

\$~190

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2753/2016 & CM No.11585/2016 (for stay)
TAEKWONDO FEDERATION OF INDIA & ORS Petitioners
Through: Mr. Bhupesh Narula, Adv.

versus

INDIAN OLYMPIC ASSOCIATION & ORS Respondent
Through: Mr. Aditya Singh, Adv. for R-1 to R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

30.03.2016

1. This order is in continuation of the yesterday's order.
2. The petitioners have filed an amended memo of parties which has been called for from the Registry and is taken on record.
3. The counsels have been further heard.
4. The counsel for the respondent no.1 Indian Olympic Association (IOC) with reference to page 69 of the paper book, being a part of the Constitution of the petitioner no.1 Taekwondo Federation of India (TFI), has demonstrated that all the disputes pertaining to the petitioners have to be settled by the respondent no.1 IOA. He further states that an independent Disputes Settlement Commission has been set up by respondent no.1 IOC in this regard and before which a dispute with respect to the No Confidence Motion raised against the present President of the petitioner no.1 TFI viz. the petitioner no.2 Ms. Renu Mahant is pending.

5. It is further contended that the petitioner no.2 Ms. Renu Mahant, after assuming charge as President of the petitioner no.1 TFI, either made defunct several of the State Bodies which are the constituents of the petitioner no.1 TFI or set up parallel state bodies and for this reason only the fresh election has been directed as per the electoral college which had elected petitioner no.2 Ms. Renu Mahant.

6. Per contra the counsel for the petitioners has drawn attention to page 178 of the paper book and contended that the petitioners themselves have placed the true position with respect to the various constituent State Bodies before this Court. It is contended that several of the State Bodies have not conducted their respective internal elections till March, 2015 and for that reason only have been declared defunct. It is controverted that any parallel bodies have been set up in any of the States.

7. The counsel for the respondent no.1 IOC states that representatives of 10 out of the 23 State Units which have been so declared defunct or where parallel bodies have been set up are before the Court today and desire to participate in the election now to be held.

8. Per contra, the counsel for the petitioners states that the election has to be in accordance with the electoral college list at page 178 of the paper book.

9. I have enquired from the counsel for the respondent no.1 IOC why can the said dispute be also not placed before the Dispute Settlement Commission of respondent no.1 IOA.

10. The counsel for the respondent no.1 IOA states that it can be so referred to the Disputes Settlement Commission but alternatively suggests that a retired Judge of this Court be appointed to, after hearing all the parties concerned and in accordance with the constitution of the petitioner no.1 TFI, determine as to what is to constitute the electoral college for the elections to be held.

11. The counsel for the petitioners is agreeable to the appointment of a retired Judge of this Court.

12. On enquiry, both counsels state that the petitioners as well as the respondent no.1 IOA shall be bound by the findings so returned and the same be treated as an admission by each one of them making the same unchallengeable by them.

13. The counsels have suggested the name of Justice R.S. Sodhi (Retd.) and also state that he be permitted to fix his own fee and charges for the exercise to be undertaken.

14. The counsel for the respondent no.1 IOA has also handed over in the Court a copy of the communication of the World Taekwondo Federation addressed to respondent No.1 IOA to show that the interest of the participants in the various international tournaments is protected and is not prejudiced in any manner.

15. Accordingly, the petition is disposed of with the following directions:

- (i) The dispute, who all constitute the electoral college of petitioner No.1 TFI, with the consent of petitioners and respondent No.1 IOA, is referred for information (within

meaning of Section 17 of Indian Evidence Act, 1872) to Justice R.S. Sodhi (Retd.), to be determined, after hearing, besides the petitioners and respondent No.1 IOA, also the persons / bodies claiming to be constituents / members of petitioner No.1 TFI and in accordance with what is recorded above; he is requested to complete the exercise within one month of the date the parties first appear before him.

- (ii) The parties to with prior appointment meet Justice R.S. Sodhi (Retd.) within 10 days of today.
- (iii) The election to be held as directed by the impugned letter dated 2nd March, 2016 of respondent No.1 IOA, be held only after the report aforesaid of Justice R.S. Sodhi (Retd.).
- (iv) The dispute/s if any arising relating to the affairs of the petitioner no.1 TFI till the report is prepared by Justice R.S. Sodhi (Retd.) be also resolved in consultation with Justice R.S. Sodhi (Retd.)

Dasti under signature of Court Master.

No costs.

RAJIV SAHAI ENDLAW, J

MARCH 30, 2016

‘gsr’..