resources of the dissolved "THE UTTAR PRADESH ASSOCIATION" CRICKET formed under the Society Registration Act, 1860 held by it on 13.07.2005, in favour of the petitioner.*
- ii. Issue any appropriate writ, order or direction to Respondent no 7, The Board of Control for all the in India, to transfer liabilities conferred by it to the dissolved "The Uttar Pradesh Cricket Association" formed under the Society Registration Act, 1860, to the petitioner.*
- iii. Issue any appropriate writ, order or direction to the respondent no 2 to ban the respondent no. 1, Uttar Pradesh Cricket Association from engaging itself in any activity related to the game of cricket in the State of Uttar Pradesh.*
- iv. Issue necessary directions for investigation by CBI or any other competent agency to enquire into the matter of illegal use of property of dissolved "The Uttar Pradesh Cricket Association" formed under the Society Registration Act, 1860 by the respondent no.1, Uttar Pradesh Cricket Association, which lawfully vested in Government of Uttar Pradesh.*
- v. Issue an appropriate writ, order or direction for a high-level inquiry into the matter of grant of permission by the respondent no.6, The Registrar of to Companies, U.P., Kanpur, respondent no.1, Uttar Pradesh Cricket Association to use the assets, accounts and liabilities of the dissolved "The Uttar Pradesh Cricket Association" formed under the Society Registration Act, 1860.*
- vi. Issue a writ, order or direction to constitute the High-Level Committee to enquire into the matter of alleged affiliation and financial aid given by the Respondent no 7, The Board of Control for*

Cricket in India to respondent no 1, Uttar Pradesh Cricket Association after its registration under the Company Act.

vii. Issue an appropriate writ, order or direction to constitute a high-level committee to inquire into the matter of holding of the post by the officials of respondent no. 1, Uttar Pradesh Cricket Association in contravention of the decision in civil appeal no. 4235 of 2014, Board of Control in India and others versus Bihar Cricket Control Board and others and against the norms set and formulated by the Hon'ble Mr. Justice R.M. Lodha.

viii. Issue such other appropriate writ, order or direction as this Hon'ble Court may deem just and proper in the facts and circumstances of the case and in the interest of justice.

Facts

3. Learned counsel for the petitioner has submitted that after the exchange of pleadings by the respective parties, what clearly emerges is that the Society known as “The Uttar Pradesh Cricket Association” (hereinafter referred as “The UPCA”) has not been dissolved as per the provisions of Section 13 of the Societies Registration Act, 1860 (hereinafter referred as “the Act, 1860”); though earlier they were under the impression that “The UPCA” has been dissolved.

4. He further places reliance upon Section 14 read with Section 14A of the Act, 1860, with respect to the disposal of the property of the Society which is sought to be dissolved; and submits that it shall be lawful of the Members of the Society, which is sought to be dissolved under Section 13 of the Act, 1860, to determine by the majority of the votes of the members present, personally or by proxy, at the time of dissolution of such property, that any property whatsoever remaining, after the satisfaction of the debts and liabilities, ‘shall’ be given to the Government, to be utilized for any purpose referred to in Section 1. It is noteworthy that Section 14A of the Act, 1860, starts with a non-obstante clause i.e. notwithstanding anything contained in Section 14.

5. This Court in its previous order dated 23.02.2026 had also noted the following, factual assertions:-

“12. Learned counsel for the petitioner in the backdrop of the aforesaid legal submission has made the following factual assertions:

- i. *“The Uttar Pradesh Cricket Association” was formed and registered under the Act, 1860 on 22.10.1955; and though it alleges to be affiliated to the respondent no.7, but no document is available pertaining to the same.*
- ii. *Respondent no.1 i.e. “The Uttar Pradesh Cricekt Association” (hereinafter referred as 'U.P.C.A.') is registered under Section 25 (now Section 8) of the Companies Act, 1956 vide certification dated 13.07.2005; and whereas the memorandum and Article of Association of UPCA states the main objectives, which includes taking over/acquiring the assets and liabilities of “The UPCA” and the said Society shall cease to exist; and accordingly alleges the dissolution of the erstwhile “The UPCA” on or before 13.07.2005.*
- iii. *Bank account of the dissolved “The UPCA” is now being used by “UPCA” after it's registration under the Companies Act, 1956; by fraudulently omitting the word “THE” of the dissolved “The Uttar Pradesh Cricket Association”;*
- iv. *Relying upon the letter dated 05.11.2024 written to the Finance Minister Government of India (Annexure-5), an outstanding dues as against respondent no.1, for the evasion of tax is stated to be Rs. 90,71,99,981.68/-.*
- v. *Office Bearers of UPCA are holding posts in contravention of the decision dated 09.08.2018 of the Hon'ble Supreme Court passed in Board of Control for Cricket in India and others vs. Bihar Cricket and others7.*
- vi. *The Case Crime No. 53 of 2019 under Section 420 and 120B IPC, Police Station Kotwali Chandauli, District Chandauli is said to have been registered against the office bearers of UPCA and a charge-sheet has been submitted (Annexure-6).*
- vii. *“Sports” in India is a subject matter of “State list of 7th Schedule” of the Constitution of India and the Government of Uttar Pradesh has not formulated any policy for development and promotion of Cricket in the State of Uttar Pradesh; and since BCCI is an autonomous body and not being part of the National Sports Federation, a statement issued by the Under Secretary, Department of Yough Affairs and Sports Government of India dated 11.01.2023 (Annexure-9) is sought to be relied upon, which states that the Ministry has not recognized any Federation for the sport of Cricket in India; and in case the Government does not recognize any National Sports Federation, the respondent no.7 i.e. BCCI cannot claim itself to be the governing body of the game i.e. Cricket in India.*
- viii. *He alleges discrimination by the BCCI, by disregarding the list of its selected Cricket Team Players for participation in the Ranji Trophy Cricket Tournament for the year 2025-26 which is against the objectives of the Association.*
- ix. *Out of 18 Divisions and 75 Districts of the State of Uttar Pradesh, 39 Districts with 10 Divisions are under the jurisdiction of the petitioner's Association, but unfortunately UPCA does not give proper representation to the younger cricketers of the 39 Districts and not even 5% cricketers are selected in the team, whereas 95% cricketers are selected from the remaining 36 Districts of the 8 Divisions of the State of Uttar Pradesh.*
- x. *He has represented before the Minister of State for Sports of Youth Welfare Government of Uttar Pradesh but no action has been taken to form State*

Level Cricket Team, which otherwise has been permitted by the respondent no.7 in other States e.g. respondent no.7 has given affiliation to 3 teams in the State of Gujarat and 3 teams in State of Maharashtra which has lessor population then the State of Uttar Pradesh.”

Contention of the petitioner:-

6. In the aforesaid factual background, the petitioner in support of the prayer made in the writ petition, submits that, even the State has taken a stand that “The UPCA” has not been dissolved in terms of Section 13 of the Act, 1860, and it is the power of the Registrar to dissolve a Society and by merely passing a resolution, it cannot be said that the Society has been dissolved; and the said contemplation in the Act, 1860 is in view of the fact that it is only lawful for any member of the Society to dissolve the said Society under Section 13 of the Act, 1860, by at least 3/5th of the majority of the votes; and after settlement of the property of the Society, its claims and liability, any property whatsoever remaining after the satisfaction of all the debts and liabilities, to give the remaining assets to the Government, to be utilized for any of the purposes referred to in Section 1, as has been provided under Section 14A of the Act, 1860, which start with a non-obstante clause.

