

**IN THE COURT OF LEARNED DISTRICT JUDGE**

**PATIALA HOUSE COURTS NEW DELHI**

**CIVIL SUIT NO OF 2013**

**IN THE MATTER OF**

Lalit Kumar Modi

--- Plaintiff

Versus

The Board of Cricket Control  
In India and Ors

--- Defendants

**INDEX**

<b>Sl No</b>	<b>Particulars</b>	<b>Page No</b>
1.	Memo of parties	<b>A- B</b>
2.	Court fees.	<b>Rs 45400/-</b>
1	Suit for Declaration and permanent injunction along with Affidavit.	<b>1- 63</b>
2.	Application under order 39 Rule 1 and 2 of C.P.C along with affidavit.	<b>64-69</b> Rs. 10/-
4.	A copy of the power of attorney.	<b>70-72</b>
5	Vakalatnama.	<b>73</b> Rs. 2+5= 7/-

Plaintiff

Through  
*Abhishek Singh*

(B)

Administrator  
The Board of Control for Cricket in India  
Cricket Centre, Wankede Stadium  
Mumbai-400020  
Maharashtra.

4. Mr. Arun Jaitley  
Member Disciplinary Committee,  
A-44, Kallash Colony,  
New Delhi-110044
5. Mr. Chirayu Amin  
Member Disciplinary Committee  
Alembic Limited  
Alembic Road, Vadodara  
Gujarat-390003
6. Mr. Jyotiraditya Scindia,  
Member, Disciplinary Committee,  
27, Safdarjang Road,  
New Delhi-110011

... DEFENDENTS

*Abhishek Singh*  
**(Abhishek Singh) and (Swadeep Hora)**  
Advocates for the Plaintiff  
B-89, Gulmohar Park, New Delhi

DATE: 26. 2. 2013.

PLACE: New Delhi

GOVERNMENT OF NCT OF DELHI  
e-Court Fee

DATE & TIME : 26-FEB-2013 13:19:18  
NAME OF THE ACC : SHCIL  
LOCATION : DISTRICT MUNCIPAL COURT  
e-COURT RECEIPT NO : DLOT2613B1319M471  
e-COURT FEE AMOUNT : 51200  
(Rupees Fifty-One Thousand Four Hundred Only)



DLOT2613B1319M471

The authenticity of the e-court fee receipt can be verified at the offices of SHCIL. The contact details of SHCIL offices are available on the website "www.shcilestamp.com"

In the Court of Distt. Judge, New Delhi.  
C.S. No. \_\_\_\_\_ of 2013.  
In the Matter of

Mr. Lalit Kr. Meeli \_\_\_\_\_ Plaintiff  
v/s

The B.C.C.I & ors \_\_\_\_\_ Defendants

Suit for Declaration &  
Permanent Injunction

New Delhi

Plaintiff

Through

Plaintiff

①

**IN THE COURT OF LEARNED DISTRICT JUDGE, PATIALA**

**HOUSE COURTS, NEW DELHI**

**CIVIL SUIT NO. OF 2013**

**In the matter of:**

Mr. Lalit Kumar Modi  
Indian Inhabitant  
Through his Constituted Attorney  
Shri Mehmood M Abdi. Residing at  
A – 901, Meera Tower, Near Mega Mall  
Oshiwara, Andheri West, Mumbai - 400 053

**PLAINTIFF**

Versus

1. The Board of Control for Cricket in India,  
A Society registered under the Tamil  
Nadu Societies Registration Act, having  
its headquarters at Cricket Centre  
Wankhede Stadium Mumbai-400020,  
through its Secretary
2. Mr. N. Srinivasan  
President  
The Board of Control for Cricket in India  
Cricket Centre, Wankede Stadium  
Mumbai-400020  
Maharashtra.
3. Mr. Shashank Manohar  
Administrator  
The Board of Control for Cricket in India  
Cricket Centre, Wankede Stadium

4. Mr. Arun Jaitley  
Member Disciplinary Committee,  
A-44, Kailash Colony,  
New Delhi-110044
5. Mr. Chirayu Amin  
Member Disciplinary Committee  
Alembic Limited  
Alembic Road, Vadodara  
Gujarat-390003
6. Mr. Jyotiraditya Scindia,  
Member, Disciplinary Committee,  
27, Safdarjang Road,  
New Delhi-110011

... DEFENDENTS

**SUIT FOR DECLARATION AND PERMANENT INJUNCTION**

MOST RESPECTFULLY SHOWETH :-

1. The Plaintiff is a citizen of India and is filing the instant suit through his constituted attorney Shri Mehmood M Abdi. Plaintiff is an administrator of the Defendant No. 1. Plaintiff was Chairman and Commissioner of the Indian Premier League (A Sub Committee of the Defendant No. 1, hereinafter called as "IPL").
2. That the Defendant No 1 is the Board of Control for Cricket in India (hereinafter called as "BCCI") and is the national governing body for cricket in India. The Defendant No 1 is a society registered under the Tamil Nadu Societies

Rules and its bye-laws / constitution / rules and regulations. BCCI has its headquarters in Mumbai. B.C.C.I. is a society comprising of various State Associations, other cricket associations and clubs. These associations which are members of the B.C.C.I. in turn comprise of District and other cricket associations, clubs and individuals as their members. The Registered office of the Defendant No. 1 is at Chennai.

3. That the Defendant No. 2 is the present President of Defendant No. 1 and was at the relevant time when the Plaintiff was suspended, Secretary of the Defendant No 1. Defendant No. 3 is currently an administrator of the Defendant No. 1 and at the relevant time when the Plaintiff was suspended and three show cause notices on various dates were issued against the Plaintiff, the President of BCCI. Defendant No,4,5 and 6 presently are the members of the Disciplinary Committee of the BCCI (and herein after Collectively referred to as the Disciplinary Committee of the BCCI or simply Committee for the sake of brevity) which is supposed to conduct an inquiry against the Plaintiff. The Plaintiff has filed his reply to the show cause notices and has been diligently participating in the inquiry being conducted by Defendant No. 4 to 6. In such inquiry being conducted by

being cross examined by way of video conferencing. That in such Disciplinary Proceedings BCCI has examined 7 witnesses. A perusal of the record of the Disciplinary Committee would show that the records of the cross examination of the witnesses has not been properly maintained. Some of the dates on which the witnesses were physically present before the committee on such dates also, the signature of the witnesses was not obtained on the records of the cross examination on the date when the witnesses were cross examined via video conferencing no prompt attempt was made to obtain the confirmatory mails from the witnesses. After 6<sup>th</sup> July, 2011 no attempt at all appears to have been made to obtain the confirmatory emails from the witnesses who were examined via video conferencing.

4. That though there is no ruling as such regarding any of the defendants being the presiding member of the Committee but the Defendant No. 4 by his conduct holds himself out to be the presiding member of the Committee and the files and other records of the Committee relating to the enquiry are also kept at his residence cum office. That the proceedings of the Committee are generally held at Hotel Taj Palace, situated at S.P. Road, New Delhi where Defendant No. 4 and

(an application on I-pad) and the witnesses if being examined by video link are present as such on the video link.

5. That briefly stated the facts giving rise to the instant Suit are as under.
6. That in and around the year 2006-2007 the Plaintiff herein had mooted the idea of starting a Cricket League under the over-all control, supervision and guidance of the BCCI. Pursuant to the dedicated hard work of the Plaintiff, in the year 2007, Indian Premier League (hereinafter called as IPL) was created as a sub-Committee of the BCCI. Plaintiff herein was appointed as the First Chairman / Commissioner of the Indian Premier League and because of the hard work and dedication of Plaintiff, IPL became a phenomenal success and came to be known as one of the most successful league of the world. That at various meetings, the Plaintiff was congratulated / commended by the Governing Bodies of BCCI and IPL.
7. However, due to personal malice and enmity that the Defendant No 2 and 3 harbored against the Plaintiff as also under political influence of one Mr. Shashi Tharoor who was then the Minister of State for External Affairs and is now the Minister of State for Human Resource Development, on the intervening night of 24<sup>th</sup> and 25<sup>th</sup> April 2010 (last date of



Cause Notice had been issued to him, calling upon him to respond to the allegations contained therein and that "pending your reply to the Show Cause Notice and an inquiry with regard to other allegations, you are hereby suspended from participating in any affair/activity of the Board". That the immediate cause of such suspension as it appears from the Show cause notice was the complaint/ e- mail dated 16<sup>th</sup> April 2010, by the Successful bidder of Kochi Franchisee i.e. Rendezvous Sports world. It is important to state that contemporaneous communications clearly and unmistakably show that the basic grievance of the Kochi franchisee was disclosure made by the Plaintiff with regard to the shareholding of the Kochi franchisee on a micro blogging site Twitter. The records certainly reveal that Mr. Tharoor was canvassing the case of Kochi franchisee before the BCCI and records and facts that have come to light now, suggest that along with Mr. Tharoor, the Defendant No. 4 herein was canvassing the case of the Kochi franchisee.

8. Immediately after suspension, Plaintiff was served with an undated Show Cause Notice ("First Show Cause Notice"). The Plaintiff was thereafter also served with two further Show Cause Notices dated 6<sup>th</sup> May, 2010 ("Second Show Cause Notice") and 31<sup>st</sup> May, 2010 ("Third Show Cause

9. The Plaintiff responded to the three Show Cause Notices by his Replies dated 15<sup>th</sup> May, 2010 ("First Reply"); 31<sup>st</sup> May, 2010 (Second Reply"); and 15<sup>th</sup> June, 2010 ("Third Reply"). Along with the Replies, the Plaintiff filed a large number of documents and explained the extent of political influence in the grant of bids, stressed the need for transparency and fairness in grant of bids and exposed the illegalities committed by the Defendant No 2 and 3. Plaintiff in his reply denied each and every allegation and reiterates such denials herein as well.
10. The constitution/governing charter of Defendant is the "Memorandum of Association" and "Rules and Regulations". Rule 32(iv) of the aforesaid B.C.C.I. Rules and Regulations provide procedure to deal with cases of indiscipline or misconduct by an administrator of the BCCI. Rule 32(iv) as it existed on the date of issuance of show cause notices to the plaintiff, is extracted below:

*"If any Member or Associate Member or any Administrator of the Board commits any act of indiscipline or misconduct of 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*

*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 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."*

11. Rule 1 (q) of the Rules and Regulations, defines "Disciplinary Committee". Rule 1 (q) as it existed on the date of the issuance of the show cause notices to the plaintiff, is extracted below:

*"Disciplinary Committee: The Board shall at every Annual General Meeting appoint a Committee consisting of three persons of whom the President shall be one of them to inquire into and deal with the matter relating to any act of indiscipline or misconduct or violation of any of the Rules and Regulations by any*

*Committee shall have full power and authority to summon any person(s) and call for any evidence it may deem fit and necessary and make and publish its decision including imposing penalties if so required, as provided in the Memorandum and Rules and Regulations. "*

12. That at the Annual General Meeting of Defendant No 1 held on 24<sup>th</sup> September, 2009, a Disciplinary Committee consisting of (i) the then President Mr. Shashank Manohar (Defendant no 3); (ii) Mr. Arun Jaitely (Defendant No 4) and (iii) Mr. Chirayu Amin (Defendant No -5), was set up.
13. Plaintiff submits that Memorandum of Association or rules and regulations of a society are in the nature of contract between the member and the society. The source of powers of associations like clubs and societies to conduct inquiry against their members is the contract on the basis of which they become members.
14. Plaintiff submits that implicit in the aforesaid Rules and contract is the principles of natural justice and fairness and the same will have to be read into such rules and if their be specific exclusion of principles of natural justice and fairness in the rule and regulations of a society in a matter of conduct of business then such rule/contract would be void being

the principles of natural justice and are bound to act fairly and in accordance with law. That the Plaintiff further states that if the Defendants de hors the aforesaid provisions conduct the proceedings in an unfair and illegal manner the Plaintiff would be entitled to enforce the aforesaid contract and seek a declaration and Injunction.

15. On 25<sup>th</sup> May, 2010, the Plaintiff addressed a letter requesting inter alia that, for the reasons stated in the letter, the then President (Defendant No 3) may consider recusing himself from the decision making process. Defendant No 3 responded to the Plaintiff's letter dated 25<sup>th</sup> May, 2010 by his letter dated 19<sup>th</sup> June 2010 by recusing himself. In the letter dated 19<sup>th</sup> June 2010 though the Defendant No 3 denied the allegations leveled against him in the letter dated 25<sup>th</sup> May 2010 but noticed that the Plaintiff wishes to examine him as a witness. This vacancy was supplied by replacing him with Mr. Jyotiraditya Scindia (Defendant No. 6) at the Special General Meeting held on 3<sup>rd</sup> July, 2010.
16. Against the Disciplinary Committee as above constituted another recusal application dated 6<sup>th</sup> July, 2010 was filed. The Plaintiff also filed a writ petition before Bombay High Court being No. 1370 of 2010, seeking a large number of reliefs. as prayed for therein. At the time when this Writ

themselves was pending. By an order dated 15<sup>th</sup> July 2010 the Hon'ble Bombay High Court was pleased to dismiss the said petition. That as it shall appear from the perusal of the aforesaid Order, one of the primary reasons that the Writ Petition was not entertained was that the Application for recusal of the members of the Disciplinary Committee was yet to be decided by the Disciplinary Committee and the Hon'ble Court was of the view that the same course of action as adopted by the President, BCCI was open to the other members of Disciplinary Committee.

