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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11674/2019, CM APPL. 11089/2022 (directions) & CM APPL. 18879/2022 (S. 11,12 of Contempt of Court Act).

ANISH DAS TALUKDAR (MINOR) THROUGH MS. SASMITA
DAS TALUKDAR (LEGAL GARDINAN AND MOTHER) AND
ANR. Petitioners

Through: Mr.Rahul Mehra, Sr. Adv. with
Mr.R.A.Iyer, Mr.Chaitanya Gosain &
Mr.Amanpreet Singh, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Anurag Ahluwalia, CGSC with
Mr.Danish Faraz Khan & Mr.Rishab Narayan,
Advs. with Mr.Narender Singh, SO, SP-VI Section
MYAS and Mr.Sumon S Brahma, YP (Legal) SP-
VI Section MYAS for R-1

Mr.Ruchir Mishra, Mr.Hemant Phalpher &
Mr.Mukesh Tiwari, Advs. for R-2

Mr.Saurabh Jain, Adv. for R-3

Ms.Geetanjali Sharma, Adv. for R-4 SAI with
Mr.Sanjay Saraswat, Executive Director, SAI and
Mr.Harish Babu, SAI

Mr.Hrishikesh Baruah, Mr.Parth Goswami &
Mr.Akshay Kumar, Advs. for R-6

Mr.Saqib, Adv. for R-7 to 15

Mr.Feroze Ahmad & Mr.Pranav Duh. for R-16

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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28.04.2022

1. The present petition has been preferred by two players in the sport of Taekwondo, seeking a direction to the respondent no.1/ Ministry of Youth

Affairs and Sports and to the respondent no.2/ Indian Olympic Association (IOA) to conduct elections for the Executive Committee of the Taekwondo Federation of India as per the electoral college prepared by the Hon'ble Mr. Justice R.S.Sodhi (Retd.) on 04.05.2016, in compliance of this Court's order dated 13.03.2016 passed in W.P.(C) 2753/2016.

2. The record shows that during the pendency of the present petition various interim orders have been passed from time to time and the memo of parties has been amended on account of some additional parties being added as respondents.

3. Today, after arguing the matter at some length, learned counsel for all the parties, except learned counsel representing respondent no.6/India Taekwondo, are at unison that the petition be disposed of by directing fresh elections of the Taekwondo Federation of India to be expeditiously conducted under the supervision of a Court Commissioner-cum-Returning Officer appointed by this Court, on the basis of the electoral college prepared by Justice R.S.Sodhi (Retd.), as amended at the time of the last election held pursuant to the notification dated 01.06.2016. Insofar as the respondent no.6 is concerned, Mr.Baruah appearing on behalf of the said respondent submits that since Taekwondo India has no connection with the Taekwondo Federation of India, he has no role to play in the elections of the said federation and therefore cannot oppose the said prayer made by the parties.

4. What emerges from the record is that on account of there being no National Sports Federation (NSF) for the sport of Taekwondo, it is the respondent no.6/Taekwondo India, an unregistered body which claims to be recognized by the World Taekwondo which has been mainly selecting

players for the different international events in the sport of Taekwondo. Though the petitioner claims that the respondent no.6 is wrongly trying to select players for the international team, the said assertion is denied by the respondent no.6. The IOA also alleges that it is receiving no cooperation from the respondent no.6, even this averment is vehemently denied by respondent no.6. In light of these allegations and counter allegations, it is evident that the sport of Taekwondo in the country is suffering and the genuine Taekwondo players are not getting the opportunity to represent the country. It would, therefore, be in the interest of the sport to direct holding of fresh elections to the executive committee of the Taekwondo Federation of India so as to enable the Union of India to take expeditious steps for recognizing a suitable federation as the National Sports Federation for the sport of Taekwondo.

5. The writ petition therefore deserves to be allowed by appointing a Court Commissioner-cum-Returning Officer for the purpose of conducting elections for the executive committee of the Taekwondo Federation of India. With the consent of the parties, the writ petition alongwith all pending applications is accordingly allowed by issuing the following directions:

- i. Hon'ble Mr. Justice Sistani (+91-9871300034) a retired judge of this Court is appointed as the Court Commissioner-cum-Returning Officer for holding the elections to the executive committee of the Taekwondo Federation of India.
- ii. The elections will be held preferably within a period of two months from today. It will be open for the learned Court Commissioner to appoint officials of the respondent nos.1, 2 or 4, as observers to oversee the elections if deemed necessary.

- iii. The learned Court Commissioner-cum-Returning Officer will for the present be paid a sum of Rs.5 lakh as honorarium besides secretarial expenses. Keeping in view the fact that as on date, there is no recognized National Sports Federation for the sport of Taekwondo which is receiving any grant from the respondent no.1, it is directed that this amount will be borne equally by the IOA and the respondent no.1. However, in case the task being entrusted to the learned Court Commissioner is not completed within a period of two months, it will be open for the parties to move an application to seek enhancement of the honorarium.
 - iv. The learned Court Commissioner will proceed on the basis of the Electoral College prepared by the Hon'ble Mr. Justice R.S.Sodhi (Retd.) on 04.05.2016, alongwith the amendments made in the Electoral College during the elections held in June, 2016 under the supervision of Hon'ble mr. Justice M.L. Mehta.
 - v. It will, however, be open for the learned Court Commissioner-cum-Returning Officer to further amend the Electoral College upon an application by any party, including a person who is not before this Court. The decision of the learned Court Commissioner on this aspect will be treated as final.
6. Before I conclude, in order to safeguard the interests of the players, it would be necessary to pass orders to ensure selection of the Indian team/players to represent the country in international Taekwondo events till such time, when a duly elected federation is appointed as the National Sports Federation by the respondent no.1. It is the common

case of the parties that vide its communication dated 11.09.2015, the Ministry of Sports and Youth Affairs had directed the Sports Authority of India (SAI) to carry out the selections of the Taekwondo team to represent the country which directions have been reiterated as recently as on 05.04.2022 and 20.04.2022 . Keeping in view the fact that the respondent no.4/SAI appears to have not taken its responsibility seriously in the recent past, it would be in the interest of justice to direct the respondent no. 4 to make timely selection of players for representing the country in international events of Taekwondo for representing the country by consulting one of the following three renowned players of taekwondo, whose names have been unanimously suggested by the parties:-

- a) Mr.Rakesh Singh (Contact No. 9342995116)
- b) Mr.Sandeep Kundu (Contact No. 7986686312)
- c) Ms.Seema Deswal (Contact No. 9871034103)

7. Once the elections of the Taekwondo Federation of India are held in accordance with this order, it is expected that the respondent no.1 will take expeditious steps to recognise a suitable federation as the National Sports Federation for the sport of Taekwondo.
8. It is expected that the World Taekwondo, while inviting Indian Players/Teams for international events, will also take into account the directions issued in this order.

REKHA PALLI, J

APRIL 28, 2022

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