7. He further submits that Section 13 of the Act, 1860, is qualified by the second proviso, which states that whenever any Government is a contributor to a Society, it shall not be dissolved, without the consent of the Government of the State; and since Government has already issued a letter dated 20.09.2006, as annexed as Annexure-4 to the affidavit filed along with the writ petition; wherein it has been specifically mentioned that, the Deputy Registrar after perusal of the balance sheet of the Society, vide order dated 14.09.2005, had observed various irregularities relating to the expenditure and had made a specific observation that there is misappropriation of the public funds; and accordingly the Society could not have been dissolved without the consent of the Government.

8. On the basis of the aforesaid, the petitioner submits that in the said letter, an order passed by the Deputy Registrar, clearly indicates that there was contribution by the Government in the Society and

accordingly the Society cannot be dissolved without the consent of the Government; and consequently its property could also not have been appropriated; by transferring the same to the “UPCA” which is a company incorporate.

9. He further places reliance on Clause-2(r) of the Memorandum of Association of “The UPCA” to submit that the association shall not be dissolved unless there is a resolution at a ‘special general meeting’ of the Association and by majority of 3/5th of the members, after the satisfaction of all debts and liabilities, any property or funds whatsoever, shall be given or transferred to some other Institution or Institutions, having objects similar to those of the Association and not running for profit. For ready reference Clause 2(r) is reproduced below:-

“2. The objects of the Society are:

(r) The Association shall not be dissolved unless its dissolution is decided upon by a resolution at a Special General Meeting of the Association called for the purpose and passed by a majority of the 3-5th of the members on the membership list. In case of dissolution of the Association if there shall remain after satisfaction of all debts and liabilities, any property or funds whatsoever, it shall be given, amalgamated or transferred to some other Institution or Institutions having objects similar to those of the Association and not running for profit.”

10. He thereafter submits that the license under Section 25 of the Act, 1956 for registration of a company in the name “UPCA” was issued on 6th July, 2005; and thereafter the Company was registered in terms of the Act, 1956.

11. The petitioner also places reliance on the documents, which have been placed on record along with the counter affidavit of the respondent no.1; and submits that the minutes of the meeting of Board of Directors of “UPCA” held on 03.09.2005, shows that a resolution was passed, to open bank accounts in the name of “UPCA” and by the same resolution the bank accounts of “The UPCA” were closed, consequent upon the alleged dissolution of the Society and acquisition of assets, properties, liabilities and functions of the said Society by “UPCA”, a company incorporated under Section 25 of the Companies Act, 1956 w.e.f. 03.09.2005; and further the banks be requested to transfer all the funds

lying to the credit of the said account of “The UPCA” to the new account of the Company.

12. He further submits that resolution of the Board of Directors of “UPCA” incorporates that on the same day i.e. 03.09.2005, a resolution has been passed by the members of the Society, by more than 3/5th of its total members personally present including the proxy, to dissolve “The UPCA” and to transfer all assets and liabilities and function to “UPCA”, which has been incorporated under Section 25 of the Act, 1956, having its main object to take over/acquire the assets and liabilities of “The UPCA”.

13. In the Minutes of the Meeting of Board of Directors of “UPCA” dated 30.09.2025, at item no. 2, it was also resolved that the audited statement of account of “The UPCA” (dissolved society) for the year ending 31.03.2005, together with the report of auditor thereon be and thereby approved and adopted; and similarly at item nos. 3 and 4 resolutions were passed adopting the statement of account and the budget of “The UPCA” (dissolved society) for the period 01.04.2005 to 02.09.2005 and thereafter the budget of the Company for the period 03.09.2005 to 31.03.2006.

Contention of the Respondent no. 1 i.e. “Uttar Pradesh Cricket Association”- UPCA

14. Sri Kartikeya Saran, learned counsel appearing on behalf of respondent no.1, while meeting out the contention of the petitioner, submitted that under Section 13 of the Act, 1860 it has been clearly stated that members of a Society, not less than 3/5th of its members, may determine that the Society be dissolved, and there upon “it shall be dissolved forthwith”; and steps shall be taken for the “disposal” and “settlement of property” of the society, its claims and liabilities, according to the Rules of the said society applicable thereto.

15. In view of the aforesaid, he submits that 3/5th members of “The UPCA” in the extraordinary general meeting held on 03.09.2005, had unanimously resolved that all the assets, liabilities and functions of the

Society, be transferred to new company licensed under Section 25 of the Act, 1956; and the Society stands dissolved w.e.f. the date, the said company gets the licence under Section 25 of the Act, 1956; which is in consonance with Section 13 of the Act, 1860; and all the statutory or any other obligations of the Society or relating to its affairs or arising there from, whether prior or subsequent to its dissolution, shall from the date of dissolution of the said Society, be discharged by the new company.

16. He thereafter submits that the Board of Directors of “UPCA” (Company limited by guarantee under Section 25 of the Act, 1956) incorporated on 13.07.2025, with the main object to take over/acquire the assets, liabilities of “The UPCA” (Society) in their meeting held on 03.09.2005 resolved that all the assets, properties and liabilities of “The UPCA” (Society) as well as its functions stood transferred and vested in “UPCA” with immediate effect.

17. He further submits that vide a letter dated 05.09.2005, the Secretary of “The UPCA” informed the Registrar Firms, Societies and Chits, U.P., under certificate of posting about the dissolution of the society and the transfer of the assets and its liabilities to “UPCA”; and now after the 03.09.2005 resolution of the Board of Directors of “UPCA”, “The UPCA” (Society) stood dissolved w.e.f.03.09.2005.

18. He further submits that as far as the provisions of Section 14 of the Act 1860 is concerned, it is attracted only if upon the dissolution of the society, there remains any property, after the satisfaction of all debts and liabilities; and in that case only, the same shall be given to some other society, to be determined by the General Body of the Society, of not less than 3/5th of its members present personally or by proxy, at the time of the dissolution.

19. However, in the present case the members had already determined, by the vote of not less than 3/5th of its members, to appropriate the property upon “UPCA”; and as such Section 14A of the Act, 1860 shall also not be applied.

20. However, as far as the second proviso to Section 13 of the Act, 1860 is concerned, he submits that it is upon the State Government, to establish that they were the contributors in the Society registered under the Act, 1860 i.e, “The UPCA”; and only thereafter the embargo in the second proviso to Section 13 of the Act, 1860 shall be attracted; which they have failed to do so; and now at this belated stage, when much water has flown, they cannot be permitted to unsettle the long standing position.

21. He further submits that a Public Interest Litigation by way of **Writ-C No.3925 of 2025, (Pradeep Prasad & others vs. Union of India and others)** was filed before the High Court of Delhi, to declare the registration of “UPCA” as a Company under Section 25 of the Act, 1956, as illegal, contrary to the provisions of the Companies Act; along with other reliefs, which was dismissed, after giving reference to a case file before the Allahabad High Court being Civil Misc. Writ Petition No.61580 of 2005, holding that “The UPCA” which was registered under The Society Registration Act, 1860 has now been incorporated as a Company under the Act, 1956; and in spite of the said observation suddenly the petitioner herein have woken up from slumber in the year 2022, challenging the incorporation of the “UPCA” in the year 2005 and that too before the High Court of Delhi and not before the High Court, Allahabad. He submits that in view of the said observation also, the present petition is liable to be dismissed.

