

**OMBUDSMAN AND ETHICS OFFICER
CRICKET ASSOCIATION OF UTTARAKHAND**

Complaint No. 1/2025

IN THE MATTER OF

CRICKET ASSOCIATION OF UTTARAKHAND

Through its Hon. Secretary Mahim Verma

AND

DHIRAJ BHANDARI

Vice President & Ordinary Member

Cricket Association of Uttarakhand

ORDER DATED

(8/4/2025)

A reference has been sent under Clause 41(1)(b) of the Constitution of Cricket Association of Uttarakhand (in short 'Constitution') to adjudicate the allegations of indiscipline and misconduct against Shri Dhiraj Bhandari, Vice President & Ordinary Member, Cricket Association of Uttarakhand (CAU).

2. It is a case where initial complaint was received by the Apex Council against Shri Dhiraj Bhandari, Vice President of the CAU and has been referred by the Apex Council as it has no power to adjudicate the complaint. The Apex Council received several complaints against Shri Dhiraj Bhandari made through various Members and accordingly, the Council in its meeting dated 8.12.2024 considered the complaints under Clause 41(1)(b) of the Constitution and issued Show Cause Notice calling for explanation of Shri Dhiraj Bhandari. Shri Dhiraj Bhandari submitted his

explanation to the Apex Council and accordingly the matter has been referred to the Ombudsman under Clause 41(1)(b) of the Constitution.

3. The allegation against Shri Dhiraj Bhandari pertains to indiscipline and misconduct which is detrimental to the interest of the CAU or its Members to endanger the harmony amongst the Members and affect the reputation of the CAU.

4. The two complaints were made by Shri Girish Goyal (President) and Shri Manas Menghwal (Hon. Treasurer), who had been sent legal notices by Shri Dhiraj Bhandari with an attempt to harass and defame them. It is by making misleading and factually incorrect accusations. The legal notices sent through the lawyer of Shri Dhiraj Bhandari amounts to the act of indiscipline and misconduct as per the Regulations governing the Discipline and Conduct. The Apex Council referred the matter to the Ombudsman for adjudication after issuing Show Cause Notice to Shri Dhiraj Bhandari on receipt of the complaint.

5. Another complaint was given by Shri Mohit Dhobal, CEO of CAU against Shri Dhiraj Bhandari. He was also served with the legal notice by Shri Dhiraj Bhandari alleging that as a CEO, he acted in contravention of the Constitution of CAU and relevant laws. It was taken to be nothing but an attempt to harass the senior office bearers by making false and baseless allegations and accordingly after complying the procedure, reference has been made to Ombudsman for adjudication of the complaint.



6. Another complaint was sent by Shri V.B.S. Negi, Senior Advocate and Legal Consultant to CAU against Shri Dhiraj Bhandari for sending communication seeking explanation about the legal opinion provided to the Association. The approach of Shri Dhiraj Bhandari was taken to be nothing but to cause harassment and to disrepute his legal counsel though Shri Bhandari has no authority to question the legal opinion at his own, rather Shri Bhandari has challenged the legal opinion though if he would have any issue against any of the Member or even the legal counsel, mechanism is provided under the Constitution to take up the matter.

7. One more complaint was filed by Shri Mahim Verma, Hon. Secretary against Shri Dhiraj Bhandari. It is alleged that Shri Bhandari has taken expert opinion from an outsider in violation of the Constitution. It was not permissible, rather breaches the confidentiality and overreach the authority. Shri Dhiraj Bhandari being Vice President has acted beyond his defined responsibilities and authority. Such a conduct is taken to be improper and in violation of the Discipline & Conduct Regulations framed by the Cricket Association of Uttarakhand. It is alleged that Shri Dhiraj Bhandari, Vice President of CAU has even approached the police at Doiwala Police Station and made a complaint alleging misutilization of funds, non-accountability of those funds, non-transparency and allegations of corruption without making out the basis of complaint. This is without raising the issue before the Apex Council at the first instance and if it is not addressed then to approach the Ombudsman as per the Constitution of the Association. Shri Dhiraj Bhandari thus

acted in contravention of the provisions of the Constitution and Discipline Conduct Regulations.

