

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 23RD DAY OF SEPTEMBER, 2016

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER

A.No.3129 of 2016

and

O.A.Nos.480 of 2016 and 123 of 2016

and

A.No.1090 of 2016

A.No.3129 of 2016:

In the matter of Arbitration & Conciliation Act, 1996

between

Volleyball Federation of India
and Mr.Shri Chaudary Avadhesh
Kumar and Indian Olympic
Association

Volleyball Federation of India,
Room No.72, Jawaharlal Nehru Statdium,
Park Town, Chennai - 600 003
Through the Authorised Signatory,
J Nadarajan, Joint Secretary ...Applicant

-Vs.-

1.Indian Olympic Association,
Represented by its President,
B-29, Olympic Bhavan,
Qutub Institutional Area,
New Delhi - 110 016

2.Indian Overseas Bank,
Represented by its Branch Manager,
Purusawalkam Branch,
Hunters Road, Doveton,
Chennai - 600112

3.Shri Chaudhary Avadhesh Kumar,
Ex-President of Volleyball Federation of India,
No.7, Laxmi Road, Dalanwala,
Dehradun 248 001, Uttarkhand ..Respondents

Application praying that this Hon'ble Court be pleased to

pass an order to permit the Applicant's General Secretary

namely Shri Ram Avtar Singh Jakhar alongwith Treasurer,

Mr.Rathin Ray Choudhary, to operate the bank accounts of Volleyball Federation of India bearing account No.007502000002339 and of Volleyball Federation of India (Teams) bearing Account No.007502000005115 lying with the Indian Overseas Bank, Purusawalkam Branch, Hunters Road, Doveton, Chennai - 600112 pending disposal of the arbitration proceedings.

O.A.No.480 of 2016:

In the matter of the Arbitration & Conciliation Act, 1996 between Volleyball Federation of India and Mr.Shri Chaudary Avadhesh Kumar

1.The Kerala Volleyball Association
Near Municipal Town Hall
Perinthalmanna, Malappuram,
Kerala Pin 679322.
Rep.by its Authorized Signatory,
Mr.Muhammed Basheer Nalakath,

2.H.P.State Volley-Ball Association,
V.P.O.Bela, The.Nadaun, Hamirpur (HP)Dist.,
Rep.by its Authorised Signatory,
Mr.Muhammed Basheer Nalakath,

3.Goa Volleyball Association,
Nr.Ramnath Temple, Louolim Salcette,
Goo 403 718
Rep.by its Authorised Signatory,
Mr.Muhammed Basheer Nalakath,

4.Volleyball Association of J & K,
92, Sector No.5, Trikut Nagar,
Jammu 180012
Rep.by its Authorised Signatory,
Mr.Muhammed Basheer Nalakath

..Applicants

-Vs.-

1.Volleyball Federations of India,
Rep.by its General Secretary,
Shir. Ram Avtar Singh Jakhar,

Room No.72, Jawaharlal Nehru Stadium,
Park Town, Chennai - 600 003

2.The Election Officer,
Shir S.Rajeswaran,
Retd.Judge of the Madras High Court,
No.73, Jawaharlal Nehru Stadium,
Park Town, Chennai - 600 003

3.Shri Chaudhary Avadhesh Kumar,
Ex-President of Volleyball Federation of India,
Dehradunb 248 001, Uttarkhand

...Respondents

Original Application praying that this Hon'ble Court be pleased to pass an order of temporary injunction restraining the Third Respondent, his associates, men, agents, assigns, representatives, appointees or nominees or any person claiming through or under him, from directly or indirectly, participating in international events/meetings corresponding with any Indian or international volleyball association, federation, confederation or organization engaged in the regulation/promotion of Volleyball, or obstructing the participation of teams selected by the First Respondent for international tournaments or in any manner defaming or tarnishing the image of India, Indian team or the First Respondent or interfering in the operations of the newly elected office bearers vide election dated 11.04.2016, pending disposal of the arbitration proceedings.