22. Sri Kartikeya Saran, learned counsel for the respondent no.1, also submits that the respondents are duly affiliated with the Board of Control for Cricket in India, to represent the State of Uttar Pradesh in BCCI, as member of BCCI and for undertaking cricketing activities in the State of Uttar Pradesh. He further submits that adopting the procedure as indicated herein above, pursuant to the takeover of the Society, all members of the Society, became members of the answering respondents; and thereafter certain petitions were also filed before the Allahabad High Court and Delhi High Court, but the same were dismissed; and again after 21 years another petition has been filed, now raising the grievance

that the erstwhile “The UPCA” (Society) was not dissolved; and it is also not open for the State to contend that the Society was not dissolved as they were contributors in the Society, for want of any evidence being brought on record, except for one letter in which it was alleged that the public fund has been misappropriated by the erstwhile society; and the existence of the company or the dissolution of the Society, cannot be questioned at this belated stage and the respondents are discharging their duties, as per the objects of the company and catering to the development of Cricket, all across the State of Uttar Pradesh; and no ground is being made out for exercising extraordinary jurisdiction under Article 226 of the Constitution of India.

23. He next contends that the respondent no.1 provides the platform to all cricket players in the State of U.P. by facilitating registration online and presently about 21,208 players are registered from all 75 districts of Uttar Pradesh; the answering respondent conducts Uttar Pradesh State Premier League, which is a talent hunt programme. He also places reliance upon Clause 2(r) of the memorandum of association, which is in consonance with the Act, 1860, regarding the transfer of assets to another Institution; and the question of invocation of Section 14A of the Act, 1860 does not arise.

24. He also submits that the dissolution of the Society and the transfer of its assets, has been strictly in accordance with Section 13 and 14 of the Act, 1860; and any allegations contrary to the record cannot be entertained, putting the existence of the company in jeopardy, which is functioning for the last 21 years; and the Apex Court in the case of **Board of Control for Cricket vs. Cricket Association of Bihar**¹, in its judgment dated 09.08.2018 approved the draft Constitution of the BCCI with certain modifications and certain directions were issued which are reproduced below:-

"45.2. Upon the registration of the said Constitution of BCCI, each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 30 days thereafter. A compliance certificate must be furnished to the CoA, which shall file a status report before this

1. 2018 (9) SCC 624

Court with reference to the compliance undertaken by the State Associations; and

45.3. In the event that any State Association does not undertake compliance with the aforesaid directions, the directions contained in the orders of this Court dated 7 October 2016 and 21 October 2016 shall revive."

25. In compliance of the aforesaid directions the respondents have also amended its Articles of Associations and submitted a compliance certificate dated 20.09.2018, before the Apex Court; and as such the answering respondents have also qualified to participate in the BCCI General Body Meeting; and in the aforesaid facts he submits that the Article of Association of the answering respondents, being in compliance with the direction issued by the Hon'ble Apex Court, stands approved under the mechanism devised by the Hon'ble Supreme Court; and accordingly the present writ petition in view of the aforesaid fact also deserves to be dismissed.

26. Counsel for the Respondent has also relied upon a decision in the case of **Andi Mukta Sadguru vs. V.R. Rudani and others²**. For ready reference paragraph nos. 20 and 22 is quoted below-

"20. The term "authority" used in Article 226, in the context, must receive liberal meaning unlike the term in Article 12. Article 12 is relevant only for the purpose of enforcement of fundamental rights under Article 32. Article 226 confers power on the High Courts to issue writs for enforcement of the fundamental rights as well as non-fundamental rights. The words "any person or authority" used in Article 226 are, therefore, not to be confined only to statutory authorities and instrumentalities of the State. They may cover any other person or body performing public duty. The form of the body concerned is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owed by the person or authority to the affected party. No matter by what means the duty is imposed, if a positive obligation exists mandamus cannot be denied.

22. Here again we may point out that mandamus cannot be denied on the ground that the duty to be enforced is not imposed by the statute. Commenting on the development of this law, Professor de Smith states: "To be enforceable by mandamus a public duty does not necessarily have to be one imposed by statute. It may be sufficient for the duty to have been imposed by charter, common law, custom or even contract." [Judicial Review of Administrative Action, 4th Edn., p. 540] We share this view. The judicial control over the fast expanding maze of bodies affecting the rights of the people should not be put into watertight compartment. It should remain flexible to meet the requirements of variable circumstances. Mandamus is a

2. AIR 1989 SC 1607

very wide remedy which must be easily available “to reach injustice wherever it is found”. Technicalities should not come in the way of granting that relief under Article 226. We, therefore, reject the contention urged for the appellants on the maintainability of the writ petition.”

Arguments of respondent no.3

27. Short affidavit has been filed on behalf of the Principal Secretary Youth Affairs and Sports, Government of India, New Delhi and the stand taken is that BCCI is the Apex body that looks after the development and management of the sports of Cricket in India; but however the Ministry has not recognized BCCI as a National Sports Federation, accordingly Ministry does not have any role in the instant matter.

Arguments on behalf of respondents no. 4 and 5

28. The stand taken by the Registrar, Firms, Societies and Chits, Lucknow, Uttar Pradesh in its affidavit is to the effect that since “The UPCA” which was registered on 22.10.1955 under the Act, 1860 bearing Registration No.276/1955-56, as per the provisions of Section 13 of the Act, 1860, the vesting of the assets of the Society in the Company registered in the name of “Uttar Pradesh Cricket Association”, could not have been done. For ready reference para-5 of the Counter Affidavit filed on behalf of respondents No. 4 and 5 reproduced below:-

“5. That it is most respectfully submitted here that no resolution or any document relating to dissolution of the Society i.e. Uttar Pradesh Cricket Association (Registration No. 276/1955-56) has ever been submitted in the office of Deputy Registrar, Firms Societies & Chits, Kanpur, however the registration of the aforesaid Society which expired on 10.10.2005 and the same has not been renewed thereafter. It is further submitted that the Deputy Registrar, Firms Societies & Chits, Kanpur Division, Kanpur vide his letters dated 07.10.2005 & 21.11.2005 addressed to the President and Secretary of the Society i.e. V.P. Cricket Association, Kamla Tower, Kanpur had sought the copy of the proceedings taken place under Section 13 of, the Societies Registration Act, 1860 for dissolution of the Society, specifically stating therein that any act of vesting the assets of the society in the Company registered in the name of the Company i.e. Uttar Pradesh Cricket Association is against the provisions of Section 13 of the Societies Registration Act, 1860, but in response of the aforesaid, no communication was received in the office of the Deputy Registrar Firms Societies & Chits, Kanpur Division, Kanpur. For kind perusal of this Hon'ble Court photocopies of the letter dated 07.10.2005 & 21.11.2005 of the Deputy Registrar, Firms Societies & Chits, Kanpur Division, Kanpur are collectively been filed herewith and marked as ANNEXURE NO. CA-1 to this counter affidavit.

29. It has further been stated that the respondent no.5 vide its order dated 15.09.2005, exercising its power under Section 25(2) of the Act, 1860 declared the executive body, time barred and had instructed the respondent no.4, Deputy Registrar, Firms, Societies and Chits, Kanpur Zone, Kanpur, to finalize the membership of the general body and hold the elections and thereafter vide letter dated 20.09.2005, addressed to the Society, a list of members of the general body of the Society was sought; but due to their non-cooperation, elections could not be conducted.

