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

***Date of decision:- 17.10.2022***

+ W.P.(C) 10590/2021, CM APPL. 32671/2021 (stay), CM APPL. 40007/2021 (directions), CM APPL. 16975/2022 (appointment of auditor), CM APPL. 16984/2022 (directions), CM APPL. 18079/2022 (directions), CM APPL. 21463/2022 (recall of order by respondent no.1), CM APPL. 23752/2022 (objections by respondent no.1), CM APPL. 25957/2022 (impleadment) & CM APPL. 40600/2022 (delay of 9 days in filing rejoinder to CM APPL. 23752/2022)

MS MANIKA BATRA

..... Petitioner

Through: Mr.Kirtiman Singh & Mr.Akshay Amritanshu, Advs.

versus

TABLE TENNIS FEDERATION OF INDIA THROUGH THE PRESIDENT & ORS. .... Respondents

Through: Mr.Anupam Lal Das, Sr. Adv. with Mr.Anirudh Singh, Mr.Krishanu Barua, Mr.Parth Goswami, Mr.Akshay Kumar & Mr.Abhijeet Kumar, Advs. for R-1

Mr.R.Balasubramaniam, Sr. Adv. with Mr.Apoorv Kurup, Mr.Vinayak Sharma, Ms.Nidhi Mittal, Ms.Damini Garg & Mr.Ojaswa Pathak, Advs. for R-2

Mr.Rajshekhar Rao, Sr. Adv. with Mr.Shashank Garg, Mr.Aman Gupta, Mr.Areeb Amanuallah, Ms.Nishtha Jain & Ms.Muskaan Gopal, Advs. for Committee of Administrators.

Mr.Hrishikesh Baruah & Mr.Pranav Sapra, Advs. for applicants in CM APPL. 25957/2022.

Mr.Deepak Biswas, Ms.Aahna Mehrotra, Mr.Aimaja Tripathy & Mr.Harshit Gupta, Advs. for 11 Sports Pvt. Ltd.

**CORAM:**  
**HON'BLE MS. JUSTICE REKHA PALLI**  
**REKHA PALLI, J (ORAL)**

1. The petitioner, a top-ranked Table Tennis player who has been representing India since 2008 in various tournaments internationally, has preferred the present petition seeking the following reliefs:-

*“(i) A Writ of Certiorari or any other writ, order or direction quashing the Rules and Regulations titled as “Rules and Regulations for National Camp” dated 04.08.2021 (Annexure P4, [Pg. 289]) issued by Respondent No. 1; and*

*(ii) A Writ of Mandamus or any other writ, order or direction thereby directing the Respondent No. 1 to include the name of the Petitioner in the contingent representing India in the upcoming Asian Table Tennis Championship; and*

*(iii) A Writ of Mandamus or any other writ, order or direction thereby directing the Respondent No. 2 to enquire into the management of the Respondent No. 1; conduct of Respondent No. 3 and other officials of Respondent No. 1 as detailed in the present petition and the email of the Petitioner dated 14.08.2021 and the Representation sent by the Petitioner to Respondent No.1 dated 17.09.2021 and Respondent No.2 dated 17.09.2021 under the supervision of this Hon'ble Court; and*

*(iv) Any other reliefs, orders or directions, which this Hon'ble Court considers just and fit in the circumstances of the case, in the interest of justice and in favour of the Petitioner.”*

2. When the writ petition was taken up for preliminary hearing on 23.09.2021, learned senior counsel for the petitioner had raised certain allegations against the respondent no.3's alleged attempt at match-fixing by pressurizing her to concede a match in favour of another player, Ms.

Suthirtha Mukherjee. It was also the petitioner's case that, instead of inquiring into the alleged misconduct of the respondent no.3, the respondent no.1 federation had, instead, issued her a Show Cause Notice on 20.08.2021, seeking an explanation from her for not allowing the national coach to accompany her during her matches at the Asian Olympic Qualification Tournament, 2021. In the light of, *inter alia*, these serious allegations raised by the petitioner, this Court had, on 23.09.2021, directed the respondent no.2/Ministry of Youth Affairs and Sports, to get the petitioner's complaint expeditiously examined by an appropriate Committee.