17. The plaintiff filed another application dated 20<sup>th</sup> July, 2010 before the Committee supplementing the reasons for recusal set out in earlier application dated 6<sup>th</sup> July 2010.
18. The Plaintiff in order to establish his case for recusal by application dated 23.7.2010 sought production of certain documents from the BCCI Such Documents were :-
  - (i) *Copy of the minutes of the meeting of the Governing Council dated 25<sup>th</sup> April 2010 along with the list of the members present.*
  - (ii) *Copy of the minutes of the meeting of the governing Council Meeting dated 24<sup>th</sup> June 2010 along with the list of the members present.*
  - (iii) *Copy of the minutes of the meeting of the Special*

- (iv) *Agenda for the meeting dated 25<sup>th</sup> April 2010 of the Governing Council.*
- (v) *Agenda for the meeting dated 24<sup>th</sup> June 2010 of the Governing Council.*
- (vi) *Copy of the amended agreement dated 25<sup>th</sup> June 2010 of the Governing Council."*

19. That on 27.7.2010 the Disciplinary Committee of the BCCI passed an order on the aforesaid application dated 23.7.2010 and the relevant part of the same reads as under:-

*"Mr Lalit K Modi has moved an application dated 23.7.2010 seeking production of certain documents from BCCI. Objections have been filed on behalf of BCCI by its Counsel Mr. P.R Raman. The Documents which MrModi has asked for interalia are copies of the minutes of the Governing Council dated 26.4.2010 (erroneously mentioned as 25.4.2010) Copy of the minutes of the Governing Council meeting dated 25.6.2010 (erroneously mentioned as 24.6.2010), copies of the minutes of the meeting of the Special General Body dated 3.7.2010 along with the list of members present, agendas of the meeting of the Governing Council dated 26.4.2010 and 25.6.2010. He*

*dated 25.6.2010 executed between BCCI and Sony MSM.*

*The BCCI has filed its objections to the production of these documents. However, after some arguments by the parties, the BCCI has provided to the Counsel of Mr. Lalit Modi the minutes of the meeting of the Governing Council dated 26.4.2010. The relevant extracts in relation to the Show cause notices issued to Mr. Lalit Modi in the minutes of the Governing Council dated 25.6.2010 and the Special General Meeting dated 3.7.2010. The extract of the minutes of the Governing Council dated 25.6.2010 also relate to the cancellation of the agreement between BCCI and WSG (India). There was no separate agenda in the meeting dated 26.4.2010 except the notice of the meeting issued by the Secretary. The agenda details have been given in relation to the meeting of 25.6.2010 in the minutes itself. The minutes and the agenda items which form a part of the extracts having been given to the Counsel for Mr Modi No further orders are required to be passed by the Committee on this count."*

20. That the BCCI while providing the Minutes of the meeting dated 25.6.2010, with held a very important part of the



suppressed had direct bearing on capacity of Defendant No 4 (Mr. Arun Jaitley) to continue as the member of the Disciplinary committee.

21. The Plaintiff states that the relevant portions of the Governing Council meeting dated 25.6.2010 which were withheld from the Plaintiff and suppressed by the BCCI and which the Plaintiff has come across on 1.8.2012 reads as under :-

*"Mr. Shashank Manohar informed the House that Mr. Arun Jaitley called him up to convey the apprehensions expressed by the Kochi Franchise viz. Rendezvous Sports World. A representative of Kochi Franchise had called Mr. Manohar and told him that although M/s. Sahara had been given letter of allotment as franchisee and the Franchise Agreement was signed, Mr. Lalit Modi had not done the same with them. The representative of Kochi Franchise further complained that Mr. Lalit Modi had been pressurizing them to give up the Franchisee for a compensation of 50 mn US\$. When the same was refused by them, he had been threatening them with severe consequences. Mr. Shashank Manohar further stated that, the Kochi Franchise had complained to the BCCI in writing, and*

*According to Mr. Shashank Manohar, he had to intervene in the matter and advise Mr. Lalit Modi to forthwith sign the letter of allotment of Franchise to M/s. Rendezvous Sports World and also sign their agreement without any further delay.*

*Mr. Shashank Manohar further informed the House that inspite of his advice to Mr. Lalit Modi, harassment of Kochi Franchise at hands of Mr. Lalit Modi continued and after several meetings, Mr. Lalit Modi agreed to sign the agreement with M/s. Rendezvous Sports World.*

*According to a representative of the Kochi franchisee, Mr. Lalit Modi had been asking details about the shareholders of the Company, particularly with respect to one Mrs. Sunanda Pushkar.*

*According to Mr. Shashank Manohar, Mr. Shashi Tharoor called him up and informed him about the manner in which Mr. Lalit Modi was harassing the franchises who had won the bid after being found eligible. "*

22. That the plaintiff states and submits that the above quoted portion of the Minutes of the Governing Council Meeting dated 25.6.2010 were relevant and had important bearing on

that the Defendant No 4 can not continue as an adjudicator because firstly along with Mr. Tharoor, Defendant No. 4 was canvassing the case of the Kochi franchisee, Secondly he is a witness to the alleged complaint and the allegations leveled in such complaint and most importantly the Defendant No. 4 was under a moral and legal obligation to disclose the above fact but he failed to do so. Plaintiff states that the above quoted portion of the governing council meeting dated 25.6.2010 was intentionally and fraudulently suppressed by the BCCI and Defendant No.4 by his silence has become a party to such concealment and suppression.

23. That the Plaintiff further states that the Plaintiff has reasons to believe that the relevant important portion of the minutes of the Governing Council meeting dated 25.6.2010 were withheld and suppressed with the active consent of the Defendant No. 4. Plaintiff states that reasons for such belief, interalia, are that the draft minutes of the Governing Council meetings are circulated after the meeting to each member of the Governing Council after a day or two of the meeting and thereafter if no one has an objection the same are approved in the next governing Council Meeting. The Defendant No. 4 is a member of the Governing Council and in such capacity

contents of the same. Defendant No. 4 has been an eminent lawyer, has been a cabinet minister and held important portfolios including of law and is presently a member of the parliament and leader of opposition in Rajya Sabha. In such circumstances the Defendant No. 4 because of his knowledge of Law and allied subjects and his experience as such was fully and completely aware of the importance of the part of the minutes of the Governing Council meeting dated 25.6.2010 which were suppressed. Defendant No. 4 had the knowledge of the fact that the parts of the minutes of the Governing Council meeting dated 25.6.2010 which were being suppressed had an important bearing on the plea of recusal raised by the Plaintiff and the same in itself was a ground of recusal of the Defendant No.4 and could have given rise to an important ground for recusal of the Defendant No 4 and /or could have been a ground for challenging the order of recusal in the event of the Disciplinary Committee deciding the plea of recusal against the plaintiff such order of recusal could have been challenged on the basis of such material which was being withheld from the Plaintiff. The Defendant No.4 despite such knowledge actively became a party to the suppression and concealment of a material and important fact and material

Defendant No. 1 or Defendant No. 4 disclosed the above quoted portion of the Minutes of the Governing Council meeting dated 25.6.2010.

24. The Plaintiff submits that the Disciplinary Committee dismissed the recusal application of the Plaintiff by passing an Order dated 11<sup>th</sup> August 2010. Plaintiff states that the order dated 11<sup>th</sup> August 2010 is vitiated by fraud being obtained and passed by withholding and suppressing material facts which had an important bearing on issue of recusal.
25. The Plaintiff thereafter filed another writ petition before Bombay High Court bearing No. 1909 of 2010, inter alia, challenging the order dated 11<sup>th</sup> August 2010. By an order dated 15<sup>th</sup> September 2010 the Hon'ble Bombay High Court was pleased to dismiss the said petition.
26. That against the orders dated 15<sup>th</sup> July 2010 and 15<sup>th</sup> September 2010 the Plaintiff filed SLP (c) No 27157 of 2010 and SLP (c) No 15249 of 2010.
27. That during the pendency of the aforesaid Special Leave Petition on 29.09.2010, the AGM of the BCCI took place, that as per Rule 1 (q) of the BCCI Rules and Regulations a disciplinary committee is to be constituted every year in the Annual General Meeting. That in the meeting dated

constituted on 24.9.2009 and re-constituted on 3<sup>rd</sup> July 2010 came to an end on 29.9.2010. Though the members of the Disciplinary Committee had participated in the A.G.M., they continued with the inquiry on 14<sup>th</sup> and 15<sup>th</sup> October and 30<sup>th</sup> and 31<sup>st</sup> October without disclosing the fact that no Disciplinary Committee as contemplated in Rule 1 (q) of B.C.C.I. Rules and Regulations has been constituted. They did not disclose the fact that they have no mandate to continue with the inquiry. The Plaintiff had on 14<sup>th</sup> October 2010 requested for supply of the minutes of AGM. Pursuant to the Plaintiff's request, Defendant No. 1 supplied the minutes of AGM held on 29.09.2010. These minutes were supplied on 20.11.2010 by the Defendant No. 1's advocate to the Plaintiff's advocate. That in these circumstances, on the next date of hearing before the Disciplinary Committee, i.e 21.11.2010 the Plaintiff through his advocate filed an application seeking that the committee discontinues further proceedings. A response to certain queries raised by members of Disciplinary Committee on the said application was filed on 22.11.2010 by the Plaintiff and the Defendant also filed a reply on 23.11.2010. The Disciplinary Committee subsequently postponed the hearing on the application to 13.12.2010. Thereafter the Secretary BCCI issued a notice

be held at 11.00 AM on 11.12.2010 for the following business:

1. *To extend the tenure of the Disciplinary Committee consisting of Mr. Arun Jaitley, Mr. Jyotiraditya M Scindia and Mr. Chirayu Amin till the end of enquiry being conducted against Mr. Lalit K Modi.*
  2. *To ratify the proceedings of the Disciplinary Committee consisting of Mr. Arun Jaitley, Mr. Jyotiraditya M Scindia and Mr. Chirayu Amin which was specially constituted at the Special General Meeting of the Board held on 3<sup>d</sup> July, 2010 to conduct the enquiry against Mr. Lalit K Modi.*
  3. *To constitute Disciplinary Committee for the year 2010-11 as per regulation 1 (q) of Rules and Regulations of the Board.*
28. That in the aforesaid facts and circumstances the Plaintiff was constrained to file a Suit for declaration and permanent injunction before the High Court of Judicature at Bombay being Suit (C) No 195 of 2011. In which on the notice of motion initially an interim order was granted in favor of the Plaintiff which was continued from time to time till 4.3.2012. That thereafter the notice of motion no 230 of 2012 was dismissed and aggrieved by such dismissal Plaintiff filed

the Bombay High Court and such Appeal filed by the Plaintiff was dismissed by the Bombay High court on 5.4.2011.

29. That against the Judgment and order dated 5.4.2011 Plaintiff preferred SLP (C) No 11545 of 2011 before the Hon'ble Apex Court.
30. That all the aforesaid three SLP's filed by the Plaintiff i.e. S.L.P. (C) No.27157 of 2010, C.C.No 15249 of 2010 and S.L.P. (C) No.11545 of 2011 were decided and dismissed by the Hon'ble Apex Court by a common Judgment and order dated 26 September 2011. That the Hon'ble Apex court in the Judgment and order dated 26th September, 2011 specifically recorded as under :-

*"We have noted the submissions of the petitioner with respect to his apprehensions. However, as far as the propositions of law are concerned, we cannot take a different view in present case from the law laid down in the judgment of the Constitution Bench of this court in **M.P. Special Police Establishment (supra)**, and the judgment of four Judges in **T.P Daver vs. Lodge Victoria (supra)**. As held in **M.P. Special Police Establishment**. A mere apprehension of bias cannot be a ground for interference. There must exist a real danger of bias. And, following **T.P. DaverVs. Lodge Victoria**, though such domestic inquiries have undoubtedly to be fair, a member of a Society cannot*



*stretch the principle of fairness to the extent of demanding a tribunal consisting of outsiders, on the basis that the society members are biased against them. As we have noted, the petitioner, has in clear terms stated he was not making any personal allegations against two members of the Disciplinary Committee, viz. Shri Jaitley and Shri Scindia. Even the grievance against the third member Shri Amin cannot be said to be well founded. The Petitioner was alleging institutional bias against the members of the Committee, which was only on the basis of their participation in the meetings of the first respondent society. In this way, institutional bias can be alleged against every member of the Governing Council of IPL and the General Body of the first respondent which cannot be accepted. The petitioner may have an apprehension, but it is not possible to say from the material on record that he was facing a real danger of bias. We cannot presume that the three member will not afford the petitioner a fair hearing, or that it will not render unbiased findings. Taking a view as canvassed by the petitioner will lead to a demand for interference in the inquiries conducted by all other societies in such situations, and that cannot be approved in view of the law already laid down by this*

*court. This is apart from the view that we have taken, that the committee is validly constituted under Rule 1 (q) in view of necessity arising due to the recusal of the President of BCCI from the Committee.*

31. That the Plaintiff submits that as on the date of the passing of the order on the recusal application by the Disciplinary Committee as on the date of the passing of the order on the Writ Petitions, Suit and appeal arising there from and as on the date of passing of the orders in the Special Leave Petition the Plaintiff did not have the benefit and knowledge of the full and complete contents of the minutes of the Governing Council meeting dated 25.6.2010 and the same was deliberately, intentionally and fraudulently suppressed by the Defendants and the Plaintiff has come across the full and complete minutes of the Governing Council meeting dated 25.6.2010 on 1.8.2012. In order to clarify the Plaintiff states that the Plaintiff does not wish to re-agitate the issues that were raised and decided in the aforesaid petitions. That the present Suit is based upon subsequent cause of actions and events which have transpired after the aforesaid Special Leave petitions were decided by the Hon'ble Apex Court.
32. That the Plaintiff reiterates that Defendants specifically Defendant Nos. 1, 4 and 5 had failed to disclose a material part of the minutes of the Governing Council meeting dated 25.6.2010 and therefore submits that the failure on part of

an adjudicator to disclose a relevant fact as to his competency to be an adjudicator in a dispute is in itself a ground for his removal. In the present case the Defendant No. 4 suppressed a vital fact which had an effect on his competence to act as an adjudicator. That it is stated that Defendant No. 5 was present in the Governing Council meeting dated 25.6.2010 and the failure on his part to point out such suppression disqualifies him as well to continue as an adjudicator and as member of the Disciplinary Committee. That failure on part of Defendant No. 4 to disclose such important fact as recorded in the minutes of the Governing Council dated 25.6.2010 gives rise to a real danger of bias for the reason that the Defendant No. 4 by his silence has become a party to the fraud committed by Defendant No.1.