8. The complaint mentioned an incident of Shri Dhiraj Bhandari directly approaching Shri Saurabh Aggarwal of M/s ANDROS & Co., the statutory auditors of CAU for financial year 2022-23 and sought clarifications on the audit conducted by them in their official capacity

9. After receipt of various complaints from different persons, the Apex Council afforded an opportunity to the respondent Shri Dhiraj Bhandari to submit his counter after issuing show cause notice which was furnished and thereupon the matter has been referred to this forum for adjudication.

10. On the receipt of the reference, notices were issued to Shri Dhiraj Bhandari for his response. He is represented through counsel Ms. Chitranjali Negi. Counter to the notice was submitted by the learned Advocate, *inter alia*, stating as follows:

"(1) That the respondent denies the allegations of misconduct, indiscipline or any.

(2) That the complaints filed are malicious and aimed at tarnishing the Respondent's reputation without substantiating any claims with credible evidence.

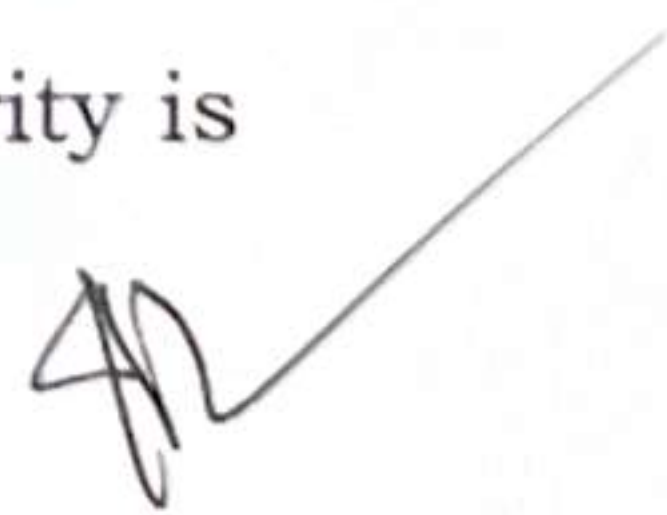
(3) That the procedure prescribed under Section 41(1)(b) has not been duly followed violating the Respondent's right to a fair and impartial hearing".

11. The learned counsel for Shri Dhiraj Bhandari raised an objection on the maintainability of the complaint which, according to her, lacks specific details of misconduct or indiscipline and otherwise the reference has been sent without showing that action of Shri Dhiraj Bhandari has caused harm to the CAU and its reputation or the game of cricket. It is alleged that the Apex Council

has acted in undue haste without adhering to the procedural safeguards outlined in the CAU's Memorandum and rules made thereunder. The Apex Council should have conducted initial assessment before making reference which has not been taken in this case. It was also submitted that the reference of the complaint to Ombudsman has been sent bypassing the essential steps, including verification and credibility of the allegations and providing a detailed justification for escalation of the complaints.

12. The learned counsel for Shri Dhiraj Bhandari further submitted that the legal notices were issued by her client in the legitimate exercise of his rights as a Member of the CAU and as a legal professional. The action was not intended to harm the reputation of any individual but was a necessary step to address false allegations made against him. The learned counsel for Shri Dhiraj Bhandari thus denied any intent of engagement of indiscipline or misconduct.

13. The learned counsel Ms. Chitranjali Negi further submitted that the legal notices to Shri Girish Goyal (President) and Shri Manas Menghwal (Hon. Treasurer) were given in good faith, driven by genuine concerns regarding the mismanagement of certain affairs within the CAU and the failure to comply with the constitutional provisions of the Association. It was well within the rights of any Member of an Association, particularly when one held the position of Vice President to raise concerns and issue legal notices when they believe that the association's interests or constitutional integrity is going to be compromised.

