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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 8th September, 2021

+ **W.P.(C) 11247/2020 & CM APPLs. 29429/2021, 29430/2021**

DELHI CAPITAL BADMINTON ASSOCIATION Petitioner

Through: Mr. Alok Bhachawat, Advocate.
(M:9811105362)

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Anil Soni, CGSC for
Respondent/IOI
Mr. Arjun Garg, Advocate for
Respondent No.2 (M:9910922635)
Mr. Talha Abdul Rahman, Ms.
Aakanksha Singh, Mr. Udit Atul
Konkanthakar, Mr. M. Shaz Khan
and Mr. Harsh Vardhan Kediya,
Advocates for Respondent no.4
(M: 9415460772).

**CORAM:
JUSTICE PRATHIBA M. SINGH**

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 29429/2021 & CM APPL. 29430/2021

2. The present application has been filed by Respondent No.4
seeking the following directions:

*“a. Pass an order modifying the order dated
12.01.2021 r/w order dated 18.03.2021 passed by
this Hon'ble Court in W.P (C) No. 11247 of 2020
granting extension of time to Hon'ble Returning*

Officer to report to this Hon'ble Court whether election can at all be conducted, and request by and on behalf of given the fraud and illegalities mentioned in his email dated 15.07.2021 after further probing/investigating the documents of the District Units;

b. Direct Respondent No.2 (Badminton Association of India) to reconsider the issue of grant of affiliation of the Petitioner Association in light of the email dated 15.07.2021 addressed by the Hon'ble Returning Officer and provisions of National Sports Code, 2011;

c. Pass an order directing Sh. A K Mitra (acting for Petitioner) to cooperate with the Applicant to clear outstanding dues of the Hon'ble Returning Officer;

d. Pass any order or further order (s) this Hon'ble Court may deem fit in and proper under the facts and circumstances of the case.”

3. Mr. Rahman, Id. Counsel for Respondent No.4, submits that further to the order dated 12th January, 2021 which has been passed by this Court appointing Justice (Retd.) Brijesh Sethi as the Id. Returning Officer for the purpose of conducting the elections, and the subsequent orders which have given further directions, the Id. Returning Officer needs further time to conclude the conduct of the elections. The Id. Returning Officer has found various discrepancies in the various constituents i.e., district units of the Delhi Capital Badminton Association (*hereinafter*, “DCBA”), which are 11 in number. In fact, the same has been highlighted by the Id Returning Officer, in the various emails. Accordingly, he submits that the various discrepancies and irregularities in the district units of the

DCBA would have to first be rectified before election is conducted for the DCBA. He has placed before the Court the two emails sent by the Id. Returning Officer.

4. Mr. Alok Bhachawat, Id. Counsel for Petitioner, submits that the discrepancies and irregularities in respect of six of the district units of the DCBA have already been rectified. However, in respect of five district units, the Petitioner is in the process of opening the bank accounts and making other compliances. He submits that the Id. Returning Officer is fully seized of the matter and both counsels have no objection if his mandate is enlarged, so as to enable the Id. Returning Officer to take steps towards curing the deficiencies in the district units.

5. Mr. Garg, Id. Counsel appearing for Respondent No.2/Badminton Association of India (hereinafter, "BAI") submits that due to the non-conduct of elections and the office bearers of the DCBA not being in position, the players' interest is severely jeopardized inasmuch as selection etc., are being interfered with by both the factions of the DCBA. Hence, he submits that there is an urgent need to get the Executive Committee to run the DCBA in place. The submission made by Mr. Garg, Id. Counsel are disputed by Id. counsels for the other parties.

6. Be that as it may, considering the overall nature of this matter, the ultimate aim is to ensure that the DCBA election is conducted smoothly with all the constituents of the DCBA having been given an opportunity to participate in the said elections. The DCBA has 11 district units and it is also a body which was constituted post the

merger of two associations as is clearly explained in the prior orders of this Court. Accordingly, further to the previous orders, the following directions are issued:

i. The Id. Returning Officer would be free to give directions to the district units and DCBA to ensure that the irregularities and deficiencies are removed in respect of the District Units, on an urgent basis. A specific timeline may be given by the Id. Returning Officer for compliance.

ii. Considering that the elections to the DCBA have been delayed to a considerable extent, if there are some irregularities and deficiencies, the compliance of which may not be possible to be completely carried out and can be postponed to a later stage, date for the election shall be fixed by the Id. Returning Officer, on or before 30th September, 2021. The election shall then be duly conducted by the Id. Returning officer and a report as regards the same shall be filed before this Court, on or by 15th October, 2021.

7. The election shall be conducted strictly in terms of the previous directions of this Court issued by order dated 31st May, 2021. The said directions are extracted below:

“10. Disputes have been raised in respect of the amendments as the current office bearers who are outsiders were not given notice to attend the meeting. Only members are stated to have attended the meeting dated 9th April 2021. As recorded in the previous orders there was a merger of two associations to constitute the DCBA and in the previous round, elections were held for 30 positions. However, before holding elections now, the Constitution of DCBA is to be amended in terms of the Rules/Regulations prescribed by BAI. Thus a meeting of

DCBA for amending the Constitution was required. Considering the factual position as also the arguments that have been made by the parties, this Court deems it appropriate to direct as under:

(i) Outsiders would not be permitted to participate in the elections of the DCBA.

(ii) Only the members who are nominated by the various district members associations would be permitted to participate in the said elections.

(iii) The question as to the number of posts qua which the elections should be held, in accordance with the rules of the BAI, would now be decided in a fresh meeting to be held of the DCBA. The same would be presided over by Justice (Retd.) Brijesh Sethi, the Election Officer. The Secretary of the BAI can be present to assist the Election Officer.

(iv) For the said meeting, the current office bearers, who are 33 in number, as also all the members, would be invited. The views expressed in the said meeting shall be considered, and a resolution shall be passed in the said meeting as to the number of posts for which the elections shall be conducted. The said resolution would then result in an amendment of the Constitution of the DCBA.

(v) After the amendment is carried out, the electoral roll shall be drawn up by the Election Officer, and elections shall be conducted, on or before 31st July, 2021 as already directed.”

8. The Id. Returning Officer is now requested to ensure that the elections are not postponed in any manner, and if there are any irregularities and deficiencies the same can be cured by the district units, as also by the State unit, even after the notification of the election.

9. If the Id. Returning Officer needs any records from the Respondent No.2/BAI, he is free to approach Mr. Arjun Garg, Id.

Counsel for BAI who shall give all support to him.

10. With these observations, both the applications are disposed of.

**PRATHIBA M. SINGH
JUDGE**

SEPTEMBER 8, 2021

dj/ad