3. Pursuant thereto, when a report by the Committee appointed by the respondent no.2/Ministry, examining the petitioner's complaint, was handed over to the Court on 15.11.2021, it transpired that the said Committee, except for opining that the Show Cause Notice issued to the petitioner was uncalled for, had not given any opinion regarding the complaints made by the petitioner *qua* match-fixing, which was one of the primary issues to be determined by the said Committee. This Court had, therefore, with the consent of the parties, then appointed an independent three-member Committee ("Inquiry Committee") to look into the petitioner's complaint. The Inquiry Committee consisted of two former judges of the Supreme Court; and a former athlete, an Arjuna awardee of repute.

4. Pursuant to the Court's order dated 17.11.2021 the Inquiry Committee, after conducting detailed hearings and considering the interrogatories issued to the respondent no.1 federation, had furnished its report ("Inquiry Report") giving its findings on four issues, which Inquiry Report was furnished to the Court in a sealed cover on 03.02.2022. Copies thereof were provided to all the parties, and a perusal thereof showed that,

the Committee had come to a categorical conclusion that, the respondent no.1 federation and/or its officials were 'deemed to have been aware' of the complaints made by the petitioner against the conduct of the respondent no.3. The Inquiry Committee in its report, had, in no uncertain words observed that the deliberate inaction on the part of respondent no.1 seemed to be an attempt to safeguard the interest of its officials, instead of safeguarding the interest of the players. The findings of the Inquiry Committee therefore, clearly showed that, as per the Committee, the respondent no.1 had failed in discharging the obligations cast upon it as a National Sports Federation ("NSF"), to work for the welfare of the sportspersons, and promotion of the sport.

5. In the light of these findings, this Court was of the view that a deeper scrutiny into the affairs of the respondent no.1 was necessary, but at the request of learned senior counsel for the respondent no.1, deferred directing any further inquiry into the affairs of the respondent no.1 at that stage so as to give an opportunity to the respondent no.1 to file its objections to the Inquiry Committee's report. However, in the light of these findings of the Inquiry Committee showing gross misconduct on the part of the Executive Committee ("EC"), it was deemed appropriate not to permit the existing EC of the respondent no.1 federation to continue to manage the affairs of the respondent no.1 and therefore, as an interim measure a three-member Committee of Administrators ("CoA"), headed by the former Chief Justice of Jammu and Kashmir High Court, was appointed. This Court's order dated 11.02.2022 empowered the CoA so appointed to take over the administrative power from the erstwhile EC of the respondent no.1, issue all appropriate directions as may be necessary from time to time, and provide its input for

facilitating the smooth functioning of the respondent no.1 federation. The Court is happy to note that since its appointment, the CoA has been diligently discharging its duties, keeping in mind the interest of the sport as well as welfare of the sportspersons, while being mindful of valuable resources, including public funds, and as is evident from the reports filed by the CoA before this Court, the CoA has made efforts to streamline the manner of conducting the respondent no.1 federation's affairs. This becomes more pronounced by the impressive performance of the table tennis players in the recent Commonwealth Games - a testimony to the pains taken by the CoA.

6. Pursuant to the liberty granted by the Court, the Executive Committee of the respondent no.1 has filed its objections to the Inquiry Committee's report dated 27.01.2022, to which a response has been filed not only by the petitioner, but also by the CoA, in terms of this Court's order dated 06.07.2022. The CoA has, in its detailed reports, highlighted not only the huge deficiencies in the manner of recording expenditures, as were evident from the unexplained figures and entries in the accounts, but has also pointed out that there was no transparency in the matter of entering into sponsorship agreements with parties, and that all decisions appeared to be taken by two or three office-bearers, without holding any meeting whatsoever. The CoA has, in fact, already moved an application seeking audit of the accounts of respondent no.1, consideration of which application has been deferred as it was deemed appropriate to first consider the objections of the report of the three-member Committee.