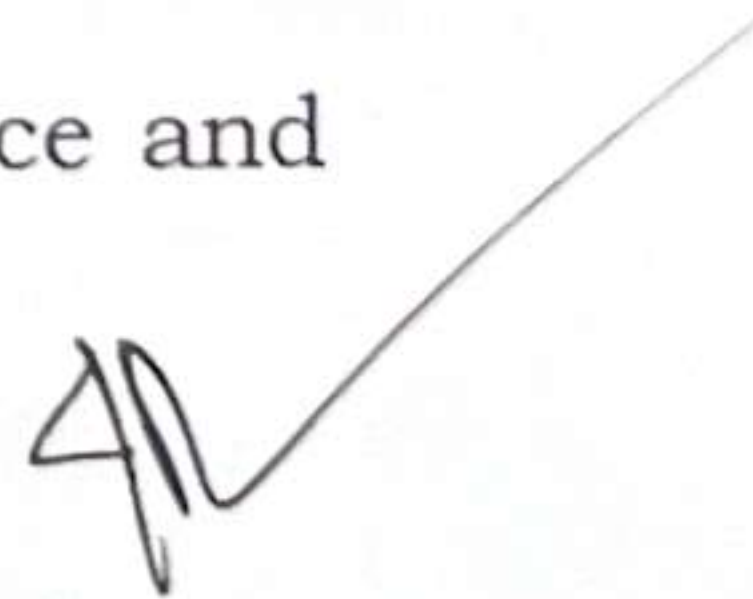


14. As regards the complaint from CEO is concerned, it was submitted that Shri Dhiraj Bhandari had not acted with any intent to harass the CEO, rather his whole objective was to safeguard the interest and integrity of the CAU.

15. In regard to the allegation against the Senior Advocate and Legal Consultant of CAU, it was submitted that he had every right to seek clarification on the legal opinion provided to the CAU. The counsel further submitted that upon receiving the letters of concern from certain Members, the Vice President Shri Bhandari had to take necessary steps to ensure that the audit report is properly reviewed and aligned with the legal requirements. It was further submitted that her client could not approach the Ombudsman in the matter pertaining to criminal jurisdiction. The Ombudsman jurisdiction does not extend to addressing the criminal offence and as such her client Shri Dhiraj Bhandari, in the interest of justice, raised issues for the attention of the law enforcement.

16. It was further argued that the term 'misconduct' has not been defined under the Constitution of the Cricket Association and the Apex Council has *mala fidely* shown undue haste in the matter and not exhausted the internal mechanism and to further assert that the action taken on the part of Shri Dhiraj Bhandari was to ensure that the action of the Cricket Association was in full compliance of the constitutional mandates.