33. That apart from the issue of bias the material part of the minutes of Governing Council meeting dated 25.6.2010 clearly shows that the Defendant No 4. is a direct witness to the allegations being leveled against the Plaintiff in the show cause notice and clearly with the aid of his evidence Plaintiff can demolish the allegations and also establish his defense.
34. That Plaintiff further states that in terms of the observation of the Hon'ble Apex Court in the Judgment and order dated 26th September 2011, the Defendants were under a moral and legal obligation to conduct the proceedings fairly and transparently but facts and circumstances enumerated herein

after would show that they have acted unfairly and illegally and have failed to maintain transparency in the conduct of proceedings. That the Plaintiff states and submits that there is real and tangible bias against the Plaintiff as far as Defendant No. 4 to 6 are concerned and such bias is manifested by the illegal manner in which the proceedings have been conducted and recorded so far by the Disciplinary Committee. That apart from the issue of suppression and the issue of Defendant No. 4 being a direct witness the facts and circumstances enumerated herein below establish that the proceedings so far have been conducted illegally and the records maintained by the Committee are vitiated and Committee has infact being acting in a biased manner against the Plaintiff and therefore proceedings held so far ought to be declared as null and void.

35. That in the order dated 14<sup>th</sup> October, 2010 the Disciplinary Committee inter alia directed as under :

*"Since the cross examination of some of the witnesses is being conducted via video conferencing, it is agreeable to all that an approval by way of an e-mail of the correct recording of all the cross examination by a witness shall dispense with the requirement of physically signing it."*

36. Thereafter, on 15<sup>th</sup> October, 2010 the Disciplinary Committee of the BCCI inter alia passed the following direction :

*"In terms of our order dated 14<sup>th</sup> October 2010, copies of cross examination shall be e-mailed to the witnesses. The witnesses may make any typographical correction in the track changes format, if any, and send a confirmatory e-mail accepting the correct recording of the cross examination. The witnesses shall, however, not make any change in the substance of the cross examination so recorded."*

37. That in terms of the aforesaid orders and for the sake of fairness and transparency the Committee was duty bound to obtain the confirmatory mails from the witnesses on each day of the recording of cross examination either on the same day or within a day or two of the recording of cross examination. The Committee was further duty bound to share all communications sent to the witness and received from the witnesses with regard to such confirmatory mail with the parties and amongst themselves. However, the Committee miserably failed in such duty on some of the dates when witnesses were physically present their signatures were not obtained on the record of the cross examination. As per the record of the Committee itself as handed over to the Plaintiff only the following records of cross examination were sent to the witnesses for their confirmation.

- i) BCCI Witness No.1 Mr. Peter Griffith- his record of cross examination dated 15.9.2010, 14.10.10 and 15.10.10 appears to have been sent to him for his confirmation by email dated 6<sup>th</sup> July, 2011 sent by Defendant No. 4
- ii) Similarly BCCI witness no 2 Mr. John Loffaghan record of his cross examination dated 26.9.2010 and 27.9.2010 appears to have been sent by the Defendant No. 4 on the same date i.e. on 6<sup>th</sup> July, 2011 for his confirmation.
- iii) BCCI witness no. 3 Mr. Paul Manning records of his cross examination dated 30.10.10 and 31.10.10 appears to have been sent by Defendant No. 4 for his confirmation on 6<sup>th</sup> July, 2011.

38. That the Plaintiff states that as per the record of the Committee as handed over to the Plaintiff no other record of cross examination either of the above three witnesses i.e. BCCI witness No. 1, 2 and 3 nor the record of cross examination of any other witness has been sent for their confirmation. As far as the records mentioned in the Para above is concerned, Plaintiff has been repeatedly requesting that he may kindly be handed over the aforesaid emails dated 6 July, 2011 along with the attachment and has also been requesting email as sent by the witnesses along with the attachment may kindly be forwarded to him. Plaintiff

states that the Defendant No. 4 is maintaining absolute secrecy about the aforesaid issue and though Defendant No. 4 has provided a hardcopy of the email but not the attachments to the email.

39. That the Defendant No 4 to 6 (Committee) till 6<sup>th</sup> July, 2011 took no steps to obtain the confirmatory mails from the witnesses regarding the correct recording of their cross examination. That on 6<sup>th</sup> July, 2011 when the aforementioned SLPs were taken up before the Hon'ble Apex Court and the issue raised with regard to confirmatory mails the BCCI (Counsel for Defendant No. 1) gave an oral undertaking before the Hon'ble Apex Court that confirmatory mails from the witnesses confirming the correct recording of the cross examination would be forwarded to counsel for the Plaintiff.
40. That in the proceeding dated 6<sup>th</sup> July, 2011 the Disciplinary Committee has specifically recorded the aforesaid undertaking of the BCCI in the following words. *"We have been informed that in one of the SLPs filed by Mr. Lalit Modi, which came up for hearing today, the BCCI gave an undertaking to the Hon'ble Supreme Court that e-mails from Mr. Paul Manning, Mr. John Loffhagen and Mr. Peter, Giriffiths confirming the correct recording of their cross examination would be forwarded to counsel for Mr. Lalit Modi."*

41. That the records of the Disciplinary Committee reveal that on 6<sup>th</sup> July 2011 at 11:12 PM an email was Sent by Defendant No 4 to the Witness Peter Griffiths seeking his confirmation. A hard copy of the mail which has been supplied to the plaintiff does not show any attachment to the mail. Mr. Griffith had responded on the same day at 4 :32 PM and stated that " I will check & respond to you". There is another email dated 6<sup>th</sup> July, 2011 sent at 3.42 PM to the witness Peter Griffith by Defendant No. 4 which shows that 3 attachment were mailed. That on 6<sup>th</sup> July, 2011 at 3.40 PM another email was sent by Defendant No. 4 to BCCI witness No.2 John Loffaghan which appears to contain as an attachment his record of cross examination dated 26.9.2010, 27.9.2010 (morning session document), and 27.9.2010 (evening session document) where as the witness was physically present on 26<sup>th</sup> September, 2010 and 27<sup>th</sup> September, 2010. However as far as this witness is concerned his record of cross examination dated 29.9.2010 which was recorded in his physical presence has not been signed and the record of his cross examination dated 14.10.10 which was recorded by a video conferencing has not been sent for his confirmation. Similarly, as far as BCCI witness No. 3 is concerned his record of cross examination of only 3 dates appears to have been sent for his confirmation whereas the witness was cross examined on 8 dates.



42. That the records of the Committee further reveal that on 11<sup>th</sup> July 2011 Mr Griffith has addressed an email to Mr Jaitley which Merely stated "*Please find a marked up version showing drafts sent to me on Wednesday.*" His response does not even suggest that he has confirmed his record of cross examination. This email of Mr. Griffiths has three attachment. What is most intriguing is that when the email dated 6<sup>th</sup> July 2011 did not have any attachment what was the draft that was sent to Mr Griffiths. Fairness demanded that the email addressed by Defendant No. 4 to the witness ought to have been marked to the parties as well but the same was not even marked to the other members of the Disciplinary Committee.
43. That by various applications the Plaintiff had recorded and requested that the entire communication sent by the witness be handed over to him. By application dated 10<sup>th</sup> July 2011 the plaintiff inter alia had specifically requested Defendant No. 4 to 6 that :-

*Forward hand over email along with the attachments each and every and entire and complete communication sent to each of the witnesses for obtaining their confirming mails via Video link.*

*Forward Via email all communication all communications received from the witnesses with regard to the confirmation of their cross examination.*

44. That in this regard the Plaintiff in his application dated 10.7.2011 had specifically stated *"We wish to record that the entire communication sent by the witnesses to the DC has not been handed over to us because we have not been handed over the attachments which were sent along with the emails. Otherwise also the communication sent by Mr. John Loffahgen i.e. the email dated 6.7.2011 prima facie seems to be incomplete. We wish to further record that only the communication dated 6.7.2011 at 11:12 a.m sent by the D.C to the witness peter Griffiths has been handed over to us and the communication sent to the other two witnesses for their confirmation has not been handed over to despite our various requests."*
45. That despite consistent and repeated request the Defendant Nos. 4 to 6 and specifically Defendant No. 4 has till date failed to provide the full and complete communications sent to the witnesses and communication received from the witnesses.
46. That apart from the above, it is submitted that the manner in which the proceedings are being conducted was not subject matter of any challenge made earlier by the Plaintiff. The Plaintiff submits that the proceedings as being conducted are completely non compliant with the principles of natural justice. It is significant to point out that various documents which were relevant for the subject matter of charge were

withheld from the Plaintiff claiming confidentiality. The Plaintiff through his counsels was constrained to move two applications dated 27.09.2010 for supply of documents which were opposed by BCCI vide reply filed on 28.09.2010. Sustaining the plea of BCCI the Committee vide order dated 28.09.2010 application for supply of documents rejected the said plea.

47. That it was discovered in the course of hearing on 27.07.2010 that BCCI was tape recording the entire proceedings without disclosing this fact to the counsels for the plaintiff. In the course of hearing, it was informed that these meetings were indeed recorded and that it was stated that all hearings of BCCI are Audio & Video recorded. In these circumstances, an application was moved to provide Tape & Video recording of relevant meetings of IPL Governing Council as well as hearing dated 16.07.2010 and 27.07.2010 of Disciplinary Committee. The BCCI opposed this prayer by filing a reply served on 27.09.2010. That no order on the said application was ever passed by the Disciplinary Committee comprising of defendants no. 4 to 6.
48. Rather, on 28.09.2010 completely incorrect observations so as to paint the Plaintiff and his counsels in a totally negative light were recorded by the Committee comprising of defendants no.4 to 6 and in order sheet recorded that day. These observations were factually incorrect. Against the said

order sheet an application was moved on 13.10.2010 for expunging the observations made in order dated 28.09.2010. The application stated that on 26.09.2010 it was incorrectly recorded that the counsels of plaintiff had agreed on 15.09.2010 to start cross-examination of BCCI witness No.2 Mr. John Loffhagen on 26.09.2010 while BCCI witness No.1 Peter Griffiths cross examination was still incomplete. Whereas in fact, the counsels had opposed such a prayer inasmuch as certain additional documents were filed by the BCCI in respect of this witness Mr. John Loffhagen without even supplying a copy of the same to counsel for the plaintiff or giving an opportunity of admission denial. It was further mentioned that the order sheet was being drawn to paint the Plaintiff and/or his counsels in a negative light. It was pointed out that the cross examination was being recorded in a completely unjustified manner. Regarding objections on manner of recording cross examination it was stated as under:-

*"5(i) That in reply to the Show Cause, notices applicant has taken a specific stand that the instant proceedings are malafidely instituted/ initiated by the Secretary BCCI and the President and therefore the counsels for the applicant have a right to put questions to the witnesses in this regard. However, whenever such questions are put members of the DC intervene and disallow such questions and or the answers at times is not recorded in the language of the witness.*

*At times such answer of witnesses have clearly indicated and established the malafide of Secretary N. Srinivasan and have tended to establish the allegation made by the applicant against him in reply to the show cause. Such course of action is causing grave prejudice to the applicant and ultimately the truth is becoming a casualty.*

*(ii) That the witnesses have deliberately refused to answer various relevant questions taking an unsustainable plea of confidentiality which has no place in law. The BCCI on its part wherever it suited its interest has waived the confidentiality and wherever it tended to establish the case of the applicant refused to waive such bogus plea of confidentiality. The DC rather than directing the witness to answer or directing the BCCI to allow the witness to answer has acquiesced in the actions of BCCI in withholding the witness from answering. Such conduct of cross examination has also caused grave prejudice to the applicant and will ultimately lead in miscarriage of justice.*

