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

+ W.P.(C) 7264/2016 & CM 29911/2016

BASEBALL ASSOCIATION CHANDIGARH & ANR Petitioners

Through: Mr Arunav Patnaik and Ms Bhabna Das,
Advocates.

versus

AMATEUR BASEBALL FEDERATION OF INDIA Respondent

Through: Mr Mohd. Zahid Hussain, Advocate.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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22.08.2016

The present petition under Article 226 of the Constitution of India essentially seeks a direction to the Returning Officer, appointed by this court to conduct the election to the Amateur Baseball Federation of India, to permit the faction represented through Mr P.Bharadwaj, to cast their ballots at the said election, which may then be kept in a sealed cover to be adjudicated upon by the Returning Officer only in the event the counting of the other votes at the impending election are not determinative by themselves.

Mr Patnaik, learned counsel appearing on behalf of the petitioner No.2, i.e., Mr Vijay Thakur, who purports to be a duly elected General Secretary of the Baseball Association Chandigarh, a registered body, states that the said direction would be in consonance with the determination arrived at by the Returning Officer as early as on 31.07.2016 in the list of Electoral College for the said election, which includes, *inter alia*, the names of Mr Vidya Sagar at column no.9 thereof and Mr Vijay Thakur, at column no.10 thereof; as well as the decision arrived at by him on 05.08.2016, as reflected in the minutes of the proceedings.

I have heard counsel appearing on behalf of the parties.

In order to determine the issue that has been raised in the present petition, it would be necessary to extract the list of Electoral College dated 31.07.2016 as well as the relevant portions of the minutes of the meeting dated 05.08.2016 recorded by the Returning Officer.

The list of Electoral College dated 31.07.2016 is tabulated as under:-

“ANNEXURE A

**AMATEUR BASEBALL FEDERATION OF INDIA
ELECTIONS OF OFFICE BEARERS AND MEMBERS OF MANAGING COMMITTEE
FORM 1
LIST OF ELECTORAL COLLEGE**

Affiliated Member	S.No.	Name of Authorized Representatives	S. No.	Name of Authorized Representatives
A.P. Baseball Association	1	Sh. Achutya Rao	2.	Sh. D. Sajjana Rao
Assam Baseball Association	3.	Sh. G. Ali	4.	Smt. Ashma Begum
Bengal Baseball Association	5.	Sh. Jahar Das	6.	Sh. Tapan Sikdar (expired) Sh. Chandan Roy Choudhary
Baseball Association of Bihar	7.	Dr. Madhu Sharma	8.	Sh. Ajay Sharma
Baseball Association of Chandigarh	9.	Sh. Vidya Sagar	10.	Sh. Vijay Thakur
Chattisgarh Baseball Association	11.	Smt. Caroline Satur	12.	Smt. Mitali Ghosh
Baseball Association Delhi	13.	Dr. Bhagat Singh	14.	Sh. P.C. Bhardwaj
Goa Baseball Association	15.	Sh. Ramakant S. Angle	16.	Sh. Dilip S. Naik
Gujarat State Baseball Association	17.	Sh. Gunvant Makwana	18.	Sh. J.K. Khodadhra
H.P. Baseball Association	19.	Dr. Sudhir Mahindru	20.	Sh. Manoj Kohli
Haryana Baseball Association	21.	Sh. R.K. Keshwania	22.	Sh. Arvind Kumar
J&K Baseball Association	23.	Sh. M.M. Gazanfar	24.	Sh. Fida Hussain Fidvi
Jharkhand Baseball Association	25.	Sh. Jai Kumar Sinha	26.	Sh. Vijay Shankar Singh
Kerala Baseball Association	27.	Sh. Shahul Hameed K.M.	28.	Sh. M.N. Krishnamurthy
Baseball Association of Karnataka	29.	Sh. P.M. Ashok	30.	Sh. B.L. Vedamurthy
M.P.A. Baseball Association	31.	Smt. Malini Laxman Singh Gaud	32.	Sh. Jasraj Mehta
Maharashtra Baseball Association	33.	Sh. N.K. Singh	34.	Sh. Rajendra Ikhankar
Manipur Baseball Association	35.	Sh. T.P. Singh	36.	Sh. Indukiran Singh
Punjab Baseball Association	37.	Sh. Jagdish Mittal, IPS	38.	Sh. Harish Kumar
Baseball Association of Odisha	39.	Sh. Pankaj Lochan Mohanty	40.	Sh. S.N. Pradhan
A.B. Association of Pondicherry	41.	Sh. Thiru K. Sarathi	42.	Sh. V. Ilangovane
Rajasthan Baseball Association	43.	Sh. Ashok Sharma	44.	Sh. Anup Asthana
Tamilnadu Baseball Association	45.	Sh. T.G. Venkatesh Babu	46.	Sh. S. Venkat
Baseball Association of Tripura	47.	Sh. Rupak Debroy	48.	Er. M. Chakraborty
U.P. Baseball Association	49.	Dr. D.R. Yadav	50.	Sh. Dinesh Yadav
Uttarakhand Baseball Association	51.	Sh. U.N. Challu	52.	Sh. Brijender Pal Singh Rana

Place: New Delhi
Date: 31.07.2016

Sd/-
Justice C.K. Mahajan
Returning Officer”

The relevant portion of the said minutes dated 05.08.2016 recorded by the

Returning Officer, reads as under:-

“As the veracity of the elections of Baseball association of Chandigarh has been called into question, it would be appropriate that representatives of both the factions are granted voting rights for Baseball Association of Chandigarh in the interim. However, their ballot will be kept in a sealed envelope and the issue pertaining to the voting rights of Baseball association of Chandigarh will be adjudicated only if the counting of the votes of Baseball Association of Chandigarh, would have a determinative effect on the election of any post in the Amateur Baseball Federation of India (ABFI)

Considering the above, the undersigned hereby directs that the names of Mr. Jaspal Singh and Mr. Kiran Rampal should also be included in the interim in the electoral Roll of ABFI as representatives of Baseball Association of Chandigarh.”

Mr Patnaik would urge that although such a determination had been arrived at as far back as on 05.08.2016, the Returning Officer fell into error in subsequently deleting the names of Mr Vidya Sagar and Mr Vijay Thakur from the list of Electoral College, upon which the said election is being conducted, although the names of Mr. Jaspal Singh and Mr Kiran Rampal are so included.

In view of the foregoing, since the polling is underway today, in my view, it would be just, necessary and expedient to direct the Returning Officer to permit the faction represented through Mr P.Bharadwaj, namely, Mr Vidya Sagar and Mr Vijay Thakur, to cast their ballots at the said election, in addition to Mr Jaspal Singh and Mr Kiran Rampal belonging to the other faction of the said Association represented by Mr T.R.Kaila.

It is further clarified that in consonance with the decision arrived at by the Returning Officer on 05.08.2016, their ballots will be kept in a sealed envelope and the issue pertaining to the voting rights of the Baseball Association Chandigarh will be adjudicated only if the counting of the votes of Baseball Association Chandigarh, would have a determinative effect on the election of any post in the said election to the Amateur Baseball Federation of India.

With the above direction the writ petition is disposed of.

A copy of this order be given *dasti* under signature of Court Master to counsel for the parties.

SIDDHARTH MRIDUL, J

AUGUST 22, 2016

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