O.A.No.123 of 2016 and A.No.1090 of 2016:

In the matter of the
Arbitration & Conciliation Act,
1996

In the matter of disputes
between Volleyball Federation
of India

And

Mr.Shri Chaudhary Avadhesh
Kumar

Volleyball Federation of India
Rep.by its Secretary General,
Mr.Ramavatar Singh Jahkar,
Room No.72, Jawaharlal Nehru Stadium,
Chennai - 600 003
Authorised Signatory,
Mr.Nadarajan,
Joint Secretary - Volleyball Federation of India

..Applicant

VS
Mr.Shri Chaudhary Avadhesh Kumar, President,
No.7, Laxmi Road, Dalanwala,
Dehradun 248 001, Uttarkhand,
Volleyball Federation of India ..Respondent

O.A.No.123 of 2016:

Original Application praying that this Hon'ble Court be pleased to grant an order of injunction restraining the Respondent from holding the meeting of the Executive Committee at Hotel Centre Point, 24, Central Bazar Road, Ramdaspath, Nagpur, Maharashtra on 3.3.2016.

A.No.1090 of 2016:

Application praying that this Hon'ble Court be pleased to stay the operation of the Provisional Suspension Orders dated 26.02.2016 against Joint Secretary VFI, J.Nadarajan, Dr.K.Murugan, CEO, VFI; Mr.Rajkumar, Executive Vice President & Secretary, VFI Kuldeep Magotra, Associate Vice President, VFI; Rathin Roy Chaudhary, Treasurer VFI & Secreary; Ivin Soares, Vice President, VFI & President of Goa Volleyball Association; P.K.Mohanty, Joint Secretary, VFI & Secretary of Odisha Volleyball Association; Anil Choudhary, Associate Vice

President VFI, President of Rajasthan State Volleyball Association; K.Vasavan, Assistant Secretary - VFI and suspension dated 27.02.2016 of B.L.Malhotra - Joint Secretary, VFI.

These Applications coming on this day before this Court for hearing Court made the following order:

1. O.A.No.123 of 2016, A.No.1090 of 2016 and A.No.3129 of 2016 have been filed by the Volleyball Federation of India. The relief sought in each of the three applications are as follows.

1.1. O.A.No.123 of 2016 :

".... to grant an order of injunction restraining the respondent from holding the meeting of the Executive Committee at Hotel Centre Point, 24, Central Bazar Road, Ramdaspath, Nagpur, Maharashtra on 3.3.2016."

1.2. A.No.1090 of 2016 :

".... to stay the operation of the Provisional Suspension Orders dated 26.02.2016 against Joint Secretary VK1, J.Nadarajan, Dr.K.Murugan, CEO, VFI; Mr.Rajkumar, Executive Vice President & Secretary, VFI; Mr.Kuldeep Magotra, Associate Vice President, VFI ; Mr.Rathina Roy Chaudhary, Treasurer, VFI & Secretary; Ivin Saores, Vice President, VFI & President of Goa Volleyball Association; P.K.Mohanty, Joint Secretary, VFI & Secretary of Odisha Volleyball Association; Anil Choudhary, Associate Vice President VFI, President of Rajasthan State Volleyball Association; K.Vasavan, Assistant

Secretary - VFI and suspension dated 27.02.2016 of
B.L.Malhotra-Joint Secretary, VFI"

1.3. A.No.3129 of 2016 :

".... To permit the Applicant's General Secretary namely Shri Ram Avtar Singh Jakhar along with Treasurer, Mr.Rathina Ray Coudhary, to operate the bank accounts of Volleyball Federation of India bearing Account No.007502000002339 and of Volleyball Federation of India (Teams) bearing Account No.007502000005115 lying with the Indian Overseas Bank, Purusawalkam Branch, Hunters Road, Doveton, Chennai-600 112 pending disposal of the arbitration proceedings ?"