49. That it is submitted that the Committee was examining various witnesses from England through Video Conferencing. However, whatever was being recorded, certified and authenticated copies thereof were not being supplied. On 03.07.2011 the Plaintiff sought a confirmation if the signed cross examination and /or record of cross examination of witnesses whose evidence have been recorded on 14<sup>th</sup> & 15<sup>th</sup> October, 2010 through video conferencing has been obtained and for the supply of the same. In fact, the cross

examinations of English witnesses had taken place on 14.10.2010, 15.10.2010, 30.10.2010 and 31.10.2010 through video conferencing. However, neither copies of cross examinations nor confirming e-mail of the witnesses that the cross examination was correctly recorded was sent to the counsel for the Plaintiff. Subsequently, on 05.07.2011 another application was moved seeking the following prayers:-

*"It is therefore, respectfully prayed that before the commencement of the proceedings today on 05.07.2011, the applicant may kindly be :-*

- a) granted a inspection of the file containing the cross-examination of the witnesses;*
  - b) Granted a certified / authenticated and/or at least a photocopy of the signed/ final cross examination of the witnesses;*
  - c) Granted a copy / details of the communication setn by either BCCI or DC seeking a confirmatory mail from the witnesses regarding their statement/cross examination recorded via video conferencing.*
- It is prayed accordingly."*

50. That after moving these applications the counsels for the Plaintiff came to know that the record of cross examination has not been maintained. The record was not authenticated not only of the witnesses sought to be examined through Video Conferencing but, as and when witnesses were also

physically available their signatures were not taken on the record of the cross examination. On 15.09.2010, 28.09.2010 and 29.09.2010 though the witness was present, the statements purportedly recorded were not got signed, while on 26.09.2010, 27.09.2010 and 28.09.2010 only the last page of the testimony was got signed. In these circumstances, the counsels of the Plaintiff were constrained to move an application on 06.07.2011 that there was gross illegality or impropriety in recording cross examination and that in respect of witnesses recorded through video conferencing to confirm the correct recording of their cross examination in presence of counsels for the parties with a further request to cross examine them.

51. That based on these applications dated 05.07.2011 and 06.07.2011, two contradictory orders were passed. While on 05.07.2011 the Disciplinary Committee recorded that the BCCI Counsel would obtain confirming e-mails within 1 week and whereafter complete set of testimony recorded so far will be given to the parties, in separate order sheet on 06.07.2011 it was recorded that Disciplinary Committee had sent email to three witnesses. Further on 07.07.2011 it was recorded that changes were suggested in the cross examination of Peter Griffiths and Paul Manning while John Loffhagen could not give his confirmation. The applications

in respect of irregularities pointed out by the counsels for the Plaintiff have remained undecided by Defendant No.4 to 6.

52. That though the Disciplinary Committee consists of three members, however, on various dates, namely; 29.07.2011, 02.08.2011, 25.08.2011, 16.09.2011, 12.10.2011, 14.10.2011 and 15.10.2011 and on dates thereafter the proceedings were continued in absence of full quorum. Even though the full quorum was not present the proceedings did not record the absence of full quorum and the order sheets were maintained as if the proceedings were being continued in presence of all the members. Invariably the proceedings would start when one or two members being present and the second and/or third member would join in for some time. At other times one of the members would join through "Face Time" an application on Apple I Pad. Whenever foreign witnesses were being examined through Video Conferencing the member present on Face Time would not be able to see the witness nor the witness would be able to see or hear the member on face Time. Thus, for all effects and purposes these proceedings were conducted in absence of full quorum. In these circumstances, an application was moved on 24.08.2011 by the counsel for the Plaintiff urging that:-

*"6. With great respect and humility we would also take the opportunity to clarify that we are under instructions to request that the proceedings be*



*conducted in presence of all the members of the DC and as is the practice it can also be via video conferencing but not through any other novel technology like face book, Skype, I-Phone etc. for the reason that unfortunately we have not been able to keep pace with such advancement of technology and we are not acquainted with the same, further in our respectful submissions such mode of participating in a proceedings are not legally recognized so far but we hasten to add that being not present or available on some other mode of technology then the committee may record its directions in this regard and direct us to proceed.*

53. That despite the aforesaid irregularities being pointed out the Disciplinary Committee continued to function without full quorum on subsequent dates when some of the members were either not present or were present thorough Face Time.
54. That on 15.09.2011 BCCI Witness No.3 Paul Manning was examined in London. On 16.09.2011 when the cross examination resumed he stated that BCCI Counsel had told him to change the statement made in the cross examination. However, this very relevant fact was not recorded in the order sheet and it was recorded as if some corrections were required to be made in the statement. Post 16.09.2011 till 15.10.2011 no statements of the witnesses as purportedly

recorded were supplied to counsels for Plaintiff. Besides this BCCI witness No.6 Giles Clarke who was appearing as witness was using totally uncivil language but neither any attempt was made by the committee to ask him to refrain from doing so nor the uncivil language he was speaking was recorded. Further the said witness remained evasive to specific questions and gave round about replies with irrelevant details which were paraphrased by the committee in such a manner as that the answer would not be recorded as stated by witness.. Further various relevant questions were disallowed by the committee. The Committee also unnecessarily pressurized the counsel for the plaintiff into giving time frames for completing cross examination. In these circumstances, on 15.10.2011 an application was moved for Video Recording of the cross examination. That a reply to the said application came to be filed by BCCI opposing the said requests to which a rejoinder was given by the counsel for the Plaintiff.

55. That it is submitted that the draft cross examinations of BCCI witnesses Mr. Giles Clarke dated 28.08.2011, 30.08.2011, 12.10.2011, 14.10.2011, 07.11.2011 and of Mr. Paul Manning dated 16.09.2011 and 15.10.2011 were supplied after considerable delay on 08.11.2011. These cross examinations were only supplied to the counsel for the plaintiff after they are vetted and corrected by the BCCI.

56. That on 31.10.2011 the application seeking video recording of proceeding was rejected by the Disciplinary Committee comprising defendants No. 2, 3 & 4.
57. That it is submitted that the plaintiff had moved earlier Writ Petitions before Bombay High Court seeking recusal of defendants 4 to 6 on ground of bias. As against Mr. Arun Jaitely, no allegation of personal bias was raised.
58. That in the proceedings Defendant No.4 has played a pivotal role more so because he is a Senior Advocate while the other two members of the disciplinary proceedings are without a legal background.. The orders on various applications are also dictated by Defendant No.4. Though the plaintiff has in earlier petitions out of courtesy and in the hope that past instances of friction between Mr. Jaitely and Plaintiff will not be allowed to come in way of proper adjudication had refrained from leveling allegation of personal bias against Defendant No.4, the manner in which the proceedings are now sought to be conducted leaves no manner of doubt that the reason also for such conduct is on account of grudges harbored by Defendant No.4 against the plaintiff.
59. That those grudges which indicate a real danger of personal bias in proceedings against the plaintiff are set out below:-
- a) That the plaintiff was elected as President Nagaur Cricket Association ("NDCA") in Rajasthan in the Year 2004 and was subsequently re-elected as President

NDCA in the year 2006. The Plaintiff, by virtue of his being President of Nagaur District Cricket Association was eligible to contest for Rajasthan Cricket Association (RCA") Elections. The Plaintiff was elected as the President of RCA in the year 2005. In doing so the plaintiff had ousted Kishore Roongta and his family members from the control of RCA..

b) That by way of retaliation multiple proceedings, namely; civil suits, arbitration proceedings were lodged at the instance of Kishore Roongta. While the suit was filed by using one Ram Karan Choudhary as the front, the arbitration proceedings were filed by using one Suresh Raina. Kishore Roongta himself filed IA in a pending SLP before Hon'ble Supreme Court challenging the election of the Plaintiff as President RCA on the ground that he was elected to RCA/NDCA on the basis of forged documents and that the real person in the voting college was a person named Lalit Kumar and the plaintiff was impersonating him. This IA was argued by Defendant No.4 as Sr. Counsel appearing for Mr. Kishore Roongta.

60. That while Defendant No.4 was appearing against the Plaintiff he was also an administrator of BCCI. In terms of BCCI Rules and Regulation a complaint was filed by the Plaintiff to the then President BCCI on 9.4.2006 for taking

disciplinary action against Defendant No.4 and disqualifying him.

61. The Defendant No.4 knew of the complaint filed by the Plaintiff against him.
62. That the manner of conduct of the proceedings amply indicates that Defendant No.4 harbors personal grudge against the plaintiff and this is one of the reason for unfair manner of conduct of proceedings.
63. That the Plaintiff submits that the proceedings of Disciplinary Committee are vitiated on various counts. They are vitiated on account of violation of principles of natural justice where documents which were relevant to prove plaintiff's innocence are withheld and not supplied, they are also vitiated for the reason that cross examination on relevant questions are not permitted and opportunity of cross examination was curtailed, they are also vitiated in account of no correct record of cross examination or purity of records being maintained and the cross examination being circulated only after correction/ vetting by BCCI. The proceedings are vitiated on account of no full quorum being present on various dates.
64. That as neither the proceedings were being fairly recorded nor the records of the recorded proceeding were being fairly maintained the Plaintiff by filing an application sought permission for the audio and Video recording of the

proceedings. This application of the Plaintiff was decided on 31<sup>st</sup> October 2011 and such request of the Plaintiff was declined.

65. That thereafter the Plaintiff was also constrained to file another application inter alia requesting that :-

A) *"Disciplinary Committee may not proceed without all the three members being present and effectively participating in the proceedings.*

B) *Disciplinary committee may supply us a copy of the order dated 31.10.2011 passed on the application for video recording of the proceedings.*

C) *Disciplinary Committee may ensure that an exact and accurate transcript of the proceedings are prepared and we are supplied a copy of the same as is also done in the Disciplinary proceedings before the Institute of Chartered accountants.*

D) *We may kindly be supplied with a copy of the cross examination recorded since 15.9.2011 along with the authenticated mails signatures of the witnesses."*

66. That after 6<sup>th</sup> July 2011 again no attempt appears to have been made to obtain the confirmatory mails of the witnesses whose cross examination was recorded via Video Link. That the Plaintiff till date has not been informed of any such attempt being made and the Defendant no. 4 has not

handed over any such communication seeking such confirmatory mail from the witnesses to the Plaintiff.

67. That from 6<sup>th</sup> July 2011 till date on the following dates the cross examination of witnesses has been recorded via video link :-

A) BCCI Witness No. 3 Paul Manning examined via video link dated 23.8.2011, 24.8.2011, 25.8.2011, 15.9.2011, 16.9.2011 and 15.10.2011.

B) BCCI Witness No. 6 Giles Clarke examined via video link dated 28.8.2011, 30.8.2011, 12.10.2011, 14.10.2011, 7.11.11, 8.11.11, 22.12.11, 3.1.12 and 4.1.12 and no confirmatory mail has been obtained from Mr. Giles Clarke.

C) BCCI Witness no. 7 N.P. Singh examined via video link on 10.1.2012, 11.1.2012, 27.3.2012, 28.3.2012 and 24.4.2012.

D) It is also interesting to note that BCCI Witness No.7 was examined and was physically present on, 12.12.2011 and 13.12.2011 (in Delhi). However his signatures have not been obtained on the record of his cross examination.

68. That on 24.4.2012 the Plaintiff filed four applications the first being an application praying for devising a procedure for authenticating and providing certified /authenticated copies of the records of the proceedings, Second an Application seeking signed sealed copy of the records and third an

application recording objections to the delay in obtaining confirmatory mails from the witnesses and an application requesting for obtaining confirmatory mails from the witnesses before proceedings further and fourth An application seeking recall of Mr. Sunder Raman, BCCI Witness No. 4.

69. That the Committee decided the aforesaid application on 14<sup>th</sup> May 2012 and conveniently skirted the main issue and in para 6 it was directed :-

"6. The contention of Mr Hora is that if confirmatory mails in support of the evidence have not been given by the witness, the evidence should be struck of the record. We can not agree with the same. Even when witnesses have made some corrections and objections to corrections have been raised we have placed those corrections on record along with originally recorded evidence. We have followed a transparent procedure where evidence is openly dictated in the course of the proceedings and a copy of the evidence being recorded is displayed on the screen kept in the room where the inquiry is being held. The Screen is being followed by both the parties and members of the enquiry. It is the committee's recording which is final. In case the witnesses have not sent any confirmatory



(A)

**IN THE COURT OF LEARNED DISTRICT JUDGE, PATIALA**

**HOUSE COURTS, NEW DELHI**

**CIVIL SUIT NO. OF 2013**

Lalit Kumar Modi ----- Plaintiff

Versus

The Board of Control for Cricket in India and ors

Defendants

**MEMO OF PARTIES**

**In the matter of:**

Mr. Lalit Kumar Modi

Indian Inhabitant

Through his Constituted Attorney

Shri Mehmood M Abdi. Residing at

A - 901, Meera Tower, Near Mega Mall

Oshiwara, Andheri West, Mumbai - 400 053

PLAINTIFF

Versus

1. The Board of Control for Cricket in India, A Society registered under the Tamil Nadu Societies Registration Act, having its headquarters at Cricket Centre Wankhede Stadium Mumbai-400020, through its Secretary
2. Mr. N. Srinivasan  
President.  
The Board of Control for Cricket in India  
Cricket Centre, Wankede Stadium  
Mumbai-400020  
Maharashtra.
3. Mr. Shashank Manohar

mails. What the committee has recorded will be taken as final. The application, therefore stands rejected."

