



\$~7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

LPA 329/2021 and CM APPL. 32033/2021 (Interim Relief)

S.P. SINGH DHILLON

..... Appellant

Through: Mr. N. Hariharan, Sr. Adv. with
Mr. Shri Singh, Mr. Talha
Abdul Rahman, Ms. Aakanksha
Singh, Mr. Siddharth Yadav,
Mr. M. Shaz Khan, Ms. Gayatri
Dahiya, Mr. Adnan Yusuf and
Mr. Gurfateh Singh Khosa,
Advs.

versus

DELHI CAPITAL BADMINTON ASSOCIATION & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Sr. Advocate
with Mr. Alok Bhachawat, Mr.
R.A. Iyer, Ms. Saloni Jagga,
Mr. Chaitanya Gosain and Mr.
Anand Thumbayil, Advs. for R-
1.
Mr. Rosemary Rauv, Adv. for
R-1.
Mr. Aastik Dhingra and Mr.
Anshul Malik, Advs. for R-2.
Mr. Anil Soni, CGSC along
with Mr. Devvrat Yadav, Adv.
for UOI.
Mr. Rishikesh Kumar, ASC,
GNCTD along with Mr. Sumit
Choudhary, Mr. Sudhir and Ms.
Sheenu Priya, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

26.09.2023

%

1. We had an occasion to broadly notice the issues which arise in the instant appeal while hearing the matter on 09 August 2023.



Briefly stated, we found that despite the appointment of a **Returning Officer**¹ in terms of the principal order dated 12 January 2021 which is impugned in the appeal and which authority had been tasked with the work relating to the drawing up of the electoral college and for conduct of elections, no concrete steps had been taken. That primarily since in terms of the interim order dated 17 September 2021 passed in the instant appeal, the election process itself had been placed in abeyance.

2. When we reviewed the matter on 19 May 2023, we further found that there was a serious dispute as to whether the constitution of the **Delhi Capital Badminton Association**² is compliant with the **National Sports Code**³ and the various directions as framed by the Division Bench in **Rahul Mehra vs. Union of India and Others**⁴. It was in the aforesaid context that we had called upon the RO to submit a report apprising us whether the constitution of DCBA is now compliant with the Code. We, however, find from the record that the RO while conducting a meeting on 13 September 2023 has expressed his inability to proceed further due to personal reasons. We, consequently, accept the request of the RO and discharge Justice Brijesh Sethi, a former Judge of this Hon'ble Court from the aforesaid obligation. While doing so, we place on record our note of gratitude and appreciation of the efforts that were put in by Justice Sethi while attempting to streamline the affairs of the DCBA.

3. In terms of the earlier orders issued, we had also noticed that the reports submitted by the RO had failed to deal with the issue of the

¹ RO

² DCBA

³ Code

⁴ 2022 SCC OnLine Del 2438



constitution of the DCBA being complaint with the Code. We further note that in terms of the impugned order passed by the learned Single Judge, the remit of the RO itself stood confined to the drawl of the electoral college and for conducting elections. In light of the inter se dispute between parties, we find that the affairs of the DCBA have not been streamlined nor has the said organization been able to place its house in order.

4. From the rival submissions which were addressed before us, we further note that there exists a serious dispute with respect to the authority of various office bearers and the same having today descended to even instructions being withdrawn from counsel appearing for it. In order to avoid a further deterioration in the affairs of the DCBA and to safeguard the larger public interest underlying the sport as well as the sportspersons dependent upon it, we are constrained to observe that the circumstances clearly warrant the appointment of an Administrator.