2. In A.No.3129 of 2016, there are three respondents being : Indian Olympic Association (in short IOA) ; Indian Overseas Bank (IOB) ; and Mr.Chaudhary Avadhesh Kumar.

2.1. Insofar as O.A.No.123 of 2016 and A.No.1090 of 2016 are concerned, there is only one respondent arrayed, which is, Mr.Chaudhary Avadhesh Kumar.

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3. Insofar O.A.No.480 of 2016 is concerned, the relief prayed for is as follows :

"..... to pass an order of temporary injunction restraining the third respondent, his associates, men, agents, assigns, representatives, appointees or nominees or any person claiming through or under

him, from directly or indirectly, participating in international events/meetings corresponding with any Indian or International volleyball association, federation, confederation or organization engaged in the regulation/promotion of Volleyball, or obstructing the participation of teams selected by the First Respondent for international tournaments or in any manner defaming or tarnishing the image of India, Indian team or the First Respondent or interfering in the operations of the newly elected office bearers vide election dated 11.04.2016, pending disposal of the arbitration proceedings?"

3.1. This is an application, which has been filed by various Volleyball Associations, which are members of the Volleyball Federation of India. The applicants are four associations. These being : (1) The Kerala Volleyball Association ; (2) H.P. State Volley Ball Association ; (3) Goa Volleyball Association ; and (4) Volleyball Association of J & K. (Collectively referred to hereafter as the State Associations).

3.2. The respondents in this original application are : Volleyball Federation India (respondent No.1) ; the Election Officer, i.e., Hon'ble Mr.Justice S.Rajeswaran, a former Judge of this court (respondent No.2) and Mr.Chaudhary Avadhesh Kumar.

<https://hcservices.ecourts.gov.in/hcservices/>

3.3. As would be evident, the common respondent in all four actions is Mr.Chaudhary Avadhesh Kumar.

4. In effect, the lis is between the Volleyball Federation of India along with its State Associations and Mr.Chaudhary Avadhesh Kumar.

5. The Volleyball Federation of India is represented by Mr.P.V.Balasubramanian. The four State Associations, who are applicants in O.A.No.480 of 2016, are represented by Mr.P.S.Raman, learned Senior Advocate, instructed by Mr.Venkatasubramanian. IOB, is represented by Mr.Kathirvelu, while, IOA is represented by Mr.Ruchir Mishra.

5.1. Insofar Election Officer is concerned, he is only a proforma party.

6. In view of the fact that all parties are represented by counsels, I have put to them whether the matter could be referred to an Arbitrator, appointed by this Court and, consequently, have the applications placed before the Court appointed Arbitrator for disposal under Section 17 of the Arbitration and Conciliation Act, 1996 (in short 'the 1996 Act').

6.1. Counsel for parties are agreed that in order to bring the main dispute to a quick resolution, this Court should proceed to appoint an Arbitrator, as it would be in the interest of all parties. Counsels are also agreed that the

captioned applications can be placed before the Court appointed Arbitrator, who could then, proceed to dispose of the captioned application by exercising power under Section 17 of the 1996 Act.

7. Accordingly, Hon'ble Mr. Justice K. Chandru, former Judge of this Court, is appointed as an Arbitrator.

7.1. The captioned applications will be placed before the learned Arbitrator. The learned Arbitrator, after giving due opportunity to the contesting parties, will rule on the applications.

7.2. The learned Arbitrator will treat the captioned applications as applications under Section 17 of the 1996 Act.

7.3. To be noted, learned counsel for the parties are also agreed that the venue of arbitration will be Chennai.

7.4. It is made clear though, that the venue of arbitration will not prejudice the rights of contesting parties, to approach the appropriate forum, at the relevant point in time.

7.5. The learned Arbitrator will fix his own fee. In addition to fee, the learned Arbitrator will also be paid