17. The prayer was accordingly made to reject the reference and decide in favour of Shri Dhiraj Bhandari.

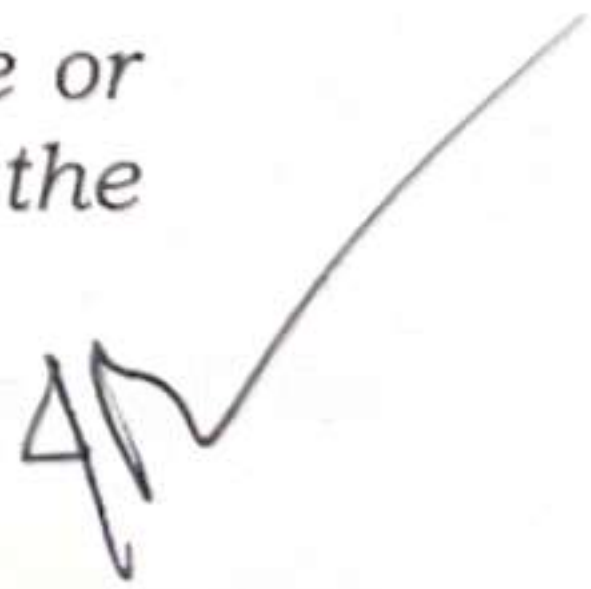


18. The counsel appearing for the CAU raised elaborate arguments to contest the arguments raised by counsel for Shri Dhiraj Bhandari. Reference of the regulations framed for Discipline Conduct and Penalties was given to show the definition of misconduct amounting to indiscipline which would mean any activity done by any Member which may or likely to be detrimental to the interest of the Association and affect the reputation of CAU. It is apart from making unsubstantial allegations against Members, Apex Council Members, Office Bearers, etc. It is submitted that if any Member or any Administrator of the CAU commits any act of indiscipline or misconduct, the Apex Council can refer the matter to Ombudsman for its adjudication. A member is not authorized to take action of indiscipline at his own without adhering to the mechanism provided under the Constitution. It is submitted that Shri Dhiraj Bhandari despite being the Vice President of the Association made communication which exposed CAU's decision making it public and, therefore, on the receipt of complaint and issuance of Show Cause Notice to Shri Dhiraj Bhandari, the matter has been referred to Ombudsman for its adjudication after receipt of the response by the Apex Council. The detailed argument in regard to the misconduct by Shri Dhiraj Bhandari was made and would be referred while passing the order otherwise it would be nothing but repetition of one and same facts. The counsel further submitted that the procedure for making reference was adopted strictly as per the provisions of the Constitution and finding a case of misconduct as per the Regulation, the matter was sent to the Ombudsman invoking Clause

41(1)(b) of the Constitution. The learned counsel for the Association made specific reference of the misconduct taken under the Cricket Association of Uttarakhand Regulation governing the Discipline Conduct and Penalties for the players, match officials, team officials, Administrators, Committee Members, Members of CAU and their representatives, etc. Thus regulations would be referred along with counter arguments raised by both the sides. The allegation against Shri Dhiraj Bhandari has been otherwise referred while taking note of the arguments raised by Ms. Chitranjali Negi for Shri Dhiraj Bhandari, the order on reference is as follows:

19. The brief facts pertaining to the case have been given. The proceedings were initiated by me on initiation of reference by the Apex Court under Clause 41(1)(b) of the Constitution. It was after complying the procedure that maintainability of the reference has been questioned by the counsel appearing for Shri Dhiraj Bhandari. For ready reference, Clause 41(1)(b) is quoted hereunder:

*"Detriment caused by Member or Administrator
If /any Member or any Administrator of the CAU commits any act of indiscipline or misconduct or acts in any manner which may or likely to be detrimental to the interest of the CAU or the game of cricket or endanger the harmony or affect the reputation or interest of the CAU or refuses or neglects to comply with any of the provisions of the Memorandum and/or the Rules and Regulations of the CAU and/or the Rules of conduct framed by the Association, the Apex Council, on receipt of any complaint shall issue a Show Cause Notice calling for explanation and on receipt of the same and/or in case of no cause or insufficient cause being shown, refer the same to the Ombudsman.*



Procedure: The Ombudsman shall, after providing opportunity of hearing to the parties concerned, pass an appropriate order.

20. The perusal of the provision quoted above reveals that on receipt of the complaint of indiscipline and misconduct which may or likely to be detrimental to the interest of the CAU or its Members to endanger the harmony amongst the Members and affect the reputation of the CAU, the Apex Council on receipt of the complaint would cause a notice calling for the explanation and on receipt of the same, in case no cause or insufficient cause has been shown, refer the same to the Ombudsman. The procedure further provides that after providing an opportunity of hearing to the parties concerned, the Ombudsman would pass an appropriate order. I find in this case that on the receipt of the complaint from various persons, the Apex Council had applied the procedure given above. Thus, the allegation of violation of the procedure for sending reference to Ombudsman is not made out. It has not been disputed that on receipt of various complaints, Shri Dhiraj Bhandari was served with the notice by the Apex Council and, therefore, even the reply was filed by Shri Dhiraj Bhandari. The Apex Council could have refused to refer the matter to Ombudsman if no cause or insufficient cause would have been made out and not otherwise. In the instant case, no plausible excuse for making the complaint resulting in misconduct could be given by Shri Dhiraj Bhandari and accordingly the reference of the complaint was rightly made to the Ombudsman.