30. It has further been alleged that the said letter dated 15.09.2005 and 20.09.2005, were assailed before the High Court in **U.P. Cricket Association through its Honorary Secretary, J.P. Bajpai vs. State of U.P. & others**³ and this Court vide its order dated 30.09.2005 had made the following observations:-

“It has been stated by the petitioner that A.G.M. of the petitioner society is scheduled to be held today for fresh elections. If the list of the office-bearers elected is filed u/s 4, the Deputy Registrar will be free to pass appropriate orders with regard to the new elections and the office-bearers elected therein, after giving opportunity of hearing to the petitioner with detailed reasons, in accordance with law.”

31. He further submits that vide letter dated 05.12.2003, the respondent no.5 had sought relevant records of the Society under Section 22 and 23 of the Act, 1860; and further vide letter dated 26.08.2005 exercising its power under Section 24 (1) of the Act, 1860, nominated 2 employees of the Department for inquiring into the accounts of the Society, jointly. The said order dated 26.08.2005 was also challenged before this Court by way of **Writ-C No.61580 of 2005 (U.P. Cricket Association through its Honorary Secretary, J.P. Bajpai vs. Union of India & others)**; in which an interim order was granted by the State vide its order dated 15.02.2006, to the effect that no further action will be taken by the respondents pursuant to the impugned order dated 26.08.2005.

3. Writ-C No.64028 of 2005

32. He finally submits that no information regarding any proceedings, in furtherance of Section 13 of the Act, 1860 was received in the office of the respondent no.4 and that no resolution or any document relating to the dissolution of the said Society, was ever submitted in the office of the Deputy Registrar, Firms, Societies and Chits, Kanpur Zone, Kanpur till date.

33. For ready reference para-14 and 19 are also reproduced herein below:-

“14. That the contents of paragraph no. 4 of the writ petition are not admitted in the form they stand hence denied. In reply thereto it is submitted that no resolution or any document relating to dissolution of the Society i.e. Uttar Pradesh Cricket Association (Registration No. 276/1955-56) has ever been submitted in the office of Deputy Registrar, Firms Societies & Chits, Kanpur till date.

19. That the contents of paragraph no. 16 of the writ petition are not admitted in the form they stand hence denied. In reply thereto it is submitted that no resolution or any document relating to dissolution of the Society i.e. Uttar Pradesh Cricket Association (Registration No. 276/1955-56) has ever been submitted in the office of Deputy Registrar, Firms Societies & Chits, Kanpur till date.”

34. Sri Manoj Kumar Mishra, learned Standing Counsel had also submitted that as per the last renewal of the Society, the same was valid upto 10.10.2005 and the order under Section 25(2) of the Act, 1860 was also passed on 15.09.2005; but however, he could not dispute that the resolution which was passed by the 3/5th member "The UPCA" (Society), was in the extraordinary general meeting held on 03.09.2005, which is prior to the passing of the order under Section 25(2) of the Act, 1860 i.e. 15.09.2005. However he maintains that the petitioner has not produced any evidence, that the respondent nos. 4 and 5, had violated any of the statutory provisions and further that as per the records of the answering respondents, the Society, was not dissolved as per the provisions of Section 13 of the Act, 1860 and Clause 2(r) of its memorandum of association; and eventually he submits that since the

petitioner has failed to show any statutory violations, the present writ petition deserves to be dismissed, vis-a-vis the respondent nos. 4 and 5.

Arguments of respondent no.6

35. The Registrar of Company, U.P. has also filed its affidavit and corroborates the stand of the respondent no.1, to the effect that the company was incorporated on 13.07.2005 with the R.O.C., Kanpur as a Company Limited by Guarantee with the following main objects:-

- "i. To take over/acquire the assets and liabilities of "The Uttar Pradesh Cricket Association" and the said Association shall cease to exist.*
 - ii. To diffuse useful knowledge in such manner as to encourage, promote, control and regulate the game of Cricket.*
 - iii. To diffuse useful knowledge of the game of Cricket, to encourage the formation of District and other Regional Cricket Associations in the various parts of the Uttar Pradesh.*
 - iv. To arrange, control, regulate and if necessary finance matches and tours of representative Cricket teams visiting Uttar Pradesh by invitation of the Company and of teams representative of the Company going out of Uttar Pradesh for diffusion of the useful knowledge of the game of Cricket.*
 - v. To organize and conduct League and Knock-out Tournaments for the diffusion of useful knowledge and fine arts of the game of Cricket.*
 - vi. To adjudge and give its decision on all matters, disputes or points of difference in connection with the technicalities of the game or tournaments which may be referred to it for the diffusion of useful knowledge and fine arts of the game of cricket.*
 - Vii. To foster the spirit of sportsmanship and the ideals of Cricket amongst students and others in general and educate them in the same, and to organize coaching schemes, tournaments and exhibition matches amongst schools, colleges, universities, districts with fine arts of cricket for diffusion of its useful knowledge.*
- Copies of the Certificate of Incorporation and the Memorandum of Association (MoA) are marked herewith as Annexure CA-2 & CA-3 respectively."*

36. The copy of the balance sheet along with Schedule B is annexed. For ready reference para 5 is quoted below:-

- "5. The accounts have been prepared for the period from 13.07.2005, that is, the date of incorporation to 31.03.2006. The erstwhile U.P. Cricket Association (The Society) was dissolved on 02.09.2005 and all assets, liabilities and functions of the dissolved society have been transferred with effect from 03.09.2005 to Uttar Pradesh Cricket Association (a company licensed under section 25 of the Companies Act, 1956)"*

Arguments of respondent no.7

37. The Board of Control for Cricket in India (BCCI) in its affidavit has taken a preliminary objection to the effect that no writ can be sought against the petitioner since its a registered Society, under the Tamil Nadu Societies Registration Act, 1975 and is not a “State” within the meaning of Article 12 of the Constitution of India.

38. The Hon’ble Supreme Court in **Zee Telefilms Ltd. v. Union of India**⁴ has categorically held that the BCCI cannot be treated as “State” under Article 12 of the Constitution of India and further in the case of **Board of Control for Cricket in India v. Cricket Association of Bihar**⁵, the Apex Court has observed that the BCCI may be amenable to writ jurisdiction in limited circumstances only, considering the nature of certain public functions discharged by it; but however the present dispute pertains entirely to the internal affairs and *inter se* disputes of respondent no.1 and the petitioner’s Association; and as such the BCCI has no direct concern or involvement.

39. For ready reference paragraph nos. 34, 35 and 37 of **Board of Control for Cricket in India** (Supra) are quoted below-

34. That brings us to the findings recorded against Mr. Raj Kundra, whose part ownership and accreditation as a team official of Rajasthan Royal was not disputed before us. In its report dated 9th February, 2014, the Probe Committee had referred to the statement of Mr. Umesh Goenka, recorded under Section 164 of the Cr.R.C. by a Delhi Court in which the said Mr. Goenka had stated that Mr. Raj Kundra used to indulge in betting in IPL matches through him. The Frobe Committee opined that the allegations levelled against Mr. Raj Kundra and his wife Ms. Shilpa Shetty required to be investigated further. The Committee held that if the allegations of betting were found proved against Mr. Raj Kundra and his wife Shilpa Shetty the same would constitute serious infraction of the IPL Operational Rules, the IPL Anti- Corruption Code and the IPL Code of Conduct for Players and Team Official. The Committee observed:

"The Committee is thus of the view that if the allegations of betting against Mr. Raj Kundra and Ms. Shetty who are part of Rajasthan Royals, stand proved the same would constitute a serious infraction of Sections 2.2.1 and 2.14 of the IPL Operational Rules for bringing the game in disrepute, Articles 2.2.1. 2.2.2 and 2.2.3 of the IPL Anti Corruption Code for acts of betting and

4. (2005) 4 SCC 649

5. (2015) 3 SCC 251

Articles 2.4.4 of the IPL Code of Conduct for Players and Team Officials, for bring disrepute to the game of cricket."

