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

+ LPA No.360/2016 & CM Nos.21298/2016(stay) & 21299/2016 (delay)

TAEKWONDO FEDERATION OF INDIAAppellant.

Through: Mr.R.S.Chadha, Sr.Advocate with
Mr.Anurag Kishore, Mr.Anurag Sharma,
Ms.Somna Dhowan & Mr.Mordhwaj
Singh, Advocates.

Versus

RENU MAHANT AND ORS.Respondents

Through: Mr.Bhupesh Narula, Adv. for R-1 & R-2.
Mr.Aditya Singh & Mr.Anshuman
Tiwari, Advocates for IOA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER
03.06.2016

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CM. No.21299/2016(delay)

By the present application filed under Section 5 of the Limitation Act, the appellant Taekwondo Federation of India seeks condonation of delay of 51 days in filing the accompanying appeal.

Heard. In the facts and circumstances stated in the application, the same is allowed.

LPA No.360/2016 & CM. No.21298/2016(stay)

1. The present appeal is filed by the appellant Taekwondo Federation of India (*in short 'TFI'*) through its Secretary General Jimmy R.Jagtiani seeking to impugn the order of the learned Single Judge dated 30th March, 2016.
2. It is contended on behalf of the appellant that it is a recognized and registered body which manages the affairs of the game of Taekwondo. It is urged that respondent Nos.1 and 2 have by misrepresentation and fraud, filed

writ petition being W.P.(C) No.2573/2016 projecting themselves to be representing the appellant association. The matter of fact is that respondent Nos.1 and 2 had no authorisation from the appellant to file the petition. They have filed the petition without impleading the appellant and its actual office bearers and deceived the court in passing the impugned order dated 30th March, 2016 in connivance with respondent No.3 Indian Olympic Association.

3. It is the contention of the appellant that on 24.11.1998 an Annual General Meeting (*in short 'AGM'*) of the appellant took place for electing the new executive committee. The meeting was adjourned. However certain persons camouflaged the attendance register, manipulated records and prepared forged minutes declaring Mr.Harish Kumar (husband of respondent No.1) as elected president. The Registrar of Societies, Lucknow adjudicated the veracity of the election held on 24.11.1998 and held the election valid.

4. A suit was preferred by the appellant, which was decreed. Against the said decree, an appeal was filed under Section 96 of the CPC, which was also dismissed. Thereafter, the Registrar of Societies has issued an order dated 27.10.2004 prohibiting Mr.Harish Kumar to receive any money from the public and using the wrong address for the purposes of activities of the society and obtaining fraudulently any recognition from the Government of India and Indian Olympic Association. Appropriate contempt proceedings are also said to be pending before the Allahabad High Court. It is urged that Ministry of Youth Affairs & Sports, Government of India was deliberately not made a party to the writ petition. Hence, it is prayed in the present appeal that the impugned order dated 30th March, 2016 be *set aside*. Directions are also sought to *set aside* the Election Notice dated 11.05.2016 issued by Justice S.L.Bhayana (Retd.) calling for elections of the appellant.

5. On a notice being issued, the learned counsel entered appearance for respondent Nos.1 and 2 the persons who allegedly filed writ petition being

W.P.(C) No.2753/2016. He placed on record another order dated 18.05.2016 passed by the learned Single Judge in W.P.(C) Nos.4535/2016, 4560/2016 and 4561/2016.

6. A perusal of the said order dated 18.05.2016 shows that the said writ petitions have been filed seeking to impugn the Notification dated 11.05.2016 whereby respondent No.3 Indian Olympic Association had sought to hold elections to the executive council of the appellant. The elections were being held as a sequel to order dated 30.03.2016 in W.P.(C) No.2753/2016 and the Court Commissioner having determined the electoral roll. The learned Single Judge while disposing of the said writ petitions passed the following directions:

“16. Accordingly, W.P.(C) Nos.4535/2016, 4560/2016 & 4561/2016 are disposed of with the following directions:

- (i) Justice M.L. Mehta (Retd.) is appointed as the Returning Officer to hold the elections to the Executive Council of TFI and is authorised to fix his own terms, including of emoluments, in consultation with the parties;
- (ii) Resultantly, the election notification dated 11th May, 2016 impugned in the petition is of no avail;
- (iii) The Returning Officer so appointed to hold the elections before the end of July, 2016 and to issue the election notification latest by 7th June, 2016;
- (iv) The elections be held at B-29, Qutab Institutional Area, New Delhi being the office of IOA;
- (v) IOA to make appropriate arrangements as may be directed by the Returning Officer for holding of the said election;
- (vi) The elections be held in accordance with the Constitution of TFI and on the basis of the electoral college as per the report of the Court Commissioner appointed vide order dated 30th March, 2016 *supra*;
- (vii) However, if in any *inter se* dispute between the rival factions of any of the constituents of TFI, the court makes an order permitting a person other than that whose name finds mention in the report prepared by the Court Commissioner aforesaid as entitled to participate in the election, the said Court order shall override the report of the Commissioner, subject of course to the certified copy thereof being furnished to the Returning Officer

within the relevant time as per the schedule of the election to be fixed by the Returning Officer.”

7. We have heard the learned counsel for the parties.
8. The learned senior counsel for the appellant and the learned counsel for respondent Nos.1 to 3 after some arguments have agreed that the controversy which is now sought to be raised on behalf of the appellant before this court be also referred the Returning Officer Justice M.L.Mehta (Retd.) appointed by the learned Single Judge by order dated 18.05.2016 and the elections be held accordingly.
9. We accordingly pass the following directions:
 - (i) The appellant is granted liberty to file an application/representation before the Returning Officer Justice M.L.Mehta (Retd.) appointed by this court by order dated 18.05.2016 in W.P.(C) Nos.4535/2016, 4560/2016 and 4561/2016 to hold elections to the Executive Council of TFI within ten days from today raising all the objections regarding the Constitution of the electoral college of TFI as well as the Election Notification dated 01.06.2016.
 - (ii) If any such application/representation is filed within the time fixed above, the Returning Officer shall look into the objections raised therein and after making necessary inquiry, pass an appropriate order in accordance with law. It is open to the Returning Officer to issue a revised electoral roll or to postpone the election recording the reasons therefor.
 - (iii) Both the parties are at liberty to institute fresh proceedings, if aggrieved by the decision of the Returning Officer on the application/representation filed pursuant to the present order.

(iv) The other terms including fees for adjudication of the application/representation to be filed in terms of the present order shall be decided upon by the Returning Officer in consultation with the affected parties.

10. In view of the above directions, the present appeal is disposed off. All the pending applications are also disposed off.

Dasti under the signature of the Court Master.

CHIEF JUSTICE

JAYANT NATH, J.

JUNE 03, 2016/v