21. The issue now remains in reference to the various complaints made by Shri Dhiraj Bhandari against the individual in different

forum and even if we leave the complaint to the police, the fact remains that Shri Dhiraj Bhandari instead of invoking the jurisdiction of clause 41(1)(b) sent the communication against the individual amounting to misconduct and indiscipline.

22. If an individual member is having any complaint, he can directly approach the Ombudsman. The other provision is to approach the Apex Council for redressal of the complaint where the Apex Council would have adopted the procedure in the Constitution. In the instant case, Shri Dhiraj Bhandari indulged in misconduct and is defined under the Regulation. The definition of misconduct is quoted hereunder for ready reference:

*"4. **MISCONDUCT.** For the purposes of these Regulations, Misconduct, in relation to all persons and entities to which these Regulation apply, shall include:*

(1) Misbehaviour including rude behaviour and/ or use of inappropriate or abusive language, Irresponsible behaviour including indecent, offensive, disorderly, threatening or violent behaviour whilst on CAU premises or while engaged in any CAU activity; (Premises means and includes any permanent or temporary place / office / ground / establishment where any work / activity of CAU is being conducted.)

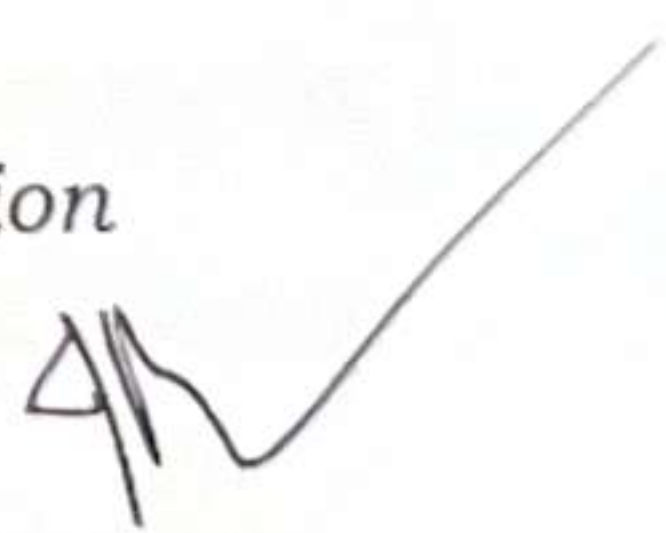
(2) Non- compliance with any of the provisions of the Constitution of the CAU.

(3) Non- compliance with any of the Rules, Regulations, Bye-laws or Executive Instructions framed and issued by CAU from time to time under its Constitution or otherwise.

(4) Any act or action or incidence which may or is likely to be detrimental to the interest of the CAU or is likely to endanger the harmony or affect the reputation or image of the CAU or bring disrepute to the CAU or is likely to be detrimental to or bring disrepute to the game of cricket.

(5) Making an unsubstantiated defamatory statement(s) or levelling an unsubstantiated allegation(s) against CAU, its Members, Apex Council Member(s), Office bearer(s), Staff, Player(s), Support Staff or any other person or entity to whom these Regulations apply.