70. That the above order fails to take into account a crucial concern of the Plaintiff that is was any communication sent by the Disciplinary Committee to the witnesses whose cross examination was recorded after 6th July 2011 via video link and what was the response of the witnesses. The Plaintiff states that the cross examination of the witnesses has not been recorded correctly and such record of cross examination being incorrect the witnesses would not confirm the same and the Defendants are fully aware that the witnesses would not confirm such incorrect record of cross examination and therefore the Defendants are not disclosing materials in this regard.
71. That thereafter the Plaintiff was handed over a copy of the records of the committee purporting to be the entire records of the enquiry and the plaintiff was surprised to notice that there is nothing to indicate that any communications was sent to the witnesses seeking their confirmation after 6th July 2011.
72. That the Plaintiff submits that failure on part of the Disciplinary Committee to maintain the record of cross examination in conformity with law, the failure of the committee to obtain the signature of witness on record of cross examination when they were physically present before

the Committee and the failure of the Committee to obtain the confirmatory mails from the witnesses who were examined via video conferencing has vitiated entire proceedings. Plaintiff further state and submits that the failure on part of Defendant no. 4 to share the communication made and received by him to the witnesses shows that he is in fact biased and defendant no 4 is acting with a predetermined objective of holding the plaintiff guilty in the Disciplinary proceedings.

73. That In such circumstances the Plaintiff is left with no option but to infer that the Defendant No. 4 is acting unfairly and is withholding materials and evidence which may help in exonerating the Plaintiff. That at this juncture it is important to state that some of the issues being enquired into by the committee are also subject matter of investigation before the Enforcement Directorate and Defendant No. 2 and 3 have also been examined by the Enforcement Directorate and the statements of some of the witnesses examined by the Committee have been recorded and reduced in writing by the officers of the enforcement directorate also. That thereafter show cause notices have been issued by the Enforcement Directorate and as far as plaintiff is concerned the show cause notices have been issued to the Plaintiff with the aid of Section 42(1) of FEMA. In response to the Show cause notices Plaintiff has filed a candid and truthful reply

which is a cause of discomfort to the Defendants as through the Disciplinary proceedings they have been attempting to shift all blames on the Plaintiff. The Defendant nos. 4 to 6 specifically Defendant no. 4 appears to be working towards a predetermined objective of holding the Plaintiff guilty and towards the achievement of this object he has been communicating with the witnesses in his individual capacity allowing materials to come on record which are against the Plaintiff and would help in shifting all blames on Plaintiff in order to achieve his objectives the Defendant no. 4 is suppressing and concealing facts and material which Plaintiff is entitled to in law. The Committee in its eagerness to suppress the truth has even disallowed applications for summoning Defendant no. 2 and 3 who are material witnesses and with the aid of their evidence Plaintiff could have established his innocence and by their cross examination could have established that each and every allegation made against the Plaintiff is false to the knowledge of Defendant no 2 and 3.

74. That the Plaintiff had filed two application for summoning Defendant No. 2 and 3 as witnesses.
75. That while the aforesaid two applications were pending on 1.8.2012 the Plaintiff came across the full draft minutes of the Governing Council meeting dated 25.6.2010 and therefore the Plaintiff on 2.8.2010 filed three applications

before the Committee first being an application seeking recusal of Defendant No. 4 as the member of the Disciplinary Committee, Second being an application seeking disclosure and discovery. Third being an application seeking exclusion of Mr Jaitley (Defendant no 4) from or participating or decision making in the application of recusal and discovery.

76. That all the aforesaid three applications were decided by a common order dated 12<sup>th</sup> September 2012. As far as disclosure is concerned the Defendant No. 4 instead of making a full and complete disclosure as sought for by the Plaintiff made the following personal statement and recorded the same in para 12 of the order dated 12.9.2012 .

*In relation to aforesaid contention, Mr. Jaitley makes the following personal statement:-*

*"Some time in the month of April 2010, a person claiming to be a banker and associated with the Kochi Franchise (whose name I do not remember) came to my residence at Kailash Colony, New Delhi. He came at a period when I fix few public appointments. He expressed apprehensions about undue delay in executing the agreements in relation to Kochi Franchise even though it was a successful bidder. I informed him that I do not have the authority to deal with such issues and that he may contact Mr. Shashank Manohar, the then President BCCI who was*

*competent to take an appropriate view on the subject.*

*I telephonically informed the BCCI President about this*

*incident. I have absolutely no connection or interest,*

*direct or indirect, with the Kochi franchise. Neither*

*have I contributed, in any manner, in the issuance of*

*the Show Cause notices to Mr. Modi."*

77. That the personal statement made by the Defendant No. 4 and as recorded in para 12 of the order dated 12.9.2012 clearly shows that the Defendant No.4 apart from everything else and without prejudice to any other contention and statement made herein above is a witness. That the same also shows that the Defendant No. 4 has made a halfhearted disclosure. That thereafter on enquiry being made Plaintiff came to know that the Defendant No.4 was clearly invoked in issuance of show cause notices and was advising Defendant No. 1 on the various aspects of the Disciplinary Proceedings and therefore on the basis of such information and knowledge, an application dated 11<sup>th</sup> October 2012 was filed wherein the Plaintiff specifically set out three instances which showed that the Defendant No. 4 has been involved in the issuance of show cause notices such instances as given in the application were as under :-

- (i) After the issuance of first Show cause notice by BCCI and before Mr. Modi gave his reply, Mr. Modi had sought disclosure of various documents/ information

from the BCCI. The communications pertaining to these disclosures which set out the limit to which set out the limit to which BCCI would supply information and make disclosures and the draft responses sent by BCCI to Mr. Modi were approved by Mr. Jaitley and Mr. Shashank Manohar. This happened in the first fortnight of May 2010.

- (ii) Before issuance of second Show Cause Notice on the email of Mr. Giles Clarke, the proposed action to be taken against Mr. Modi was again discussed between Mr. Jaitley, Mr. Srinivasan and Mr. Shashank Manohar and it was only on advice of Mr. Jaitley that Mr. Manohar and Mr. Srinivasan issued show cause notice to Mr. Modi. This happened between 2<sup>nd</sup> May 2010 and 6<sup>th</sup> May 2010.
- (iii) The draft of the second Show Cause Notice was also sent to Mr. Jaitley for his approval and advise before it was issued to Mr. Modi. This happened between 2<sup>nd</sup> May 2010 and 6<sup>th</sup> May 2010.

- 78. That on 21.9.2012 the Plaintiff filed a detailed application seeking recusal of Defendant No. 4 on the ground that by virtue of disclosure made by him in para 12 of the order dated 12.9.2012 he is a witness.
- 79. That on 5<sup>th</sup> October 2012 Plaintiff also filed a detailed objection to the order dated 12.9.2012.

80. That by order dated 29<sup>th</sup> October 2012 the Committee decided the application dated 21.9.2012 and completely failed to deal with the issues raised and arising in the application and in para 15 it held :-

*"It is a matter of record that the BCCI led evidence of Mr. Keshav P.T. to substantiate the allegation of arm twisting. Mr. Keshav P. T. in his witness statement referred to an email dated 11.4.2010 of Mr. Venugopal and his email dated 11.4.2010 to allege Mr. Modi of arm twisted Kochi Franchise. Mr. Modi in his application dated 21.9.2012 has taken a categorical stand that the BCCI has failed to prove the emails dated 11.4.2010 and 16.4.2010 and no case on the allegation of arm twisting is made out. If that be so, and given that the onus would be on the BCCI to prove this allegation made by it, we see no reason for Mr Jaitley to become a witness since Mr. Modi's defence is that the allegation is not proved by evidence led by the BCCI itself."*

81. That as is evident from the order dated 29<sup>th</sup> October 2012 the Committee has not returned any findings on the issues raised in the application and therefore the plaintiff was constrained to file an application dated 5<sup>th</sup> November 2012 for seeking clarification of the order dated 29<sup>th</sup> October 2012.



82. That by the same order dated 21.9.2012 the Committee also rejected the applications for summoning of Defendant Nos. 2 and 3. The order dated 21.9.2012 passed by the Committee is contrary to the order dated 21.12.2011 passed by the Committee itself. The principles set out by Committee to allow applications of BCCI are not adopted in applications filed by the Plaintiff. In fact, irreconcilable stands are taken by the Committee which makes it apparent that it is moving with predetermined mindset.
83. That the Plaintiff submits that the conduct of the BCCI and IPL is being investigated by the Enforcement Directorate and the Enforcement Directorate has issued various show cause notices to the Defendant No 1 to 3 and the Plaintiff. In all such Show cause notices the allegations against the Plaintiff are based upon Section 42 (1) of FEMA.
84. That the Plaintiff submits that the entire proceedings are being conducted unfairly and documents and evidence is being created in order to shift all blames on the Plaintiff further by disallowing the request of the Plaintiff to examine Defendant Nos. 2 and 3 the Committee is trying to shield them and suppress the truth so that all blames could be shifted on the Plaintiff.
85. That the very fact that the Committee has disallowed the legitimate request of the Plaintiff to examine Defendant No. 2 and 3 who are the authors of the show cause notices and

at whose instance the show cause notices were issued shows that the Committee is biased against the Plaintiff and the entire exercise of the inquiry is with a pre-determined objective of the holding the Plaintiff guilty. It is stated that the purpose of any fair inquiry is to find out the truth and for this purpose the examination of Defendant no. 2 and 3 was extremely important. Defendant no. 2 and 3 being the administrators of the BCCI are bound by its by-laws including Clause 32 and therefore there was no legal hurdle in summoning them as Committee witnesses. Further Defendant No.3 (Mr. Shashank Manohar) in his letter dated 29.6.2010 had specifically noted that he may be required as a witness and therefore he had recused. In view of such facts and circumstances the order refusing to summon Defendant no. 2 and 3 is illegal and unsustainable on the face of it.

86. Plaintiff states that Defendant no.4 (Shri Arun Jaitley) is infact biased and therefore he has consistently failed to disclose materials, facts and circumstances which would have disqualified him from being the member of the Committee. Plaintiff submits that the reason for which the Defendant no.4 may hold a grudge against him is the letter dated 9.4.2006 whereby the plaintiff had made a complaint against Defendant no.4.

87. The Defendant No.4 is being projected as the next President of the BCCI and in such circumstances the Plaintiff has a strong apprehension that the records and the documents are being maintained in a manner that if on the same issues the witnesses have made conflicting statement before the Enforcement Directorate and in the Disciplinary Proceedings they have an easy way out and they may not be fastened with any liability of having made such false statement and that is why the Defendants are maintaining secrecy about the confirmatory mails.

88. That the plaintiff states that the apprehensions of the Plaintiff are further strengthened by the fact that one Surinder Singh Barmi had filed complaint before the Competition Commission of India against the Defendant No 1 which had resulted in case No 161 of 2010 titled Surinder Singh Barmi Versus Board of Control of Cricket in India and thereafter the matter was investigated by the Director General of the Competition Commission of India. The two issues covered by the investigation were grant of Franchisee rights and Grant of media rights these two issues are also subject matter of enquiry before the Disciplinary Committee. That before the Competition Commission of India the Defendant No. 1 had tried to shift all blames on the Plaintiff however the Commission has held otherwise in its order dated 08.02.2013. It is submitted that the Defendant No. 4

and 5 being members of the Governing Council and Defendant No. 6 being an office bearer of the BCCI would make all attempt to uphold the allegations in the Show cause notice in order to create a defense and a ground against the order of the Competition Commission of India and therefore Plaintiff submits that the Defendant No. 4 to 6 are in fact biased.

89. That thereafter Plaintiff has come to learn that a meeting of the Disciplinary Committee was held on 13.2.2012 without any advance intimation to the Plaintiff and/or his representatives on enquiry being made by the authorized representative of the Plaintiff it has emerged that an email intimating about the dates of the enquiry was purportedly sent by the defendant No.4 to the representatives of the Plaintiff i.e. Shri Mehmood M Abdi and Shri Gaurav Gopal but no such email sent by the Defendant No. 4 has been received either by Shri Abdi or Shri Gaurav Gopal and false record is being sought to be created by Defendant No.4.

90. That in such circumstances Plaintiff is seeking the following declarations :-

- (a) Issue a declaration that Plaintiff is entitled to be enquired against by an unbiased and fair Tribunal (Disciplinary Committee) whereas Disciplinary Committee conducting the enquiry against the Plaintiff; is in fact biased.

