

Case No. 23(OMB) of 2025.

Sub: Complaint under Rule 70 of the CAB Constitution Against CAB Officials for Misconduct, Maladministration, Abuse of Authority, and Willful Violation of Ombudsman Orders, Electoral Officer Directions, Registrar Orders, High Court Findings, Rule 23, and Membership Rules – Prayer for Initiation of Proceedings, Framing of Charges, Enquiry & Immediate Corrective Action.

Present:-

For Complainant

1. Mr. Abdul Masood appearing in person.
2. Ms. Debanwita Pramanik, Advocate.
3. Md. Sajid Hussain, Advocate.
4. Mr. Sayan Roy, Advocate.
5. Simon Arora, Advocate.

For Mr. Saroj Kumar Ghosh

1. Mr. Sandip Kumar De, Senior Advocate.
2. Mr. Malay Kumar Singh, Senior Advocate.
3. Mr. Kaustav Banerjee, Advocate.

For CAB

1. Mr. Samrat Sen, Senior Advocate.

Order No.5 dated 1st August, 2026.

Before entering into the merit of this complaint, it may be mentioned that having regard to with the nature of the dispute involved in this proceeding, Satya-Sandhi represented by Mr. Saroj Kumar Ghosh was added as a party in the proceeding.

After Satya -Sandhi represented by Saroj Kumar Ghosh was added in the proceeding, Satya-Sandhi represented by Saroj Kumar Ghosh participated in the hearing by engaging Mr. De, Ld. Senior Advocate to represent the said entity.

The complainant filed an application seeking direction upon the Cricket Association of Bengal to produce the following documents: -

- a. Copies of all documents submitted to CAB forming the basis of recognition of Satya Sandhi at 181/5A APC Road Kolkata under Registration No. 11071 of 1949;
- b. Any certificate of Registration, Memorandum of Association, Rules and Regulations or similar documents relied upon for such recognition;
- c. Any verification record, inspection report or due diligence undertaken by CAB with respect to the existence and credentials of the said entity;
- d. Relevant correspondence, internal records of file notings, evidencing recognition of such entity or its representatives.

Direction was also sought for upon Mr. Saroj Kumar Ghosh to produce the following documents: -

- a. Original or certified copy of the Certificate of Registration, along with Memorandum of Association and Rules and Regulations of prove of existence of Satya-Sandhi under Registration no. 11071 of 1949;
- b. Document(s), resolution(s) or Record(s) evidencing his authority to act as Organizing Secretary of the said entity;
- c. Any document relied upon by him in support of his claim on representation before the Ld. Ombudsman.

Mr. De, Ld. Senior Counsel appearing for the added party submits that the present application of the complainant is not maintainable. He contended that Ombudsman, at best, is an authority having limited jurisdiction constituted under the CAB Rules. He contended that its jurisdiction is conferred by the Rules. According to him, exercise of jurisdiction or power by the Ombudsman would depend on his having jurisdiction not only to entertain a claim but also to bring it to an end. The complaint goes out of its purview when the subject matter is taken to a Court, Arbitrator, Tribunal or Forum. In support of his submission, he has relied upon a decision of the Hon'ble Supreme Court in the case of

Durga Hotel Complex -vs- Reserve Bank of India and Ors. Reported in 2007 (5) SCC 120. He strongly relied upon Paragraph 15 of the said judgement which is set out hereunder: -

“Paragraph 15. Conceptually, an Ombudsman is only a non-adversarial adjudicator of disputes. An Ombudsman by definition is only “[a]n Official appointed to receive, investigate, and report on private citizens’ complaints about the Government. A similar appointee in a non-governmental organization (such as a company or university).” (See Black’s Law Dictionary.)