- (6) Causing damage to or destruction of any property, moveable or immovable, of the CAU including the stands, the main ground, the main pitches, the practice pitches, and the cricketing or other infrastructure.
- (7) Misuse or unauthorised use of CAU premises or any item(s) of the property including inappropriate use of any of its premises / property.
- (8) Disruption of, or improper interference with the administrative, sporting or other activities of the CAU, whether on its premises or elsewhere.
- (9) Obstructing or sabotaging any cricket match or any activity organised by the CAU.
- (10) Obstruction of or improper interference with the discharge of functions, duties or responsibilities or Influencing or attempting to influence actions or decisions of any person of any person or entity to whom these Regulation apply or of the Executives, Officers, member of staff or other employee of the CAU or any authorised person.
- (11) Any act or action or incidence of sexual, racial or any other form of abuse or harassment.
- (12) Any act or action or incidence of discrimination on the ground of religion, race, caste or gender.
- (13) Any act or action or incidence of financial irregularity including embezzlement or misappropriation of funds.
- (14) Any act or action or incidence of manipulation or falsification of records in order to give undue benefit or advantage to oneself or someone else in any manner.
- (15) Any act or action or incidence of cheating, fraud, deceit, deception or dishonesty, generally and in relation to the CAU or its functioning or in connection with holding any office in the CAU or in relation to being a member of the CAU.
- (16) Involvement directly or indirectly, in betting of any form.
- (17) An act of corruption, including corrupt transaction, for extending an undue benefit or favour or in anticipation of an undue benefit or favour.
- (18) Making unauthorised promises and commitments purporting to bind CAU in any form or nature.
- (19) Beach of Trust and Confidence
- (20) Using the forum of CAU for any political activity
- (21) Divulging any confidential or personal information about other stakeholder.



(22) Posting, publishing, displaying, circulating any hurtful, nasty or humiliating comments, comments based on rumours or hearsay, or such other defamatory / derogatory comments about any stakeholder of CAU, statements causing disrepute by way of any media including social / digital media.

(23) Expecting or accepting any benefit or advantage, pecuniary or otherwise from any player / vendor / service provider or anyone in return of any information / favours / commitment that may construe as breach of trust.

(24) Conduct which constitutes a criminal offence whether or not on CAU premises, or which affects or concerns other members of the CAU in their relationship with the CAU or is an offence of dishonesty, where the member holds an office of responsibility in the Association.

(25) Any other act or conduct which in the opinion of the Apex Council is likely to be detrimental to the interest of the CAU or the game of cricket or endanger the harmony or affect the reputation or interest of the CAU or amounts to misconduct".

23. The case in hand falls under sub-clause 5 apart from other clauses because Shri Dhiraj Bhandari made unsubstantiated allegation against the Members, Apex Council Members and office bearers of the CAU apart from any other person and, therefore, only while contesting the Show Cause Notice, the counsel for Shri Dhiraj Bhandari could not substantiate the allegations made against the others which became subject matter of reference to the Ombudsman. Therefore, unsubstantiated allegations were made by Shri Dhiraj Bhandari against the Members and Apex Council Members, apart from office bearers amounting to misconduct under the Regulation.

24. I am not required to refer to each communication sent by Shri Dhiraj Bhandari which has otherwise been marked while referring the arguments of counsel for Shri Dhiraj Bhandari. If we make a scrutiny of the messages or the correspondence made by Shri Dhiraj

Bhandari, it would become clear that legal notice sent to Shri Girish Goyal was to the effect of making allegation of violation of CAU Bylaws, non-compliance of BCCI and Lodha Reforms without specification of the allegation. In notice sent to Shri Manas Menghwal, allegations of non-compliance with duties and responsibilities as Treasurer and violation of Bylaws of CAU without specification of any allegation. In the same manner, the complaint against Shri Mohit Dhobal, CEO of CAU was for contravention of the CAU Constitution or any relevant laws without specifying how the Constitution of the CAU was contravened. In the similar manner, he had questioned the legal opinion obtained by the Secretary of the Association and otherwise it was amounting to breach of trust and confidentiality. The detailed allegations made by Shri Dhiraj Bhandari are not referred because it was not otherwise questioned by his counsel to state that the allegations made by Shri Dhiraj Bhandari were substantiated by facts or proof and accordingly I find that Shri Dhiraj Bhandari has misconducted himself in making allegations against Members of the CAU tarnishing the image of the association and if we strictly go on the allegations, it may be defamatory in nature also.

25. It is true that the complainant is a office bearer of the association and that being it, entails to him having more responsibility to adhere to the basic norms of the regulation and conduct. His acts of sending notices to fellow office bearers Shri Girish Goyal (President) and Shri Manas Menghwal (Hon. Treasurer), and to CEO accusing them for contravention of the CAU Constitution and communication to legal

consultant of the association and statutory auditor seeking explanation, providing documents of the association to a third party (Chartered Accountant) to seek expert opinion are all acts that goes beyond the zone of working of a Vice President. Such acts or actions are more like an orchestrated approach to continue to harass the fellow office bearers rather than resolution of dispute if any, as for resolution of dispute the constitution of the association provides for a mechanism, that the respondent failed to exercise.