- (b) Issue a declaration that in view of stand taken by Defendant No. 1 in replies to various show cause notices issued by Enforcement Directorate regarding IPL and the stand taken before the Competition Commission of India in Case No. 161 of 2010, the Defendant Nos. 4 to 6 cannot be expected to act fairly and independently
- (c) Issue a declaration that the Disciplinary Committee conducting the enquiry against the Plaintiff has to follow a fair and transparent procedure and such committee has to conduct the proceedings fairly and transparently and has to maintain the records of the proceeding fairly and transparently whereas the Disciplinary Committee comprising of Defendant Nos. 4 to 6 has not followed a fair and transparent procedure and has not conducted the proceedings fairly and transparently and has not maintained the records of the proceeding fairly and transparently and therefore the proceedings held so far are illegal, null and void and vitiated by fraud.
91. That in such circumstances Plaintiff is seeking the following consequential permanent injunction :-
- a) Issue a permanent injunction injuncting the Defendants no. 1 from proceeding any further against the Plaintiff in the inquiry being conducted by Defendant No. 4 to Defendant No. 6 (Disciplinary Committee);

b) Issue a permanent injunction restraining the Defendant No.4 to 6 from proceeding further with the enquiry being conducted by them against the Plaintiff.

92. That the Plaintiff states that the Plaintiff has no other alternative equally efficacious remedy available to him and if the prayers sought for in the instant suit are not granted then the Plaintiff is likely to suffer irreparable injury which can neither be quantified nor compensated in terms of money. Plaintiff submits that the Defendant No. 4 in the suit is in fact biased against the Plaintiff and further that the entire proceedings have been conducted illegally by Defendant Nos. 4 to 6 and the records of the proceedings have not been maintained in accordance with law and there is complete secrecy being maintained with regard to the confirmatory mails from the witnesses in such circumstances and especially in view of the stand taken by the Defendant No.1 before the Competition Commission of India, Plaintiff apprehends and has reasons to believe that the Defendant Nos.4 to 6 would prepare and submit a incorrect report based on incorrect and illegal evidence and without their being any evidence against the Plaintiff and such report would damage and tarnish the reputation of the Plaintiff.

93. That the instant suit being a suit for declaration and permanent injunction for the purposes of valuation and court fee, the Plaintiff is valuing each of the relief of declaration at

Rs. 5,10,000.00 (Rupees Five lakhs ten thousand only) and each of the relief for permanent injunction at Rs.1,00,000.00 (Rupees One Lakh only) on which the requisite court fee of Rs. 51,400/- is affixed.

94. That the cause of action for filing the instant suit has arisen on 12.06.2012 when the records of the Disciplinary Committee were handed over to the Plaintiff and thereafter on the examination of same, it has transpired that the record of the cross examination has not been maintained in accordance with law. That the cause of action for filing the instant suit has further arisen on 1.8.2012 when the Plaintiff came to know full and complete contents of the minutes of the Governing Council meeting dated 25.6.2010. That the cause of action for filing the instant suit has further arisen on 12<sup>th</sup> September, 2012 and 29<sup>th</sup> October, 2012 when the Defendant No. 4 despite being requested refused to recuse himself from the proceedings. Cause of action for filing the instant suit has further arisen on each date when the Defendants have illegally conducted the proceedings and on dates when they failed to obtain and forward the confirmatory mails from the witnesses in accordance with undertaking given before the Hon'ble Apex Court on 6<sup>th</sup> July, 2011. That the cause of action for filing the present suit has further arisen on 8.2..2013 when the Competition Commission passed it's order in case No 61 of 2010 and

when the Plaintiff came to know about the contents of the order passed by the Competition Commission wherein the Defendants had tried to shift all blames on the Plaintiff. That the cause of action is still subsisting and arising on each date when the Defendants are illegally conducting the proceedings.

95. That the cause of action for filing the instant suit has arisen within the territorial jurisdiction of this Hon'ble Court for the reason that the Disciplinary Proceedings are generally conducted at Hotel Taj Palace or ITC Maurya, which is situated at S.P. Marg, New Delhi which is within territorial jurisdiction of this Hon'ble Court and the Defendants no. 4 and 6 are physically present at New Delhi and Defendant No. 5 generally participates via video link or face time an application on IPAD.
96. That the instant suit is not barred by limitation.

#### **PRAYER**

In the premises aforesaid the Plaintiff most humbly and respectfully prays that this Hon'ble Court may graciously be pleased to:-

- a) Issue a declaration that Plaintiff is entitled to be enquired against by an unbiased and fair Tribunal (Disciplinary Committee) whereas Disciplinary Committee conducting the enquiry against the Plaintiff; is in fact biased.

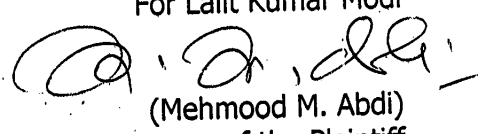


- b) Issue a declaration that in view of stand taken by Defendant No. 1 in replies to various show cause notices issued by Enforcement Directorate regarding IPL and the stand taken before the Competition Commission of India in Case No. 161 of 2010, the Defendant Nos. 4 to 6 cannot be expected to act fairly and independently
- c) Issue a declaration that the Disciplinary Committee conducting the enquiry against the Plaintiff has to follow a fair and transparent procedure and such committee has to conduct the proceedings fairly and transparently and has to maintain the records of the proceeding fairly and transparently whereas the Disciplinary Committee comprising of Defendant Nos. 4 to 6 has not followed a fair and transparent procedure and has not conducted the proceedings fairly and transparently and has not maintained the records of the proceeding fairly and transparently and therefore the proceedings held so far are illegal, null and void and vitiated by fraud.
- d) Issue a permanent injunction injuncting the Defendants no. 1 from proceeding any further against the Plaintiff in the inquiry being conducted by Defendant No. 4 to Defendant No. 6 (Disciplinary Committee);
- e) Issue a permanent injunction restraining the Defendant No.4 to 6 from proceeding further with the enquiry being conducted by them against the Plaintiff.

f) And/or pass any other order/orders as your lordships may deem fit in the facts and circumstances of the case.

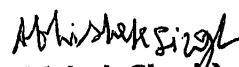
AND FOR THIS ACT OF KINDNESS THE PLAINTIFF AS IS DUTY BOUND SHALL EVER PRAY.

Plaintiff  
For Lalit Kumar Modi



(Mehmood M. Abdi)  
Constituted Attorney of the Plaintiff

Through:

  
**(Abhishek Singh) and (Swadeep Hora)**  
Advocates for the Plaintiff  
B-89, Gulmohar Park, New Delhi

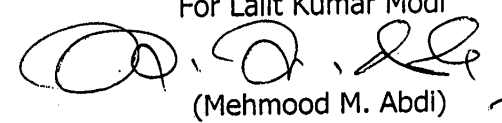
DATE: 26.2.2013

PLACE: New Delhi

VERIFICATION :

Verified at New Delhi on this 26<sup>th</sup> day of February 2013, that the contents of the above plaint para 1-12, 15-21, 24-31, 33-86, 88-92, 94-96 are based upon my knowledge and contents of para 13, 14, 22, 23, 32, 87, 93 are based upon information received and believed to be true.

Plaintiff  
For Lalit Kumar Modi



(Mehmood M. Abdi)  
Constituted Attorney of the Plaintiff

IN THE COURT OF LEARNED DISTRICT JUDGE, PATIALA HOUSE  
COURTS, NEW DELHI

CIVIL SUIT NO. OF 2013

In the matter of:

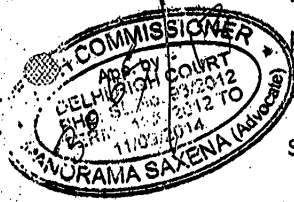
Mr. Lalit Kumar Modi .... Plaintiff

Versus

The Board of Control for Cricket in India and others .... Defendants

Affidavit

I, Mehmood M Abdi s/o late M.N. Abdi. Aged about 52 years  
Residing at A - 901, Meera Tower, Near Mega Mall Oshiwara,  
Andheri West, Mumbai - 400 053, do hereby solemnly affirm and  
state on oath as under:-



I identified the deponent who  
has signed in my presence.

1. I say that I am the constituted attorney of the Plaintiff above named and I am well conversant with the facts and circumstances of the case and hence competent to depose by way of the present affidavit.
2. I say that I have read and understood the contents mentioned in the accompanying suit which has been drafted under my instructions and I say that the contents mentioned therein are true and correct to the best of my knowledge and belief.
3. I say that the documents filed along with the list of document are true copies of their respective originals.

*M. M. Abdi*  
Deponent

Verification:

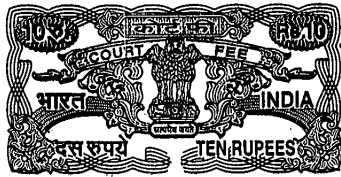
26 FEB 2013

CERTIFIED THAT THE DEPONENT  
the deponent above named do hereby verify on this \_\_\_ day of  
Aged, ...  
Shri/Smt./...  
S/o, W/o, ...  
R/o, ...  
Identified by ...  
has solemnly affirmed before me ...  
on ...  
that the ...  
been read ...  
correct to his knowledge

*M. M. Abdi*  
Deponent

Oath Commissioner  
New Delhi

26 FEB 2013



64.

**IN THE COURT OF LEARNED DISTRICT JUDGE, PATIALA**

**HOUSE COURTS, NEW DELHI**

**I.A. NO. \_\_\_\_\_ OF 2013**

**IN**

**CIVIL SUIT NO. \_\_\_\_\_ OF 2013**

**In the matter of:**

Mr. Lalit Kumar Modi

.... Plaintiff

Versus

The Board of Control for Cricket in India and others ....Defendants

**AND, IN RE**

**AN APPLICATION UNDER ORDER 39 RULE 1 AND  
2 READ WITH SECTION 151 OF CPC ON BEHALF  
OF THE PLAINTIFF**

The Plaintiff abovenamed.

**MOST RESPECTFULLY SHOWETH:**

1. That the applicant is the Plaintiff and has filed the  
aforementioned suit.
2. That the facts, circumstances stated in the plaint and  
the statements and averments made in the plaint are  
not repeated herein for the sake of brevity and the  
same may kindly be treated as part and parcel of the  
instant application and the Applicant craves leave to  
refer to and rely upon the same during the course of  
argument on instant application as well.

3. That in the aforementioned suit the Plaintiff has sought permanent injunction and declaration with regard to the Disciplinary Proceedings being held by Defendant Nos. 4 to 6. In view of the facts and circumstances as stated in the plaint, it is evident that Defendant Nos. 4 to 6 are conducting the proceedings illegally and in a manner prejudicial to the Plaintiff. That the perusal of the record of the case would also reveal that neither proper record of cross examination is being maintained nor the signature/ confirmatory mails from the witnesses has been obtained on the records of the cross examination. Further the legitimate request of the Plaintiff to examine Defendant nos. 2 and 3 has been rejected. That the next date of hearing in the aforementioned Disciplinary committee is 3<sup>rd</sup> March 2013.
  4. That the Defendant Nos. 4 to 6 in terms of their own orders and also in terms of the oral undertaking dated 6<sup>th</sup> July 2011 given before the Hon'ble Apex Court and recorded in their own proceeding dated 6<sup>th</sup> July 2011 were duty bound to obtain and furnish a copy of the confirmatory mails from the witnesses who were examined via video link but after 6<sup>th</sup> July 2011 the
-

Defendant Nos. 4 to 6 do not seem to have made any attempt to obtain such confirmatory mails and if they have made any such attempt then the communications in this regard are not being handed over to the Plaintiff.

5. That further the Plaintiff apprehend that the Defendants in order to create grounds and evidence to challenge the CIC order dated 8.2.2013 passed in Case No. 61/2010 may conclude the proceedings and prepare an adverse report against the Plaintiff.
  6. That in view of the aforesaid facts and circumstances fully explained in the plaint it is evident that Defendant nos.4 to 6 and specifically Defendant no. 4 is in fact and in reality biased against the Plaintiff and is working towards pre-determined objective to hold the Plaintiff guilty. In such circumstances any finding given by such biased committee would adversely affect and tarnish the reputation of the Plaintiff.
  7. That any damage to the reputation of the Plaintiff because of such illegal and biased finding can neither be quantified nor compensated in terms of money and therefore the Plaintiff is likely to suffer an injury which
-

can neither be quantified nor compensated in terms of money.

- 8. That in the facts and circumstances of the case, the Plaintiff has very strong prima facie case and balance of convenience is in favour of Plaintiff and if the relief as sought for in the instant application are not granted, then the Plaintiff is likely to suffer an injury which can neither be quantified nor compensated in terms of money.

PRAYER

- A) Grant interim injunction restraining the Defendant no.1 from proceedings against the Plaintiff before the committee comprising of Defendant nos. 4 to 6;
- B) Grant interim injunction restraining the Defendant No.4 to 6 from proceeding further with the enquiry being conducted by them against the Plaintiff.
- C) Issue interim direction to the Defendant no. 4 to disclose and produce the communication exchanged by him with the witness along with their respective attachment.
- D) Issue interim direction to the Defendant No. 4 to 6 that if they have not issued any communication to the witnesses seeking their confirmatory mails in that event they issue such communication in writing to the

witnesses examined via video link seeking their confirmation with regard to their evidence recorded so far and supply a copy of all such communication to the Plaintiff.

- E) Grant ex-parte ad interim orders in terms of Prayers A) to D) above.

AND FOR THIS ACT OF KIDNESS THE PLAINTIFF AS IS DUTY BOUND SHALL EVER PRAY

PLAINTIFF

For Lalit Kumar Abdi



(Mehmood M. Abdi)

Constituted Attorney of the Plaintiff

Through:

**(Abhishek Singh) and (Swadeep Hora)**

Advocates for the Plaintiff  
B-89, Gulmohar Park, New Delhi

DATE: 26.2.2013.