35. A concurring report submitted by Mr. Nilay Dutta the third member of the Probe Committee also expressed a similar view when it said:

"There seems to have been an effort to cover up the involvement of Mr. Raj Kundra in betting. In terms of the regulations in force of the BCCI, even legal betting is not permitted on the part of an owner of a franchisee. No benefit would accrue to Mr. Raj Kundra by an attempt to show that bets were placed through legal betting methods in other countries.

There are materials on recorci which justify an appropriate investigation to ascertain the culpability of Mr. Raj Kundra and his wife Ms. Shilpa Shetty in placing bets as owner of a franchisee in IPL. Any such culpability on the part of the, Kundras would fasten liability on the franchisee, Jaipur IPL Cricket Private Limited and it would be Incumbent to ascertain such liability of the franchisee for purposes of appropriate sanctions under the Operational Rules and/or the Franchise Agreement. The Committee understands that the suspension imposed on Mr. Raj Kundra by the BCCI is still in force. The BCCI must take a zero tolerance position as regards corruption in cricket and any possible violation of the BCCI Anti-Corruption Code and the Operational Rules by any person. It goes without saying that Mr. Raj Kundra and his wife Ms. Shilpa Shetty Kundra were owners as per the Franchise Agreement and accredited as such under the IPL Operational Rules. They are Team officials within the meaning of the said Rules. Being Team officials they are subject to the Code of conduct for Players and Team Officials prohibiting betting in course of IPL matches and would face appropriate sanctions under the Operational Rules. It would be in fitness of things that pending final determination of the culpability of the Kundras, they be kept suspended from participating in any activity of the BCCI including the IPL matches in view of the materials on record.

37. The Committee has, while dealing with the case of Mr. Raj Kundra, referred to as Individual No.11 in the said report observed:

"Individual 11: This individual was in touch with the bookies about betting and thus by not reporting contact with the bookie has violated BCCI/IPL Anti-Corruption Code. The Committee also found that the Investigation against this individual was abruptly and without reason stopped by the Rajasthan Police upon receiving the case papers from Delhi Police. The Committee found that a friend of individual 11 was a known punter. The said punter has given a section 164 statement to the effect that he was placing bets on behalf of individual 11. Individual 11 had introduced him (punter) to another bookie who dealt with larger stakes. Section 161 statement made by another player confirmed that individual 11 introduced him to a bookie. Materials on record indicate that individual 11 was placing bets or was at the minimum standing guarantee for his punter friend. These infractions also violate BCCI/IPL Anti-Corruption Code."

40. For ready reference paragraph nos. 31, 32 and 33 of **Zee Telefilms (Supra)** are quoted below-

31. *Be that as it may, it cannot be denied that the Board does discharge some duties like the selection of an Indian cricket team, controlling the activities of the players and others involved in the game of cricket. These activities can be said to be akin to public duties or State functions and if there is any violation of any constitutional or statutory obligation or rights of other citizens, the aggrieved party may not have a relief by way of a petition under Article 32. But that does not mean that the violator of such right would go scot-free merely because it or he is not a State. Under the Indian jurisprudence there is always a just remedy for violation of a right of a citizen. Though the remedy under Article 32 is not available, an aggrieved party can always seek a remedy under the ordinary course of law or by way of a writ petition under Article 226 of the Constitution which is much wider than Article 32.*

32. *This Court in the case of Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust & Ors. vs. V.R. Rudani & Ors. (1989 2 SCC 691) has held:*

"Article 226 confers wide powers on the High Courts to issue writs in the nature of prerogative writs. This is a striking departure from the English law. Under Article 226, writs can be issued to "any person or authority". The term "authority" used in the context, must receive a liberal meaning unlike the term in Article 12 which is relevant only for the purpose of enforcement of fundamental rights under Article 32. Article 226 confers powers on the High Courts to issue writs for enforcement of the fundamental rights as well as non-fundamental rights. The words "any person or authority" used in Article 226 are, therefore, not to be confined only to statutory authorities and instrumentalities of the State. They may cover any other person or body performing public duty. The form of the body concerned is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owned by the person or authority to the affected party, no matter by what means the duty is imposed. If a positive obligation exists mandamus cannot be denied."

33. *Thus, it is clear that when a private body exercises its public functions even if it is not a State, the aggrieved person has a remedy not only under the ordinary law but also under the Constitution, by way of a writ petition under Article 226. Therefore, merely because a non-governmental body exercises some public duty that by itself would not suffice to make such body a State for the purpose of Article 12. In the instant case the activities of the Board do not come under the guidelines laid down by this Court in Pradeep Kumar Biswas case (supra), hence there is force in the contention of Mr. Venugopal that this petition under Article 32 of the Constitution is not maintainable.*

41. Respondent no.7 also relies upon a decision of a Delhi High Court in **Reepak Kansal v. Union of India**⁶, to submit that the team selected by the BCCI, legitimately represents India, in the international sphere; and may appropriately be referred to as "Team India" or the "Indian National Team"; and accordingly, in the circumstance that the respondent no.3 i.e.

6. Writ (C) 15335 of 2025

the Union of India, which does not recognize BCCI as a national sports federation, is of little consequence and the petitioner cannot attribute any governmental or statutory character to BCCI, so as to invoke the extraordinary writ jurisdiction of this Hon'ble Court, in the present matter.

42. The primary role of BCCI includes *inter-alia* promoting and developing the quality and standard of the game of Cricket in India by laying down policies, road maps, guidelines and rules and regulations, in all matters relating to the game of cricket; and BCCI has various State Cricket Associations as its members and its objective is to develop the game of cricket in India; and as far as internal management of the affairs of the State Cricket Associations are concerned, they are governed by their respective Memorandum of Association and by laws; whereas BCCI has nothing to do with the same or have any interference in the internal affairs of the State Cricket Association.

43. Lastly, they submit that the Supreme Court had appointed a Committee of Administrator (CoA) for BCCI, to look after the affairs of the BCCI and also to amend BCCI Constitution and in pursuance of the Lodha's Committee Report and orders passed by the Apex Court in Civil Appeal No. 4235 of 2014, the Constitution of BCCI was drawn up and registered with the Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975.

44. As per the directions of the Supreme Court dated 09.08.2018, all the States Association were directed to amend their Constitution, in accordance with the BCCI Constitution and the CoA had approved the same.

45. The Apex Court vide its order dated 22.10.2019 has issued directions, that CoA would demit its office, upon assumption of the office by the elected office bearers of the respondent no.7 herein; and further that the "UPCA" is a full member, with voting rights as per the Constitution of the BCCI; and Ombudsman who shall be a retired Judge of Supreme Court or a retired Chief Justice of a High Court, can also be

approached if any State Association have a dispute; and accordingly in view of the said alternative dispute resolution mechanism, for the category of grievance specified therein, which specifically includes any member/association and franchise disputes or any act of detriment or misconduct caused by member or administrator etc., the said remedy is also an efficacious remedy; and as such the writ petition is bereft of any cause of action to be agitated before this Hon'ble Court under Article 226 of the Constitution of India.