5. We were apprised by Mr. Mehra, learned senior counsel that as things stand today, the DCBA constitution fails to be in accord with the Code and the directions issued by this Court in *Rahul Mehra*. By way of an exemplar, Mr. Mehra has placed for our consideration the following chart:-

S. No.	Compliance required	Present status of compliance	
		As per DCBA	As per ld. RO report Dt. 10.7.2023
As per judgement dated 16.8.2022 in WP(C) 195/2010			
1	No supernumerary posts like Life President	Not compliant. Undertake to comply.	No specific observation
2	No differential voting rights	Compliant	No specific



			observation
3	Electoral college to be strictly determined as per Sports Code	Not compliant. Undertake to comply.	No specific observation
4	Only Districts to be voting members of DCBA	Compliant	No specific observation
5	Age and tenure restrictions to be applied to all members of EC and GA	Not compliant. Undertake to comply.	No specific observation
6	EC's size should not exceed 12	Not compliant. Undertake to comply.	No specific observation
7	There should be no restrictions regarding elections to any posts	Not compliant. Undertake to comply.	No specific observation
8	No person should hold office beyond three terms or 12 years	Not compliant. Undertake to comply.	No specific observation
9	Independent ethics, athletes, election, arbitration commissions and ombudsman must be set up	Not compliant. Undertake to comply.	No specific observation
10	At least 25% prominent sportsperson with voting rights must be included in GA and EC	Not compliant. Undertake to comply.	No specific observation
11	Persons against whom criminal charges are framed must not be permitted to be in GA or EC	No provision. Undertake to comply.	No specific observation
12	Persons seeking successive re-election must secure at least 2/3 rd majority	Compliant.	No specific observation
13	Sports Code must be made applicable to every constituent District Associations and other constituents	No provision. Undertake to comply.	No specific observation
Other major compliances as required by Sports Code			
1	Must affiliate 50% of districts	No provision. Undertake to comply.	No specific observation
2	Must maintain registration and insist on registration of District Associations	No provision. Undertake to comply.	Issues with date of regn. However, compliant as on date.
3	Measures must be taken to (i) combat age fraud, (ii) to prevent sexual harassment of women, and (iii) ensure anti-	No provision. Undertake to comply.	No specific observation



	doping		
4	Accounts must be audited by a CAG empanelled CA once a year	No provision. Undertake to comply.	No specific observation
5	Representation of women must be ensured	No provision. Undertake to comply.	No specific observation
6	Proxy voting to not be permitted	No provision. Undertake to comply.	No specific observation
7	Secret ballot must be compulsory	No provision. Undertake to comply.	No specific observation
8	Two votes per District Association	Not compliant. Undertake to comply.	No specific observation
9	Elections must be held once every four years	Compliant.	No specific observation
10	Civil servants must obtain NOC, and serve a maximum of five years or two terms whichever is less	No provision. Undertake to comply.	No specific observation
11	Office bearer/member should not hold office in more than one sports association	No provision. Undertake to comply.	No specific observation
12	Election strictly in terms of the Model Election Guidelines	No provision. Undertake to comply.	No specific observation

6. Although, the details as set forth in the chart above were neither seriously questioned nor assailed by learned counsel for the appellant, we desist from rendering any definitive findings with respect to the instances of non-compliance which have been alluded to by Mr. Mehra and deem it apposite to observe that the various issues which stand raised would merit consideration of the Administrator in the first instance.

7. We, accordingly, appoint Justice Pankaj Naqvi, a retired Judge of the Allahabad High Court to act as the Administrator of the DCBA. The contact details of Justice Naqvi are set out hereinbelow: -



“Justice Pankaj Naqvi
Mob No. 9415236770
E-mail: officeofpankajnaqvi@gmail.com
Office Address: B-41, Sector 30, Noida - 201301”

8. The Administrator shall consequently be entitled to take over the day-to-day affairs and administration of the DCBA, subject to further orders being passed by this Court. All elected members, officers and employees of the DCBA are hereby directed to extend all cooperation to the Administrator appointed by this Court.

9. We request the Administrator to review the affairs of the DCBA and submit a detailed report identifying issues of priority and which would necessarily include a review of the constitution of the DCBA at the very outset and the amendments, if any, which are liable to be incorporated in order to bring it in line with the Code and the directions issued in *Rahul Mehra*.

10. The Administrator shall be entitled to draw a fee of Rs.2.50 lakhs per month along with incidental expenses which shall be borne by the DCBA. We request the Administrator to submit a preliminary report on or before the next date fixed.

11. We also accord liberty to the Administrator to approach this Court for such further directions as may be warranted from time to time.

12. Let the matter be called for review on 01.11.2023.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

SEPTEMBER 26, 2023

RW