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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 5459/2018 & CM Nos. 21155/2018 & 24976/2018 & 46219/2018**

HIMACHAL PRADESH WRESTLING  
ASSOCIATION

..... Petitioner

Through: Mr Dinesh Kumar Garg, Dr Monika  
Gosain and Mr Hariom Yadvansi,  
Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through Mr Anil Dabas, Mr Pravfeen Kumar,  
Advocate for UOI/R1.  
Mr Rakesh Kumar Singh, Advocate for R2/WFI.  
Mr T.S. Chaudhary, Advocate for R3.

**CORAM:**  
**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
**20.11.2018**

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1. The petitioner has filed the present petition impugning an order dated 05.05.2018 passed by respondent no.2 (Wrestling Federation of India), whereby it is asserted that the petitioner's affiliation has been cancelled. It is the petitioner's grievance that the said order is contrary to Article XXVI of respondent no.2's constitution.
2. The impugned order reads as under:-

“The Wrestling Federation of India (WFI) vide its email dated 1<sup>st</sup> May 2018 directed the Committee to take a suitable decision in the matter of C.W.P. No. 9424 of 2012 arising out of order dated 03/04/2018 passed by the Hon'ble High Court of Himachal

Pradesh, Shimla.

The WFI Committee submitted its report dated 4<sup>th</sup> May 2018 and recommended to derecognize the H.P. Wrestling Association led by Sh. Virender Kashap as President & Sh. Kuldeep Rana as Secretary. The Committee observed that after passing the order of the Hon'ble High Court of Himachal Pradesh, there is no option to grant the affiliation to the Petitioner.

Under these circumstances, there is no option with the WR but to derecognize H.P. Wrestling Association led by Sh. Virender Kashyap as President & Sh. Kuldeep Rana as Secretary and grant affiliation to Sh. Thakur Mahender Singh as President & Jagdish Kumar as General Secretary.

Further, the Association led by Sh. Thakur Mahender Singh as President & Jagdish Kumar as General Secretary will conduct the fresh election within 3 months.

The decision will come into effect immediately and got approval in the next meeting of Executive Committee/General Council of WFI.

(Sd/-)  
(Brijbhushan Sharan Singh, MP)  
President.”

3. The learned counsel for the respondent no.2 Federation states that the aforesaid order was passed pursuant to the order dated 03.04.2018 passed by the High Court of Himachal Pradesh in W.P. (C) 9424/2012, which reads as under:-

“Mr. Vikrant Thakur, learned counsel for respondent No.

4 states that it is the petitioner, who is affiliated to Indian Olympic Association.

Under these circumstances, Mr. B.C. Negi, learned Senior Counsel does not press the present petition. Petition is accordingly dismissed as not pressed, reserving liberty to the petitioner to approach the Wrestling Federation of India-respondent No.3 for the purpose(s) of affiliation by filing a representation, which we are hopeful, shall be considered and decided, in accordance with law, within a period of four weeks.

Petition stands disposed of so also pending miscellaneous application(s), if any.”

4. It is apparent from the reading of the aforesaid order that it was asserted before the High Court of Himachal Pradesh that the petitioner therein was affiliated to Himachal Pradesh State Olympic Association (arrayed as respondent no.4 in that petition). It is also pointed out that the opening sentence of the said order is erroneous, and the reference to Indian Olympic Association must be read as Himachal Pradesh State Olympic Association.

5. It is seen that the aforesaid writ petition was filed by one Mr Sanjay Kumar, who claimed to be the Joint Secretary of the *Wrestling Association of Himachal Pradesh*.

6. It is on the aforesaid basis that respondent no.2 Federation has taken an action to derecognize Himachal Pradesh Wrestling Association led by Sh Virender Kashyap, as President and Sh Kuldeep Singh Rana, as Secretary. To be noted, in the writ petition filed before the Himachal Pradesh High Court, Sh Kuldeep Singh Rana was arrayed as respondent no.5.

7. Concededly, there is no society or organization named as “Wrestling

Association of Himachal Pradesh”. There is a society named Himachal Pradesh Wrestling Association which is affiliated with respondent no.2 Federation, and the dispute, essentially, is with regard to the management of that society.