ISSUES:-

- i) Whether “The UPCA” a Society registered under the Act, 1860 has been dissolved as per the provisions of Section 13 of the Act, 1860?
- ii) Whether all necessary steps for “disposal” and “settlement” of the property of the Society, its claims and liabilities, were according to the Rules of the said Society; and in view of the second proviso under Section 13 of the Act, 1860, whether the Government as “contributor” was interested in the Society and without its consent, the Society could not have been dissolved?
- iii) Whether “UPCA” a registered limited company under Section 25 of the Act, 1956 could have acquired all assets, liabilities and functions of “The UPCA” Society on its dissolution w.e.f. 3.09.2005?
- iv) Whether a writ of mandamus can be issued directing the authorities to transfer all the assets, accounts and resources of the dissolved “The UPCA” (Society) in favour of the petitioner?
- v) Whether the BCCI can be directed to transfer liabilities conferred by it to the dissolved “The UPCA”?
- vi) Whether any direction can be issued to respondent no.2 to ban “UPCA” from engaging itself in any activities relating to the game or sports in the State of U.P. or direction for investigation by C.B.I. or any other competent agency to enquire into the issues regarding the acquisition of the property of the Society in question, by “UPCA”?

vii) Whether direction to constitute a High Level Committee to inquire into the matter of alleged affiliation and financial aid given by the BCCI to respondent no.1 i.e. “UPCA” or into the matter of holding of the post by Official work “UPCA” can be issued?

Issue No.1 and 2

i) Whether “The UPCA” a Society registered under the Act, 1860 has been dissolved as per the provisions of Section 13 of the Act, 1860?

ii) Whether all necessary steps for “disposal” and “settlement” of the property of the Society, its claims and liabilities, were according to the Rules of the said Society; and in view of the second proviso under Section 13 of the Act, 1860, whether the government as “contributor” was interested in the Society and without its consent, the Society could have been dissolved?

46. It is an admitted fact that “The UPCA” (Society) was registered under the Act, 1860 and the contentious issue between the petitioner and the respondents are, that on side the petitioner alleges that though the Society has been dissolved but it has not followed the mandate of second proviso of Section 13 of the Act, 1860; and accordingly he places reliance upon Section 14 read with Section 14A of the Act, 1860 that after the dissolution of the Society, any property remaining, on the satisfaction of the debts and liabilities, ‘shall’ given to the Government, to be utilized for any purpose referred to in Section 1 of the Act, 1860; and consequently the petitioners pray that the said assets, account and resources of “The UPCA” (Society) should be transferred in favour of the petitioner.

47. Per contra, on the other side, the respondent no.1 i.e. “UPCA” contends that “The UPCA” (Society) having been incorporated as a Company under Section 25 of the Act, 1956 and being recognized by the BCCI, as the sole body for conduct and regulation of official cricket in the State of U.P.; in pursuance of a resolution passed by the erstwhile Society “The UPCA”, the Board of Directors of “UPCA” in the meeting held on 03.09.2005 resolved that all the assets, properties and liabilities

of “The UPCA” (Society) as well as its functions stood transferred and vested with immediate effect; and from the said date “The UPCA” stood dissolved as per the provisions of Section 13 of the Act, 1860. The Respondent no.1 further contends that once the assets, properties and liabilities of “The UPCA” (Society) stood transferred and vested in “UPCA”, the provisions of Section 14 read with Section 14A of the Act, 1860 shall not apply.

48. On the other side the respondent nos. 4 and 5 contends that they had issued notices to the Secretary/President of the Society to provide the details of the members, in proceedings under Section 25(2) of the Act, 1860 and thereafter the relevant records of the Society under Sections 22 and 23 of the Act, 1860 was also sought; but subsequently in Writ-C No.61580 of 2005, an interim order dated 15.02.2006 was granted by this Court, to the effect that no further action will be taken by the respondents under Sections 22 and 23 of the Act, 1860; but in any case, since there was contribution of the State to the Society, the same could not have been dissolved without the permission of the State, as contemplated under second proviso to Section 13 of the Act, 1860.

49. In view of the aforesaid contentious issue, firstly what is to be decided is that whether the Society in question was dissolved as per the provision of Section 13 of the Act, 1860; and whether the second proviso to Section 13 of the Act, 1860 puts an embargo on its dissolution i.e. the same cannot be dissolved without the consent of the Government of the State of registration. For ready reference Section 13 of the Act reproduced below:-

“13. Provision for dissolution of societies and adjustment of their affairs. -Any number not less than three-fifths of the members of any society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the "disposal" and "settlement" of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and, if not, then as the governing body shall find expedient provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in

which the chief building of the society is situate, and the Court shall make such order in the matter as it shall deem requisite:

Provided that no society shall be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or by proxy, at a general meeting convened for the purpose:

Provided that whenever any Government is a member of, or a contributor to, or otherwise interested in any society registered under this Act, such society shall not be dissolved without the consent of the Government of the State of registration.”

50. From the bare reading of the aforesaid section, it is evident that on a resolution being passed by not less than 3/5th of the members of the Society, the Society shall be dissolved forthwith; and only in case of any dispute with respect to the “disposal” and “settlement” of the property of the Society, between the Governing Body or the members of the Society, it shall be referred to the principal court of original civil jurisdiction of the District; and accordingly, the Court shall make such an order in the matter, as it shall be requisite.

51. Admittedly, there was no dispute between the governing body or the members of the Society and the matter was never referred to the Principal Court.

52. The second proviso to Section 13 of the Act, 1860 provides that whenever any Government is a member of or a contributor to, or otherwise interested in any Society registered under this Act, such Society shall not be dissolved without the consent of the Government of State.

53. The respondent nos. 4 and 5 have taken an objection that firstly the Society had become time barred and proceedings were initiated under Section 25(2) of the Act, 1860; and also subsequently notices were issued in exercise of powers under Section 24(1) of the Act, 1860; but admittedly neither the elections were conducted under Section 25(2) of the Act, 1860 nor any proceedings which was initiated in exercise of power under Section 34(1) of the Act, 1860 reached to its logical end.

54. It is also not disputed that the Society has passed the resolution by more than 3/5th of its total members, to transfer all assets and liabilities

and function to “UPCA” ; and on the same day the members of the Board also passed a resolution that all the assets, liabilities and functions of the Society, be transferred to new Society, whereafter the Society shall stand dissolved.

55. It is also admitted that none of the aforementioned resolutions were ever challenged before any competent court of law and on the contrary the proceedings before the Allahabad High Court in Civil Misc. Writ Petition No.61580 of 2005 and the Public Interest Litigation by way of Writ-C No.3925 of 2025 before the High Court of Delhi, culminated in favour of the respondent no.1, with observations that Society has now been incorporated as a Company under the Act, 1956 and the challenge to its registration under Section 25 of the Act, 1956, has also been turned down.

56. Now coming to the contention of the respondents no. 4 and 5 regarding the State being a contributor and otherwise also interested in the Society in question, for which reasons, without its consent, the Society could not be dissolved under Section 13 of the Act, 1860.