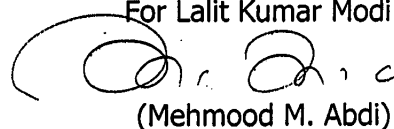
PLACE: New Delhi.

VERIFICATION :

Verified at New Delhi on this .... day of February 2013, that the contents of the above application para 1-4, 6 and 8 are true to my knowledge and contents of para 5 and 7 are based upon information received and believed to be true.

PLAINTIFF

For Lalit Kumar Modi



(Mehmood M. Abdi)

Constituted Attorney of the Plaintiff



IN THE COURT OF LEARNED DISTRICT JUDGE, PATIALA HOUSE  
COURTS, NEW DELHI

CIVIL SUIT NO. OF 2013

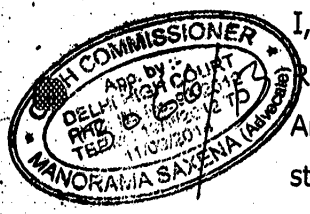
In the matter of:

Mr. Lalit Kumar Modi .... Plaintiff

Versus

The Board of Control for Cricket in India and others ....Defendants

Affidavit



I, Mehmood M Abdi s/o late M.N. Abdi. Aged about 52 years  
Residing at A - 901, Meera Tower, Near Mega Mall, Oshiwara,  
Andheri West, Mumbai - 400 053, do hereby solemnly affirm and  
state on oath as under:-

*Abdullah M. Abdi*  
I identified the deponent who  
has signed in my presence.

1. I say that I am the constituted attorney of the Plaintiff above named and I am well conversant with the facts and circumstances of the case and hence competent to depose by way of the present affidavit.
2. I say that I have read and understood the contents mentioned in the accompanying application under order XXXIX Rules 1 and 2 of the CPC which has been drafted under my instructions and I say that the contents mentioned therein are true and correct to the best of my knowledge and belief.

*Abdullah M. Abdi*  
Deponent

Verification:

I the deponent above named do hereby verify on this 26 FEB 2013 day of

February 2013 that the contents of my affidavit are true and correct and no part of it is false and nothing material has been concealed therefrom.

CERTIFIED THAT THE DEPONENT  
Sd/- Smt./Km .....  
Sd/- No. D/D .....  
Rt. .....  
I have identified the deponent who has solemnly affirmed before me at .....  
on .....  
that the contents of the affidavit which has been read & explained to him are true and correct to his knowledge.

*Abdullah M. Abdi*  
Deponent

Oath Commissioner  
New Delhi

2.6 FEB 2013

70.50 RS.



महाराष्ट्र MAHARASHTRA

Date 16 MAY 2005

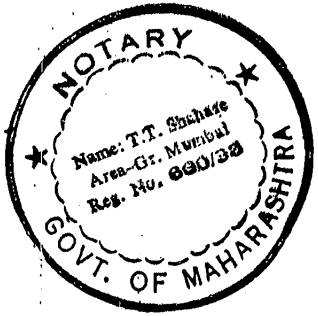
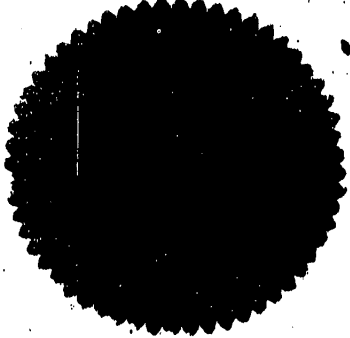
दिनांक 8/5/05

709296

19 MAY 2005

विक्रेती सौ. ज्योती प्र. दुआ  
६, कोडांजी चाळ नं.-३, वासुदेव पेडणेकर भाग,  
गटा हॉस्पिटल जवळ मुंबई-१२  
श्री/श्रीमती. L.K. Modi  
बांस न्यायिकेतर मुद्रांक पत्र विकरला.  
S.V. No. 205

Propp Office

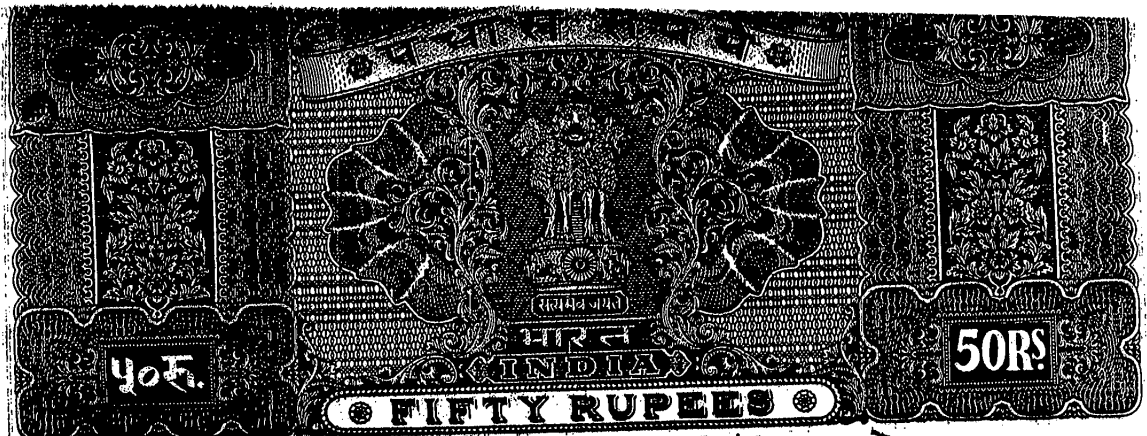


७०००  
स्टॅम्प वडर  
परेल, मुंबई

POWER OF ATTORNEY

TO ALL TO WHOM THESE PRESENTS SHALL COME, I, LALIT KUMAR MODI, President of Nagaur Dist. Cricket Association and President of Rajasthan Cricket Association, Indian Inhabitant send greetings.

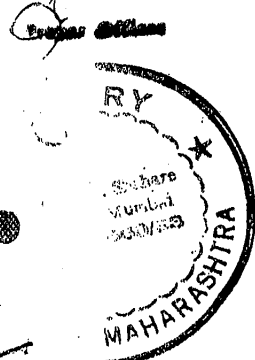
WHEREAS I am desirous of appointing some fit and proper person to look after all my affairs relating to litigation and requested Mr. Mehmood M. Abdi, also resident of Mumbai, Indian Inhabitant (hereinafter called the "Attorney") to act for me and manage and look after my affairs relating to litigation and other legal matters which the Attorney has consented to do .



Date: 19 MAY 2005  
L. S. V. 196 MAY 2005

क्र. 8311  
विक्रेती सौ. ज्योती प्र. दुआ  
६, कोडोजी चाळ नं.-३, वासुदेव पेडणेकर मार्ग,  
नाटा इशिताला जवळ मुंबई ४०००३२  
श्री/श्रीमती L. K. Modi  
यांस याचकरीतून या प्रमाणे  
S.V. No. 22

दिनांक 19 MAY 2005  
709295  
(71)



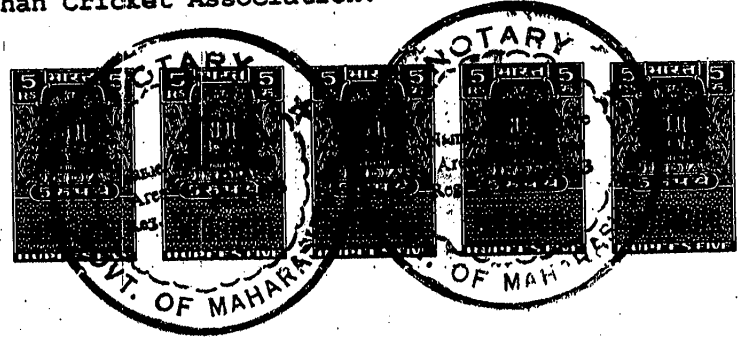
ललित कुमर मोदी  
पत्तण, मुंबई

- 2 -

NOW KNOW ALL AND THESE PRESENTS WITNESS that I the said Lalit Kumar Modi do hereby nominate, constitute and appoint the Attorney the said Mehmood M. Abdi, my true and lawful attorney to act in, conduct, execute and perform any of the acts, matters and things mentioned hereunder :

To make, sign, execute, present and file all applications, plaints, petitions, criminal complaints, civil and criminal suits, appeals or written statements, warrants of authority, tabular statements, vakalatnama or any other document expedient or necessary to be made, signed, executed, presented or filed in relation to any of the purposes in any court of law, Appellate authority, Tribunal, Commission, Arbitrator, Conciliator, etc. under any enactment for the time being in force to protect my interests in my personal capacity and/or as member and President of Nagaur Dist. Cricket Association and President of Rajasthan Cricket Association.

Handwritten signature/initials.



72

In my name and/or as President of Nagaur Dist. Cricket Association and President of Rajasthan Cricket Association to commence, institute, prosecute, enforce, defend, answer, appear, appeal or oppose all actions and other legal proceedings and demand touching any matter whether criminal or civil in which I, in my individual capacity and/or as President of Nagaur Dist. Cricket Association and President of Rajasthan Cricket Association, is or hereinafter be interested or concerned, affected, aggrieved or in any way related to and if thought fit by the said attorney to compromise, abandon, submit to judgement, proceed to judgement and execution or become non-suited in any such action or proceedings as aforesaid and to serve and accept service of notices or processes and also in connection with such proceedings or demands as aforesaid to retain and remunerate advocates, attorneys, vakils and pleaders and to sign and give warrants, vakalatnamas and other necessary authorities.

To make, declare, swear, affirm, sign, verify, execute, register and deliver and serve all proceedings, applications, affidavits, declarations, petitions, notices, papers, deeds, assurances, instruments, agreements, documents and writings and to perform all acts and matters and things whatsoever usual, necessary or expedient for or in furtherance of all or any purpose mentioned in these presents.

To apply, to receive and recover on my behalf refund of court fees, and any other sums of money in respect of any suits or proceedings by or against me as president of Nagaur Dist. Cricket Association and President of Rajasthan Cricket Association and/or in my personal capacity.

and generally to do and perform and cause to be done and perform all such acts, matters and things in relation to the premises as fully and effectually in all respects as I would do if I personally present.

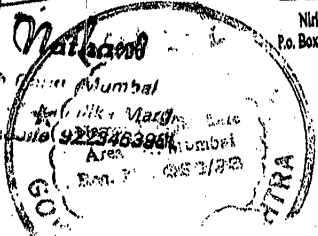
IN WITNESS WHEREOF, I have set my hands under these presents at Mumbai this 24 day of May 2005  
Identified and Explained by me



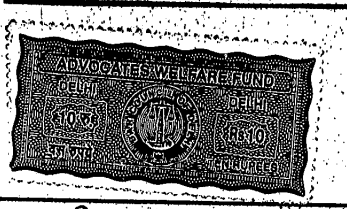
*[Handwritten Signature]*  
**J. R. Nalband**  
 Advocate High Court Mumbai  
 Esplanade, Fort, Mumbai  
 Tel. 22746087, 22746088, 22746089  
 Fax 22746087, 22746088, 22746089

*[Handwritten Signature]*  
**LALIT KUMAR MODI**  
 Nilson House, Dr. Annie Besant Road,  
 P.O. Box No. 9112, Mumbai - 400 030. (INDIA)

**ATTESTED BY ME**  
*[Handwritten Signature]*  
**T. T. SHAHARE**  
 NOTARY, GREATER MUMBAI.



**24 MAY 2005**



73

IN THE COURT OF Jd. Dist. Judge, Patiala House Court New Delhi

Suit / Appeal No. \_\_\_\_\_ JURISDICTION of 200

In re :- Lalit Kumar Modi Piff / Apptt./Petitioner/ Complainant

VERSUS

The Board of Cricket Control Board Defdt./ Respt./ Accused

KNOW ALL to whom these present shall come that I/ We Lalit Kumar Modi, Indian Inhabitant, through his attorney Sh. Mehmood M. Abdi, R/O A-901, Meera Tower, Near Mega Mall, Andheri West, Mumbai - 400053

The above named Plaintiff do hereby appoint Oshinwara

Abhishela Singh & Swadeep Hora  
Advocates  
B-89, Gulmohar Park, New Delhi

Enroll. No. D-3279/A/99  
M-9818054821  
- D-3279/4/99

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorise him :-  
To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undertake that I/We or my/our duly authorised agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate, of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

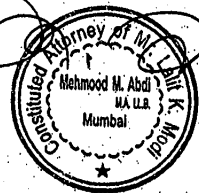
And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 25th day

of Feb 20013.  
Accepted subject to the terms of the fees

Advocate  
Abhishela Singh

Client



Client

**IN THE COURT OF LEARNED DISTRICT JUDGE**

**PATIALA HOUSE COURTS NEW DELHI**

**CIVIL SUIT NO OF 2013**

**IN THE MATTER OF**

Lalit Kumar Modi

--- Plaintiff

Versus

The Board of Cricket Control  
In India and Ors

--- Defendants

**INDEX - II**

<b>SI No</b>	<b>Particulars</b>	<b>Page No</b>	<b>Court Fees</b>
1	List of Documents with Documents Volume – I Volume – II Volume- III Volume – IV Volume – V Volume – VI Volume – VII Volume – VIII Volume - IX Volume- X Volume – XI Volume- XII		

--	--	--	--

Plaintiff

New Delhi  
Dated 26.02.2013

Through  
*Abhishek Singh*  
Abhishek Singh & Swadeep Singh Hora  
Advocate for the Plaintiff,  
B-89, Gulmohar Park,  
New Delhi-110049  
Mobile-9818054821

Note :- The documents being voluminous will be filed in the  
Court itself.