7. While this Court had commenced hearing learned senior counsel for the Executive Committee of the respondent no.1 on its objections to the

Inquiry Report, it was brought to the notice of this Court that the International Table Tennis Federation (ITTF) had, on 15.08.2022, addressed a communication to the CoA stating therein that unless a democratically elected Executive Body was brought in place to manage the affairs of the respondent no.1 federation, the ITTF may have to take appropriate protective steps including suspension of the TTFI as a member of the ITTF.

8. In the light of this Communication, whilst Mr Das, learned senior counsel for the EC of the respondent no.1, was in the midst of his submissions regarding the objections to the Inquiry Committee's report dated 27.01.2022, he had submitted that the members of the EC were willing for fresh elections to the EC being held, with a condition that the short tenure already held by the existing members be not treated as a tenure for the purposes of the Code. In the light of this submission, the matter was adjourned to enable the learned counsel for the petitioner, as also the learned senior counsel for the respondent no.1, to obtain instructions. Pursuant thereto, though a short affidavit has been filed by the respondent no.1, stating therein that this short tenure will not be taken into account while determining the eligibility of the members as per the National Sports Code, 2011 ("Code, 2011") meaning thereby, that this tenure would not in fact be counted as a tenure at all, the learned senior counsel for respondent no.2 has vehemently contended that till an inquiry is held into the affairs of the existing EC, none of its 23 members ought to be permitted to participate in any forthcoming elections.

9. This prayer is vehemently opposed by the learned senior counsel for respondent no.1, who has contended that any order prohibiting the present members of the EC from participating in the fresh elections, would amount

to penalising them without their being any finding of any specific misconduct or misdemeanour on their part. He submits that, even though the EC has serious objections to the report of the Inquiry Committee, which has proceeded to give its findings on the basis of deemed knowledge by the EC, it has, in the interest of the sport and the communication received from the ITTF, given its consent for holding of fresh elections, but any debarring of the present members of the EC of the respondent no.1, is not acceptable to them, as this would amount to condemning them, without even being given an opportunity of being heard. Without prejudice to his aforesaid pleas, he submits that even otherwise the report of the committee refers to only five members of the existing EC by name and, therefore, even if this Court were inclined to debar any member of the present EC from contesting in the fresh elections, the said direction ought to be confined to only these five persons.

10. Even though CM APPL.25957/2022, the application for impleadment filed by some of the State Associations is yet to be considered on merits, keeping in view the fact that the electoral college for elections to the EC of the respondent no.1, would include these State Associations, Mr. Hrishikesh Baruah, learned counsel for these applicants has also been heard on this limited issue of conduct of fresh elections to the EC of respondent no.1. While joining all other parties on the necessity of holding fresh elections to the EC of respondent no.1 urgently, Mr.Baruah submits that taking into account that the objections of respondent no.1 to the committee's report are still being considered, the elections can be directed to be held with an appropriate caveat so that depending upon the outcome of these objections, suitable orders can be passed by this Court. He submits that the returning

officer can be directed to issue an appropriate caveat in the election notice itself.

11. Having given my thoughtful consideration to the submissions of the learned counsel for the parties, I am of the view that even though, learned counsel for the respondent no.1 may be justified in urging that an order debarring the members of the Executive Committee would cause them grave prejudice, the fact remains that as on date, there is a report by a three-member committee headed by a retired judge of the Apex Court, which holds that the respondent no.1, instead of promoting the sport, had taken interest in safeguarding the interests of its officials. This Court cannot also lose sight of the fact that the CoA, which is again an independent committee, headed by a retired Chief Justice of the Jammu and Kashmir High Court, has not only prayed for an appointment of an auditor to audit the accounts of the respondent no.1 federation but has, in its reports filed before this Court, categorically stated that there appeared to be manipulations in the accounts maintained by the respondent no.1's executive body, there was no transparency in the matter of entering into contracts with sponsors, and all decisions appeared to be taken by two or three members only without any proper and regular meetings of the committee being held. It is also apposite to note that though the respondent no.1 has filed an interim reply to the application for appointment of an auditor, it has, for reasons best known to it, chosen not to file any response to these detailed reports filed by the CoA. At this stage, it would be necessary to note some of the relevant extracts from the report dated 05.07.2022 filed by the CoA. The same reads as under:



*“13. During this period another relevant fact which the CoA came across was with regard to source of funding. CoA came across one agreement dated 20.08.2015 with the UTT and a subsequent addendum agreement. Another source of funding was by the HERO group for which no agreement had been entered into and there was only one email dated 07.03.2020.*

*The CoA also came across an unsigned agreement with STAG, a well renowned company manufacturing and providing sports equipment relating to Table Tennis especially the tables. The details of this agreement have been provided separately under the heading of "Source of funding".*

*15. That at the very outset, the CoA must record that during this period since the CoA has taken over charge pursuant to the order of this Hon'ble Court, it has come across various facts, documents and instances which reek of not only arbitrary, bias, irrational and whimsical decisions but also totally inefficient and opaque style of working of the officials of TTFI which not only undermines the growth of the players but also the game of Table Tennis as a whole as also observed in para 11 of the order dated 11.2.2022 (refer para 11 of the order).*

*16. The CoA noticed a general atmosphere of fear in the office and the employees/staff because of diktat of the officials of the TTFI. The office bearers have been declaring to all and sundry that the CoA will be removed shortly and that they would be back in the saddle with their agendas. As a result, the CoA received verbal complaints rather than in written complaints, most of which were found to be true on examination of the records. The CoA is still at the stage of finding permanent solution to the serious allegations and various other issues directly affecting the players and the game of Table Tennis.*

*17. It also appears that there are few officials/persons who want to control the TTFI perpetually, directly or indirectly. There is no transparency, accountability of any kind in the performance of the obligations' cast on the TTFI. The CoA has found there is no interaction / engagement or involvement of any kind with the stake*

*holders. All the decisions in the past have been made only to enable these persons to perpetuate their control and promote their own interests in position and power.*

*The TTFI is performing and discharging public functions and getting extensive grants from the Government of India and the Sports Authority of India and despite that the officials of the erstwhile executive committee were not accountable to those affected by their decisions. Experts and stakeholders, previous international players of repute, distinguished coaches have been completely marginalized. Only a small coterie has been arbitrarily controlling the affairs of TTFI, completely ignoring merit and without a single step having been taken for the development of the sport, promotion of players, optimum utilization of officials and coaches or the welfare of the staff and veterans. No proactive steps have been taken to bring efficiency into the functioning of TTFI.*

*19. When the CoA took over it was found that there was no democratic or inclusive decision-making process being followed by the Executive committee of the TTFI. To the best of information, no proper meetings have actually been held nor is there any practice thereof. Decision are taken either unilaterally by two or three persons controlling TTFI or on the asking of their favourites, and mostly to favour/oblige friends or their relatives / associates, whether part of executive committee or otherwise.”*

12. In the light of this position, it is evident that not only the 3-member Inquiry Committee, but even the CoA, which has been managing the affairs of the respondent no.1 federation for the last many months, and therefore, had the opportunity to closely examine the affairs of the federation for the last many months, have, though without naming any individual member of the EC, clearly opined that the affairs of the respondent no.1 federation were not being conducted in consonance with the responsibilities entrusted with the respondent no.1 federation as per the Code, 2011. As the parties are *ad*

*idem* that fresh elections to the EC should be directed without any delay, the only question before this Court at this interim stage, when the objections of the EC to the report are still being considered, but a sudden urgency has arisen for directing fresh elections, is as to whether the members of the present EC should be allowed to contest therein.