57. The respondents no. 4 and 5 in their counter affidavit have placed reliance on the letters dated 20.09.2005 wherein there is a mention of an order dated 14.09.2005, by way of which on the perusal of the balance sheet of the Society, by the Deputy Registrar, he had made observations regarding irregularities, relating to the expenditure and misappropriation of public funds. However, there is nothing on record to indicate that any action was taken by the Deputy Registrar in pursuance of the aforesaid observations and the proceedings which were initiated under Section 24(1) of the Act, 1860 was also kept in abeyance by this Court vide order dated 15.02.2006 in Writ-C No.61580 of 2005; and thereafter, whether the said proceedings were brought to its logical end or not, nothing has been placed on record.

58. Be as it may, even if the Court, is required to examine, as to whether the State was actually a contributor in the Society, so as to invoke the second proviso to Section 13 of the Act, 1860, in order to

examine the embargo against the resolution of the society in question without the consent of the government, on a specific query, to the learned Standing Counsel, as to whether there is anything on record, to the effect that the State was the contributor in the society, the learned Standing Counsel has fairly submitted that on the said aspect there is nothing on records, in support of his argument.

59. The Court is also of the view that after a lapse of more than 21 years, the said issue cannot be agitated, as UPCA is discharging certain public functions, as has been recognized in the case of Board of Control for Cricket in India (supra); and the Apex Court has also considered its affairs by constituting a Committee of Administrator (CoA) initially and thereafter on the compliances and in consideration of the Lodha's Committee report, there has been an assumption of the office by the elected office bearers of the respondent no.7 and UPCA is a full member, with voting rights as per the constitution of the BCCI.

60. It has also been informed across the Bar that the petitioners had earlier approached the Ombudsman and their claim has been rejected, at various levels thereafter; but however, there is nothing on record to indicate the same and therefore, this court refrains from making any comments on the same.

Conclusion

61. In view of the foregoing discussion and observations, after examining the relevant provision of the Societies Registration Act, 1860, at this highly belated stage it cannot be said that "The UPCA" was not dissolved as per the provisions of section 13 of the Act, 1860. The Court has examined the statutory provisions of the Act, 1860 and finds that Section 13 does not put an embargo on the Society, to pass a resolution and take necessary steps for "disposal" and "settlement" of the property of the society, in favour of a company incorporated under Section 25 of the Act, 1956; and more so ever no dispute whatsoever was raised either by the governing body or the Members of the society.

62. Since the State has not been able to corroborate that there was a contribution or interest otherwise in the society in question, by the

Government, therefore, its consent was not required and as such the intimation regarding the dissolution of the society once being sent by the Society to the Deputy Registrar vide its letter dated 05.09.2005 and there being no action taken by the respondent no. 4 and 5, for almost a period of 21 years, the objection of the State Government regarding the dissolution of the Society, cannot be sustained; and much water has flown in the last two decades, which is another reason for us to decline any interference; and as such the dissolution of the society cannot be held to be contrary to the provision of Section 13 of the Act, 1860.

Issue No. 3

iii) Whether “UPCA” a registered limited company under Section 25 of the Act, 1956 could have acquired all assets, liabilities and functions of “The UPCA” Society on its dissolution w.e.f. 3.09.2005?

Discussion

63. The aforesaid issue regarding the acquisition of the assets, liabilities and functions of the society, on its dissolution w.e.f. 03.09.2005, has also been discussed in detailed while deciding the issue no.1 and 2, however, we may in addition to the observations made herein above, may observe that the voluntary dissolution by the governing body of the society, having found no fault in the same; the resolution of the Board of Directors and the perusal of the minutes of the meeting dated 03.09.2005, clearly indicates that apart from the assets, liabilities and functions; the audited accounts of the dissolved society were also adopted by the respondent no.1. The respondent no.1 has also raised a preliminary objection regarding the delay and laches and there being no cause of action for the petitioners to approach this Court under Article 226 of the Constitution of India.

64. Shri Kartikeya Saran, Advocate appearing on behalf of respondent no.1 submitted that the resolution was passed on 03.09.2005 and the functioning of the respondent no.1 is duly recognized by the Apex Body i.e. the BCCI and the UPCA has been recognized as a sole Cricket Body, for the State of Uttar Pradesh, for the last two decades; and the petitioner who claimed to have formed an Association in the year 2022-23, cannot

be permitted to approach this Court in the year 2026 and unsettle the long standing arrangements.

65. He has placed reliance on the decision of the Apex Court in the case of **Durga Prasad vs. Chief Controller and Imports and Exports**⁷, wherein the Apex Court has held that the High Court should not ordinarily assist the **tardy, indolence, acquiescence, or lethargic**; where negligence or omission on the part of the petitioner, taken with the lapse of time and other circumstances, causes prejudice to the opposite party; and the Court may decline to exercise its extraordinary jurisdiction.

66. He further submits that petitioner is a self proclaimed body with no recognition from the BCCI or the State Government, for conducting official Cricket; while the respondent no.1 is a full member of the Uttar Pradesh with BCCI and is performing its duties in order to achieve the objects.

67. Respondent no.1 is a duly constituted company under Section 25 (now Section 8 of the Act, 1956) and as per the memorandum of Articles, respondent no.1 is a non-profit entity, whose objects mirror to the erstwhile society i.e. the promotion/regulation and organization of Cricket in Uttar Pradesh. It has complied continuously with the BCCI mandate reforms, as certified by the Committee of Administrator in the 11th Status Report before the Hon'ble Supreme Court, which further confirms that respondent no.1 is an approved and regularized entity within the national cricket governance framework.

68. As far as the transfer of assets from Society to company with similar object, is concerned, the same was in consonance with Clause 2(r) of the by laws of the Society; which also conformed to Section 13 of the Act, 1860.

69. He further submits that transfer to respondent no.1; a non profit company with the same objectives, is in consonance with the “underline intent and spirit” of Section 14; and as far as Section 14A is concerned, the language used in the section clearly shows that it is an “enabling provision” which “merely enables” members of a voluntarily dissolved

7. 1969 (1) SCC 185

Society, to give the remaining property to Government; and it is not compulsory vesting provision displacing a voluntary transfer, effected in accordance with Section 13 of the Act, 1860 and the society's by laws itself. He further submits that the legislative intent underlined in Section 14 of the Act is, that the residual assets of non-profit Society being dissolved, must not be appropriated by members but must continue to be applied, to similar public benefit objects; and the Company's object also relates to create an asset-lock, identical in purpose to that under Section 14 of the Act, 1860.

70. The provisions in the Act, 1860 and Act, 1956, require a registration based legal entity, brought into existence upon scrutiny by a public authority and both are subject to a non distribution constrained and therefore, the transfer of the estate of a dissolved Society to a company incorporated under Section 25 (Now section 8 of the Act, 1956) with identical objects, advances the legislative policy of the Act, 1860 itself.

Conclusion

71. In view of the aforesaid, this Court finds that "UPCA" a registered company under Section 25 of the Act, 1956 while acquiring the assets, liabilities and functions of "UPCA" society on its dissolution w.e.f.03.09.2005 was within the framework of the Act, 1956 and there was no conflicting provisions, more specifically under Section 13 of the Act, 1860, to prevent the said acquisition of liability, assets and functions of the society; under Section 13 of the Act, 1860.

72. The only dual contingency which is contemplated is firstly when there is a dispute between the governing body or the members of the society, there shall be a requirement of reference to the Principal Court of Original Jurisdiction of the District and the second contingency is when either Government is a member or a contributor in the society and having interest in the said said registered society, in the said circumstances only the Society shall not be dissolved without the consent of the Government.