26. Therefore, the respondent's legal communication with office bearers, external auditors, and legal consultants, without adhering to the internal dispute resolution mechanisms, constitutes a clear breach of CAU's governance structure. The Constitution of CAU mandates that internal disputes be addressed through established channels before external intervention is sought. The respondent failed to demonstrate any attempt to utilize these mechanisms before engaging external entities.

27. The act of approaching law enforcement authorities with allegations of financial mismanagement within CAU, without prior internal investigation or substantiating evidence, reflects an act of misconduct. Such actions have the potential to damage the credibility of CAU and its officials, creating unnecessary public controversy without basis. This approach further highlights the respondent's disregard for CAU's internal governance framework.

28. The respondent's multiple notices and external communications have resulted in an erosion of trust among fellow office bearers and

staff, apart from only the trust deficit that such acts create their is also reputational harm caused by these actions, disrupts the association's smooth functioning. The respondent, as Vice President, was expected to maintain decorum and uphold CAU's credibility, but his actions have instead contributed to internal conflict and public mistrust.

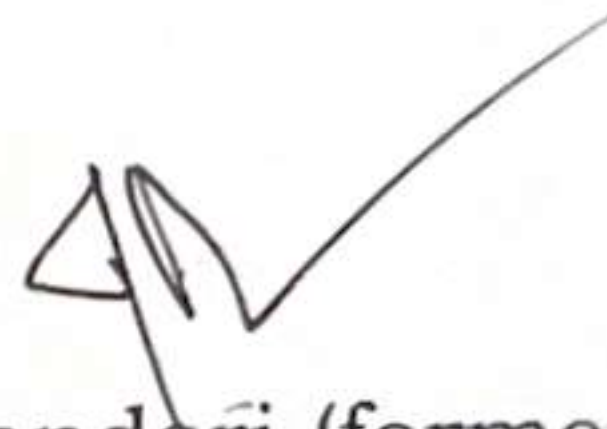
29. The respondents approach in seeking expert opinions from external sources without authorization constitutes a breach of trust and confidence. His actions have not only circumvented CAU's procedural norms but also risked exposure of confidential internal matters to unauthorized third parties. This is a serious infraction under CAU's Conduct and Discipline Regulations.

30. In the light of the discussion made above, I find that the act of Shri Dhiraj Bhandari, Vice President of the Association is amounting to misconduct defined under the Regulations quoted earlier. He has made unsubstantiated allegations against the Members of the CAU, Apex Council Members and office bearers apart from others. Shri Dhiraj Bhandari was even indulged in delving confidential and personal information. The conduct of Shri Bhandari is to be visualized seriously that he had shared the financial documents of the Association by giving it to a third party expert for the opinion without an authority from the Association. It was detrimental to the interest of the CAU or its Members to endanger the harmony amongst the Members and affect the reputation of the CAU. The confidentiality or personal information about other stakeholders is

to be maintained but Shri Dhiraj Bhandari failed to do so thus I find that he has misconducted himself as per the Regulations.

31. The issue now remains over the penalty. Taking overall case into consideration, I find it appropriate to impose the penalty of removal of Shri Dhiraj Bhandari from the Membership of the Association. It is one of the penalty falling under sub-clause (5) to clause 7 titling as Penalties. It is, however, made clear that he is not barred to reapply for the Membership of the Association afresh and which would be considered appropriately as per the provisions of the Constitution. Shri Dhiraj Bhandari is otherwise under suspension under clause 41(6) of the Constitution of CAU.

Date : 8/4/2025



Justice M.N. Bhandari (former Chief Justice)
Hon'ble Ombudsman & Ethics Officer
Cricket Association of Uttarakhand