13. Even though this Court is conscious of the fact that the members of the present EC cannot be held guilty of any misconduct without being granted due opportunity, either in an inquiry to be ordered by the respondent no.2/UOI, or by a Court of law, this Court cannot also at this stage ignore the findings given by the 3-member Inquiry Committee as also the specific observations of the CoA which, if ultimately found to be correct, would definitely result in the indictment of the members of the EC as well. It will be an unfortunate day for the game if all the observations of the Inquiry Committee or the CoA regarding the misconduct of the members of the EC are ultimately found to be true. However, as rightly contended by Mr. Das, this is not the stage for making any further comment on this aspect. As noted hereinabove, the Court is still considering the objections of the respondent no.1 to the Inquiry Committee's report and, as already noted in this Court's order dated 11.02.2022, whether any further inquiry into the entire affairs of the EC of the respondent no.1 is yet to be determined. Despite the fervent attempt by Mr. Das to impress upon this Court to contend that there is no adverse finding against the members of the present EC of the respondent no.1, I am unable to agree with him. In my considered view, at this stage, when the comments of the CoA point towards a very sorry picture in the functioning of the EC and, especially its observations that the EC is being run by only two or three persons, it would be against the interest of the sport

if this issue is simply closed at this premature stage itself. The permission to the existing members of the EC to participate in the election would not only be against the interest of the country, but will clearly demoralise the sportspersons, whose faith in the system appears to have been restored to some extent, as is evident from the laurels brought to the Country by the sportspersons in the game of Table Tennis in the recent Commonwealth Games and other international events.

14. As already noted above, since all the parties are at *ad idem* that fresh elections to the EC of respondent no.1 are required to be held at the earliest, taking into account that the affairs of the respondent no.1 are being presently managed by a committee headed by a retired CJ of High Court of Jammu & Kashmir, it would be appropriate that a retired judge of the Supreme Court is appointed for conducting the elections to the EC at the earliest. Accordingly, Justice Vineet Saran (former Judge of the Hon'ble Supreme Court) is appointed as the returning officer for conducting the elections of the EC of respondent no.1 federation with a request to him to prepare the electoral college and conducting the elections as per the constitution of the respondent no.1, and ensure that only those of the state associations which are compliant with the Sports Code are permitted to participate in the elections. The returning officer, will be paid a sum of Rs. 7,50,000/- besides secretarial expenses, which amount will be borne by the respondent no.1.

15. However, since the objections of the respondent no.1 to the Inquiry Committee's report are still being considered and taking into account the fact that in case these objections were to succeed, even the existing members of the EC would be eligible to participate in the elections, it is further directed that these elections would remain subject to outcome of the present

petition. In the event, this Court, after considering the respondent no.1's pending objections, were to hold that no further inquiry into the affairs of respondent no.1 is necessary, the Court may consider passing appropriate orders for fresh elections by permitting the existing members of the EC to participate in the same. However, for the present none of the existing members of the EC would be eligible to participate in elections to be conducted under the aegis of Justice Vineet Saran as the returning officer in terms of this order. The factum of the elections being subject to outcome of the present petition, the present members of the EC being ineligible to participate in these elections would be made clear in the election notice to be issued by the Returning Officer.

16. The election process, including publication of election notice, filing and scrutiny of nomination papers, as also voting and declaration of the results thereof in the requisite form, would be preferably completed on or before 15.11.2022. Once the newly elected executive body, in terms of this order is in place, the CoA, whose efforts at managing the affairs of the respondent no.1 federation, are appreciated by this Court, will handover charge of managing the respondent no.1's affairs to the newly elected body. The CoA, is further directed to render all necessary assistance to the returning officer for the smooth conduct of the elections, which will be held as per the constitution of respondent no.1 and the National Sports Code to the extent applicable.

17. Needless to state, this order will not, in any manner, have any bearing on the merits of the objections of the respondent no.1 to the Inquiry Committee's report, which are still being considered by this Court. Furthermore, it is made clear that merely because, vide this order, the

present members of the EC of the respondent no.1 are not being permitted to participate in the elections, would not be construed as this Court having given any adverse findings against them, at this stage.

18. List for further arguments of learned senior counsel for respondent no.1 in CM 23752/ 2022 on 07.12.2022.

**(REKHA PALLI)**  
**JUDGE**

**OCTOBER 17, 2022**

**kk/sr**

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