He serves as an alternative to the adversary system for resolving disputes, especially between citizens and government agencies. He is an independent and non-partisan office who deals with specific complaints from the public against the administrative injustice and maladministration. (See 4 American Jurisprudence 2d) Therefore, by its very nature, an Ombudsman is an alternative to an adversary system for resolution of disputes. When the subject-matter of a complaint before the Ombudsman made the Scheme is taken to a Court, Tribunal, Arbitrator or other competent forum, the subject-matter is taken away from the purview of the Ombudsman to an adjudicatory forum under an adversarial system. It is therefore logical to understand clause 16 of the Scheme with particular reference to sub-clause (3) (d) thereof, that on one of the parties approaching an adjudicatory forum on an adversarial system, the non-adversarial adjudicatory, the Ombudsman must lose his power or authority to bring about a resolution of the complaint by way of a non-adversarial adjudication. An Ombudsman is not defined in the Banking Regulation Act, 1949 or in the Banking Ombudsman Scheme, 1995 constituting him as adversarial adjudicatory. Clause 12 of the Scheme constitutes him as a facilitator to bring about a satisfaction of the complaint, in one of the modes referred to therein. An adversarial adjudication necessarily stands on a higher plane than a settlement of a complaint at the instance of an Ombudsman.

When such a forum for adversarial adjudication of disputes takes seisin of the subject matter of a complaint, it will be logical to postulate, on an interpretation of clause 16 of the Scheme, that the Ombudsman loses his jurisdiction over the subject-matter of the complaint and consequently the complaint itself."

Referring to the above decision of the Hon'ble Supreme Court, Mr. De Ld. Senior Counsel submitted that since the proceeding before the Undersigned is not an adversarial adjudicatory proceeding, such an application seeking direction upon the adversaries to produce document, is not entertainable. He thus invited the undersigned to dismiss the complainant's said application.

The Undersigned fully agrees with such submission of Mr. De and declines to allow the complainant's prayer made in its aforesaid application, by relying upon the above decision of the Hon'ble Supreme Court.

On merit of the complainant's complaint.

Ld. Counsel appearing for the complainant, submits that series of litigations had been held amongst the parties before the Civil Court in which certain directions were passed by the civil Court which is not adhered to, by CAB officials. He further contended that even CAB officials are entertaining Satya Sandhi represented by Saroj Kumar Ghosh, by taking a stand which is even contrary to the stand taken by the erstwhile CAB official in the proceeding pending before the Hon'ble High Court. He further contended that even the CAB officials are not adhering to the direction passed by the Undersigned earlier in different proceedings. Accordingly, the complainant has come with such a complaint, seeking redressal before the Undersigned.

Mr. Sen, Ld. Senior Advocate appearing for the CAB, contended that there are three fields in which relationship between CAB and its

clubs exists. Those are, according to him, (1) relating to disbursement of grant to the affiliated clubs (2) allowing the affiliated club to represent the club before CAB in exercise of its voting rights and (3) allowing the club to participate in the tournaments organized by CAB.

He further contended that with regard to disbursement of the grant, the Undersigned vide his Order Being No. 6 dated September, 2025 passed in a complaint lodged by the present complainant which was registered as Case No. 6 (OMB) 2025, directed CAB not to disburse any further grant and/or money in favour of any of the aforesaid club viz. Satya Sandhi having registration no. S0147270 of 2007-2008 and the Registration No. 11071 of 1949 respectively until the peculiar dispute pending between the those two clubs is ultimately resolved by the Undersigned. The nature of the dispute which were pending between the parties were also crystalized by the Undersigned in the very first paragraph of the said Order which runs as follows:-

“Following identity issues are involved in this proceeding: -

- 1. As to which Satya Sandhi is the club which is affiliated with the CAB.*
- 2. As to who are the person who can represent Satya Sandhi which is a Club affiliated with CAB.”*

Mr. Sen contended that subsequently another Order being No. 9 dated 22nd November, 2025 was passed by the Undersigned by which not only the said proceeding was disposed of but also the interim order passed earlier stood discharged. The said Order is set out hereunder: -

“In view of the order passed by the undersigned in another subsequent proceeding being case no. 19 (OMB) of 2025 between the same parties on 22nd November, 2025, the undersigned holds that since the dispute involved in this proceeding is also the subject
 8 *matter of the suit being Title suit no. 8 of 2013 pending before the*

learned Civil Judge (Junior Division) 3rd Additional Court at Alipore, the parties are relegated to the said suit for adjudication of the present disputes as it has been already held in case no. 19 (OMB) of 2025, that the learned Civil Court is the appropriate forum for disposal of the present dispute pending before the undersigned.

Hence, the present proceeding is also disposed of in order to avoid conflict of decision.

Interim order passed earlier stands discharged."

Mr. Sen further contended that CAB stopped extending grant to any of these rival groups since the time when the restraint Order was passed by the Undersigned in the aforesaid proceeding. He, however, contended that of course the said Order is not in force as on date.