73. Both the contingency on the basis of the records, does not arise in the present case; and accordingly U.P.C.A. registered under section 25 of the Act, 1956, was within the legal framework, while acquiring the assets, liabilities and functions of “The UPCA” (Society), vide its resolution dated 03.09.2005.

Issue No. 4 and 5

iv) Whether a writ of mandamus can be issued directing the authorities to transfer all the assets, accounts and resources of the dissolved “The UPCA” (Society) in favour of the petitioner?

v) Whether the BCCI can be directed to transfer liabilities conferred by it to the dissolved “The UPCA”?

74. In view of the findings returned hereinabove, that the acquisition of the assets, liabilities and functions of “U.P.C.A.” (Society) was within the legal framework of the Act, 1956; no mandamus can be issued to the Authorities directing to transfer the assets, accounts and resources of “UPCA” Society in favour of the petitioner or directing the BCCI to transfer liabilities conferred by it, to the dissolved Society.

75. At this juncture, we may also note the stand of the Respondent no.6 i.e. Registrar of Companies, U.P. Kanpur; that assets, liabilities and functions of the erstwhile society were transferred to the newly incorporated company w.e.f 03.09.2005; and as far as the registration and its dissolution under the Act, 1860 is concerned, matter is falling considerably within the domain of the Registrar Firms, Societies and Chits to which RoC has no concern.

76. Now since we have already noted hereinabove that the respondent nos. 4 and 5 could not demonstrate their contribution or interest in the society, no consent otherwise was required by the State Government and the respondent nos. 4 and 5, having not taken any action for the last 21 years, now cannot raise the grievance, we further have no reasons to scrutinize the Incorporation of UPCA, since RoC who is the competent authority, itself acknowledges the incorporation, as per law.

77. Once UPCA got incorporated under Section 25 of the Act, 1956, on 13.07.2005, it acquired a distinct legal personality from the date of its certificate of incorporation.

78. It is also trite in law that if any member, depositor or stakeholder is aggrieved by the manner in which the affairs of respondent no.1 company are being conducted, the remedy lies before the National Company Law Tribunal under Section 241 and 245 of the Companies Act, 2013.

79. In view of the aforesaid discussions, no mandamus can be issued either to the State-Authorities or the respondent no.7 i.e. the BCCI, with respect to the assets, accounts and resources of either the erstwhile society i.e. The UPCA (Society) or “UPCA” which is a registered Company under the Act, 1956.

Issue no. 6 and 7

vi) Whether any direction can be issued to respondent no.2 to ban “UPCA” from engaging itself in any activities relating to the game or sports in the State of U.P. or direction for investigation by C.B.I. or any other competent agency to enquire into the issues regarding the acquisition of the property of the Society in question, by “UPCA”?

vii) Whether direction to constitute a High Level Committee to inquire into the matter of alleged affiliation and financial aid given by the BCCI to respondent no.1 i.e. “UPCA” or into the matter of holding of the post by Official work “UPCA” can be issued?

80. Learned counsel for the petitioner contends that “The U.P. Sports (Registration, Recognition and Regulation of Association) Act, 2005, was enacted to provide for Registration, Recognition and Regulation of Sports Association and to facilitate the activities and affairs of the Sports Associations, in the State of Uttar Pradesh.

81. The said Act of 2005 was enacted in reference to Entry-33 of list II of the 7th Schedule; and since “Cricket” sports is a subject matter of list II, the Ministry of Youth Affairs and Sports, Government of India

have no constitutional authority to declare 'BCCI', as the "Apex Body" for the game of cricket in India; and the Apex Court in the case of *Zee Telefilms Ltd. (supra)* did not hold that BCCI is a constitutional or statutory apex body; and to the contrary the Apex Court noted that BCCI is an autonomous private body and not "State" within the meaning of Article 12 of the Constitution of India.

82. He further raised a question that in case BCCI is the Apex Body for Cricket in India, then why the Ministry of Youth Affairs and Sports, Government of India refused to recognize it as a national sports federation status. In view of the aforesaid he submits that the petitioner's Association is also on the same footing as that of 'UPCA' but BCCI does not consider the list of its selected cricket team players for participation in the Ranji Trophy Cricket Tournament.

83. He submits that out of 18 Divisions and 75 Districts, of the State of U.P., 39 districts and 10 divisions are under the jurisdiction of petitioner's Association; but unfortunately UPCA does not give proper representation to the younger cricketers of the 39 districts and not even 5% players are selected in the team, whereas 95% cricketers are selected from the remaining 36 districts of the 8 divisions of the State of U.P. They have also made a representation before the Minister of State for Sports and Youth Welfare, Government of India but no heed has been paid to them.

84. He further submits that in other states e.g. in State of Gujarat, there are three teams who have been granted affiliation and similarly three teams, has also been granted affiliation in State of Maharashtra; which has lesser population than the State of U.P.; but still discrimination is being faced by them and the State Government is also not taking effective decisions, inspite of the fact that the subject matter is governed by List II; and therefore a High Level Committee, maybe setup, to look into the aforesaid allegations, in a larger public interest.

85. Per contra, learned counsel appearing on behalf of respondents has taken stand that if the petitioner has any grievances they may approach

the respondent no.7, which shall consider their grievance in case they are in accordance with the applicable laws and further since the object of BCCI as well as UPCA, is common i.e. to promote the game of Cricket in the country and to choose the best talents, it shall not shy away from according a consideration to the grievances of the petitioner's association; but the same should not come forward as a hostility; but by way of cooperation.

86. The State also submits that the dispute should not be raised in a manner which spoils the atmosphere and sans any legal basis; and in case the petitioner's Association comes forward with a proper representation, the same shall be considered in appropriate preceding.

87. At this juncture the petitioner also submits that it is not his endeavour to get examined the status of BCCI *per se* and the same may be let to be examined in the light of the decision of the Apex Court in the case of **Zee Telefilms (supra)** and **Pradeep Kumar Vishwas (supra)**; and the interest of the Sportsmen being paramount, the State should come forward in discharge of their Constitutional Obligations and through express enactments, advance the cause of Cricket.

88. In view of the aforesaid, this Court is of the opinion that the prayer of the petitioner to issue directions to ban UPCA or for investigation by CBI, is absolutely baseless; and is essentially a private dispute, concerning succession of property of a dissolved society, for which appropriate forums were available but still the petitioner has chosen to file the present writ petition.

89. However, if so advised, the Petitioner may approach the State Government, for his grievances, confined to the interest of its members or for advancement of the cause of the Sport 'Cricket'; but not in relation to the dissolution of "The UPCA" or the affiliation of "UPCA" with BCCI. In case he so desires, it may also seek affiliations, as per the applicable Rules and Regulations; but the same should be the sole discretion of BCCI.

Conclusion

90. This Court does not find, good grounds to interfere at this belated stage; and similarly there cannot be any direction to constitute a high Level Committee to inquire into the matter of alleged affiliation and financial aid given by BCCI to respondent no.1.

91. In view of the aforesaid, this Court declines to issue any direction pertaining to ban, investigation by CBI or to constitute a High Level Committee to inquire into the matter of alleged affiliation and financial aid given by BCCI to respondent no.1.

92. The matter is required to be given a quietus and since this Court has examined all the issues raised by the petitioner and no good grounds have been made out for interference under Article 226 of the Constitution of India, the writ petition lacks merit and stands dismissed.

93. However, no order as to costs.

(Siddharth Nandan,J.) (Atul Sreedharan,J.)

August 3, 2026

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