8. The faction led by Sh Virender Kashyap, as President and Sh Kuldeep Singh Rana, as Secretary has been de-recognised as, according to respondent no 2, they are not recognised by Himachal Pradesh State Olympic Association.

9. Both the factions ( one led by Sh Virender Kashyap, as President and Sh Kuldeep Singh Rana, as Secretary and the other by Sh. Thakur Mahender Singh as President & Jagdish Kumar as General Secretary) are now claiming to be recognized by Himachal Pradesh State Olympic Association. The petitioner has also produced a copy of the certificate dated 10.10.2018 stated to be issued by Himachal Pradesh Olympic Association, which reads as under:-

“Ref. No.

Dated: 10.10.2018

TO WHOSOEVER IT MAY CONCERN

This is to certify that Himachal Pradesh Wrestling Association, headed by Sh. Virender Kashyap, Member of Parliament, as President and Kuldeep Rana as General secretary is affiliated to Himachal Pradesh Olympic Association.

For Himachal Pradesh Olympic Association

Sd/-

Rajesh Bhandari

Secretary General”

10. It does not appear that the aforesaid controversy was urged before the Himachal Pradesh, High Court in W.P.(C) No. 9424/2012. It is also seen from the order dated 03.04.2018 that the said petition was disposed of as the petitioner did not press for the said petition. Thus, the issue of recognition was left with respondent no.2 Federation. Plainly, it would be open for respondent no.2 Federation to de-recognize an office bearer. However, it would not be open for respondent no.2 Federation to de-recognize an organization, without following the due process and its constitution. It also appears that this was not the intention of respondent no.2 in its impugned order.

11. It is pointed out by learned counsel for respondent no.2 Federation that the impugned order was passed on the premise that the Himachal Pradesh Wrestling Association is not affiliated by the Himachal Pradesh State Olympic Association. He has also referred to Clause (f) of Article XXIV of Rules and Regulations of respondent no.2 Federation. The said clause reads as under:-

“f) The WFI shall not affiliate a sports Unit of any State that has not affiliated recognized by the State Olympic Association which is affiliated to the Indian Olympic Association.”

12. It is clear from the above that there is no dispute that Himachal Pradesh Wrestling Association, which the society registered under the Societies Registration Act, 1860, is the body that is affiliated by Himachal Pradesh State Olympic Association and is also the body that is affiliated by respondent no.2 Federation. The dispute as to who are the office bearers of

the said society is a separate dispute that is required to be adjudicated between the rival factions.

13. In the aforesaid, this Court is, *prima facie*, of the view that the impugned order dated 05.05.2016 specifically derecognizing Himachal Pradesh Wrestling Association led by Sh. Virender Kashyap as President & Sh. Kuldeep Rana as Secretary, has been passed on a mis-conception that respondent no.2 Federation is recognizing a faction and not a sports unit.

14. In addition, it now appears that Himachal Pradesh State Olympic Association has also affiliated the Himachal Pradesh Wrestling Association led by another faction (Mr Virender Kashyap as President and Mr Kuldeep Rana as Secretary) as is apparent from the certificate dated 10.10.2018 handed over by the learned counsel for the petitioner.

15. However, this Court does not consider it apposite to pass any orders in this case, since the impugned order was passed pursuant to the observations made by the Himachal Pradesh High Court in W.P.(C) 9424/2012. It would, thus, be apposite for the petitioner to approach the said High Court for a clarification and/or for further orders.

16. Needless to state that none of the sportsmen would be precluded from participating in any competition organized on the ground of dispute between the said rival factions. All sports persons whether owing allegiance to one faction or the other would have equal opportunity to participate in the events organized by respondent no.2 Federation. The office bearers of respondent no.2 Federation shall ensure with such fair chance is duly provided to such sports persons.

17. The rival factions claiming to be office bearers of Himachal Pradesh

Wrestling Association are also at liberty to have the dispute settled by filing an appropriate action in a civil court.

18. The petition is disposed of in the aforesaid observations. All pending applications also stand disposed of.

19. Order *dasti*.

**NOVEMBER 20, 2018**

pkv

**VIBHU BAKHRU, J**