Mr. Sen further contended that in a subsequent proceeding which was registered as Case No. 19(OMB) 2025, initiated on the basis of another complaint made by the present complainant, the Undersigned passed an Order being No. 1 dated 22nd November, 2025, whereby after taking note of a pendency of a civil suit before the Ld. Civil Court at Alipore wherein all the rival groups and CAB are very much parties, the Undersigned, instead of entering into the dispute which is identically same as that of the dispute pending before the Civil Court, left the issue to be decided by the Civil Court once for all. It was observed therein that since the Civil Court has elaborate jurisdiction to pass the Interim order in the suit, the Ld. Civil Court may pass appropriate interim order in the said proceeding, on its own merit and according to its own wisdom and without being influenced and /or guided by the interim arrangement made by the Undersigned in the said Order.

The above Order was passed on the findings that though the Undersigned under Rule 70(1) (a) CAB Rules, has the jurisdiction to entertain such dispute but since the jurisdiction of the Ld. Civil Court has not been ousted by the CAB Rules and Ld. Civil Court is no doubt a Superior Court for deciding all the civil disputes between the parties, the Undersigned feel that the present dispute should be dealt with and /or resolved by the Ld. Civil Court which has elaborate jurisdiction to decide all complicated issues relating to civil dispute by trial on evidence.

Mr. Sen further contended that despite such direction was passed by the Undersigned by declining to enter into such a dispute, the complainant instead of approaching the Civil Court at Alipore for

resolution of such dispute and/or for seeking appropriate interim Order therein, is simply multiplying the proceeding before the Undersigned repeatedly over and above the same issue.

Mr. Sen further contended that even the electoral office, CAB, by his Order dated 19th September, 2025, disallowed either of the two Units representation in the ensuing Annual General Meeting in the CAB which was scheduled to be held on 22nd September, 2025. Direction was also passed for deletion of the name of Saroj Kumar Ghosh from the draft list of the representative prepared and published on 14th September, 2025. Mr. Sen thus contended that the CAB is strictly complying with the direction of the Undersigned which was passed from time to time. As such, according to Mr. Sen, the present complaint is devoid of any merit for consideration.

He also relied upon the decision of the Hon'ble Supreme Court which was cited by Mr. De in the case of ***Durga Hotel Complex -Vs- Reserve bank of India and Ors. (supra)***.

Heard the Ld. Counsel of the Parties.

By way of repetition, it is once again mentioned that the identical dispute between two Rival Groups of Satya Sandhi is yet to be decided by the Civil Court of competent jurisdiction. It is surprising to note that despite direction were given to the parties to approach the Civil Court to get their disputes resolved in the pending civil suit, none of the parties approached the Ld. Civil Court for redressal of their grievances till date.

The undersigned has already explained its jurisdictional limitation in entertaining such complaint in view of the pendency of a civil suit between the parties before the civil Court of competent jurisdiction. Still then the parties have not shown any inclination and/or willingness to get their dispute resolved before the Civil Court.

The Complainant claims that taking advantage of such a situation, the CAB officials are taking steps in excess of their jurisdiction and as such the undersigned still has the authority to entertain such complaint.

Though he may be correct in making such submission, but still then, by way of repetition once again it is recorded that until and unless the identity dispute between two rival groups is decided by the Ld. Civil Court in the pending proceeding, the Undersigned cannot take any step by pre-empting the jurisdiction of the Civil Court. This position is

absolutely correct in so far as the interim reliefs are concerned which the parties may very well seek before the Ld. Civil Court.

Accordingly, the Undersigned declines to allow the prayer of the complainant made in the complaint. Before parting with, it is mentioned that in case the complainant feels that any of the Orders passed by the Civil Court has not been implemented by CAB, and thereby the action of the CAB amounted to violation of the Order of the Civil Court, the complainant may very well approach the very same Civil Court for execution of the Order. Even for execution of the Order, this is not the forum where the Order of the Civil Court can be executed in a roundabout way. The complaint is thus disposed of.

CAB is directed to communicate this order to all concerned, at the earliest.



Justice Jyotirmay Bhattacharya
Former Chief Justice, High Court at Calcutta,
Presently, Ombudsman, Cricket Association of Bengal