A

**IN THE COURT OF LEARNED DISTRICT JUDGE**

**PATIALA HOUSE COURTS NEW DELHI**

**CIVIL SUIT NO OF 2013**

**IN THE MATTER OF**

Lalit Kumar Modi

--- Plaintiff

Versus

The Board of Cricket Control  
In India and Ors

--- Defendants

**LIST OF DOCUMENTS**

Sl.No	DOCUMENTS	Page No.
1.	A copy of the memorandum and Rules and Regulations of BCCI.	1-89
2	Copy of the letter dated 25.4.2010	90-91
3	A copy of the first show cause notice dated 26.4.2010.	92-125
4	A copy of the second show cause notice dated 6.5.2010.	126-130
5	A copy of the third show cause notice dated 31.5.2010.	131-138
6	A copy of the reply dated 15 <sup>th</sup> May, 2010.	139-296
7	A copy of the reply dated 31 <sup>st</sup> May, 2010.	297-315
8	A copy of the reply dated 15 <sup>th</sup> June, 2010	316-366
9	A copy of the email dated 16.4.2010 issued by the Kochi Franchise	367-368
10	A copy of the emails dated 11.4.2010	369-372
11	A copy of the Minutes of the AGM dated 24.9.2009.	373-388



B

12	A copy of the letter dated 25 <sup>th</sup> May, 2010.	389-403
13	A copy of the minutes of the Special General Meeting dated 3 <sup>rd</sup> July, 2010	404-413
14	A copy of the letter dated 19.06.2010.	414
15	A copy of the application dated 6 <sup>th</sup> July 2010.	415-425
16	A copy of the order dated 15.7.2010 passed by the Hon'ble Bombay High court in W.P. No. 1370 of 2010.	426-437
17	A copy of the application dated 23.7.2010 filed by the Plaintiff before the Disciplinary Committee.	438-441
18	A copy of the order dated 27.7.2010 passed by the Disciplinary Committee of the BCCI.	442-445
19	A copy of the extracts of draft minutes of the IPL Governing Council meeting dated 25.6.2010 as provided by the BCCI in response to the application dated 23.7.2010.	446-453
20	A copy of the complete minutes of the Governing Council Meeting dated 25.6.2010	454-468
21	A copy of the order dated 11.8.2010 passed by the Disciplinary Committee of the BCCI.	469-479
22	A copy of the order dated 15.9.2010 passed by the Hon'ble Bombay High court in W.P. No. 1909 of 2010.	480-506
23	A copy of the Judgment and order dated 26 <sup>th</sup> September 2011 passed by the Hon'ble Apex Court.	507-528
24	A copy of the order dated 14.10.2010 passed by the Disciplinary Committee of the BCCI.	529-531
25	A copy of the order dated 15.10.2010 passed by	532

	the Disciplinary Committee of the BCCI.	
26	A copy of the order/ proceeding dated 6.7.2011 passed by the Disciplinary Committee of the BCCI.	533
27	A copy of the e-mail dated 6 <sup>th</sup> July, 2011 issued by. Shri Arun Jaitley to witness Peter Griffiths at 11:12 A:M..	534
28	A copy of the e-mail dated 6 <sup>th</sup> July, 2011 issued by Shri Arun Jaitley to witness peter Griffiths at 3:42 P:M.	535
29	A copy of the e-mail dated 6 <sup>th</sup> July, 2011 issued by Shri Arun Jaitley to witness Paul Manning.at 3:36 P:M.	536
30	A copy of the email dated 6 <sup>th</sup> July, 2011 issued by Shri Arun Jaitley to witness Mr John Laufhagen at 3:40 P:M.	537
31	A copy of the email dated 6 <sup>th</sup> July 2011 issued by the witness Mr Paul Manning to Shri Arun Jaitley.	538
32	A copy of the email dated 6 <sup>th</sup> July 2011 issued by the witness Mr John Lauffhagen to Shri Arun Jaitley.	539
33	A copy of the email dated 11 <sup>th</sup> July, 2011 issued by Mr. Peter Griffith to Shri Arun Jaitley.	540-541
34	A copy of the application dated 3 <sup>rd</sup> July 2011 filed by the Plaintiff.	542-543
35	A copy of the application dated 5.7.2011 filed by the plaintiff.	544-545
36	A copy of the application dated 6.7.2011 filed by the plaintiff.	546-551

37.	A copy of the application dated 6.7.2011 filed by the Plaintiff.	552-553
38	A copy of the application dated 10.7.2011 filed by the Plaintiff.	554-556
39	A copy of the order dated 15.07.2011 passed by the Disciplinary Committee of the BCCI.	557
40	A copy of the application dated 18 <sup>th</sup> August, 2011 made by the Counsel of the Plaintiff to the Disciplinary Committee.	558-559
41	A copy of the email dated 23 <sup>rd</sup> August, 2011 issued by the Counsel of the Plaintiff to the Disciplinary Committee.	560
42	A copy of the order dated 23.08.2011 passed by the Disciplinary Committee of the BCCI.	561-562
43	A copy of the email dated 23 <sup>rd</sup> August, 2011 issued by Shri Saurabh Mishra to Shri Swadeep Hora and Mr. Paul Manning.	563
44	A copy of the email dated 23 <sup>rd</sup> August, 2011 issued by Mr. Swadeep Hora to Mr. Saurabh Mishra.	564
45	A copy of the application dated 24 <sup>th</sup> August, 2011 filed by the Plaintiff before the Disciplinary Committee.	565-566
46	A copy of the order dated 24.08.2011 passed by the Disciplinary Committee of the BCCI.	567
47	A copy of the email dated 24 <sup>th</sup> August, 2011 issued by Shri Saurabh Mishra to Mr. Paul Manning.	568
48	A copy of the email dated 25 <sup>th</sup> August, 2011 issued by Mr. Paul Manning.	569

E

49	A copy of the email dated 25 <sup>th</sup> August, 2011 issued by Shri Saurabh Mishra to Mr. Paul Manning.	570
50	A copy of the email dated 25 <sup>th</sup> August, 2011 issued by Mr. Saurabh Mishra to Mr. Swadeep Hora.	571
51	A copy of the proceeding dated 25 <sup>th</sup> August, 2011 of the Disciplinary Committee	572
52	A copy of the order dated 31 <sup>st</sup> October, 2011 passed by the Disciplinary Committee.	573-576
53	A copy of the order dated 21 <sup>st</sup> December, 2011 passed by the Disciplinary Committee.	577-584
54	A copy of the order dated 22 <sup>nd</sup> December, 2011 passed by the Disciplinary Committee.	585
55	A copy of the order dated 28 <sup>th</sup> March, 2012 of the Disciplinary Committee.	586
56	A copy of the order dated 14 <sup>th</sup> May, 2012 passed by the Disciplinary Committee.	587-589
57	A copy of the email dated 7 <sup>th</sup> June, 2012 issued by Shri Saurabh Mishra.	590
58	A copy of the application seeking video/ audio recording of the disciplinary proceedings.	591-592
59	A copy of the application dated 24.4.2012 praying for devising a procedure for authenticating and providing certified /authenticated copies of the records of the proceedings	593
60	A copy of the application dated 24.4.2012. An application praying for authenticated /signed /sealed copy of the records.	594-595

F

61	A copy of the application dated 24.4.2012. An application recording objections to the delay in obtaining confirmatory mails from the witnesses and an application requesting for obtaining confirmatory mails from the witnesses before proceeding further.	596
62	A copy of the application dated 12.5.2012 for summoning Mr N.Srinivasan as a witness in the enquiry against Mr Lalit Modi.	597-603
63	A copy of the application dated 12.5.2012 for summoning Mr Shashank Manohar as a witness in the enquiry against Mr Lalit Modi.	604-608
64.	A copy of the application dated 2.8.2012 seeking recusal of Mr Arun Jaitely as a member of the Disciplinary committee. .	609-613
65.	A copy of the application dated 2.8.2012 seeking disclosure/discovery.	614-616
66	A copy of the application dated 2.8.2012 seeking exclusion of Mr. Jaitley from deciding or participating or decision making in the applications of recusal and discovery.	617
67	A copy of the order dated 12 <sup>th</sup> September, 2012 passed by the Disciplinary Committee.	618-636
68	A copy of the application dated 21 <sup>st</sup> September, 2012 seeking recusal of Mr. Jaitley on the ground that by virtue of disclosure made in Para 12 of the order dated 12.9.2012 he is a witness and the plaintiff wishes to examine him as such.	637-648
69	A copy of the application dated 5 <sup>th</sup> October 2012 to bring on record objections and to record that the case of Bias is in fact made out.	649-660

70	A copy of the reply dated 5 <sup>th</sup> October 2012 filed by the BCCI.	661-664
71	A copy of the rejoinder dated 11 <sup>th</sup> October, 2012 to the Response dated 5 <sup>th</sup> October, 2012 of the BCCI.	665-675
72	A copy of the order dated 29 <sup>th</sup> October 2012 passed by the Disciplinary committee.	676-683
73	A copy of the email dated 7 <sup>th</sup> June 2012 issued by Shri Saurabh Mishra.	684
74	A copy of the email dated 5 <sup>th</sup> December 2012 issued by Mr Mehmood M Abdi.	685
75	A copy of the application dated 11 <sup>th</sup> October 2012 seeking further disclosures from Mr Arun Jaitley.	686-687
76	A copy of the application dated 5 <sup>th</sup> November 2012 seeking clarification.	688-690
77	A copy of the order dated 8.2.2013 passed by the competition commission of India in Case No 61 of 2010.	691-731
78	A copy of the emails dated 13.2.2013 and 14.2.2013 issued by Shri Mahmood M. Abdi to Shri Saurabh Mishra.	732
79	A copy of the email dated 15 <sup>th</sup> February 2013 issued by Shri Mehmood M Abdi.	733
80	A copy of the email dated 15 <sup>th</sup> February 2013 issued by Shri Saurabh Mishra	734-735
81.	A copy of the proceeding dated 13.2.2013 of disciplinary committee.	736-737
82	A copy of the application dated 27.9.2010 filed	738-739

H

	by the plaintiff.	
83.	A copy of the application dated 27.9.2010 filed by the plaintiff.	740
84.	A copy of the reply dated 28.9.2010 filed by the BCCI.	741-743
85.	A copy of the application dated 31 <sup>st</sup> July 2010 filed by the plaintiff for supply of the tape recordings of the meetings.	744-746
86.	A copy of the application dated 28.9.2010 filed by the plaintiff.	747-749
87.	A copy of the reply dated 27 <sup>th</sup> September 2010 filed by the BCCI.	750-751
88.	A copy of the application dated 13 .10.2010 filed by the plaintiff.	752-759
89.	A copy of the reply dated 31 <sup>st</sup> October 2010 filed by the BCCI.	760-764
90.	A copy of the application dated 10.7.2011 filed by the plaintiff.	765-767
91.	A copy of the reply dated 9 <sup>th</sup> July 2011 filed by the BCCI.	768-772
92.	A copy of the application dated nil filed by the plaintiff.	773-774
93.	A copy of the application dated 17 <sup>th</sup> August 2011 filed by the BCCI.	775-776
94.	A copy of the application dated 6.7.2011 filed by the plaintiff.	780-781
95.	A copy of the file containing the orders/proceedings of the Disciplinary as handed over by Shri Saurabh Mishra to the counsel for the	782-1154

2

	plaintiff.	
96.	A copy of the file containing the record of depositions of the BCCI witness Peter Griffiths as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	1155-1243
97	A copy of the file containing the record of depositions of the BCCI witness John Lauffahgen as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	1244-1581
98	A copy of the file containing the record of depositions of the BCCI witness Paul Manning as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	1582-1754
99.	A copy of the file containing the record of depositions of the BCCI witness Suder Raman (Volume-I) as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	1755-2188
100	A copy of the file containing the record of depositions of the BCCI witness Shri Sunder Raman (Volume II) as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	2189-2655
101	A copy of the file containing the record of depositions of the BCCI witness Shri Keshav P.T as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	2656-2784
102	A copy of the file containing the record of depositions of the BCCI witness Mr Giles Calrke as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	2785-3196
103	A copy of the file containing the record of depositions of the BCCI witness Shri N.P. Singh	3197-3367



J

	as handed over by Shri Saurabh Mishra to the counsel for the plaintiff.	
104	A copy of the application dated 25 <sup>th</sup> February 2013 filed by the plaintiff.	3368-3370
105	Any other document with the permission of the Court.	

Plaintiff

New Delhi  
Dated 26.02.2013

Through  
*Abhishek Singh*  
Abhishek Singh & Swadeep Singh Hora  
Advocate for the Plaintiff,  
B-89, Gulmohar Park,  
New Delhi-110049  
Mobile-9818054821