

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.8.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.S.A.No.187 of 2019
and
C.M.P.No.17290 of 2019

Tamil Nadu Football Association,
rep. by its President,
No.73, Jawaharlal Nehru Stadium,
Chennai 600 003. Appellant

Versus

Thiruchirapalli District Football
Association,
rep. by its Honorary Secretary,
53, Second Street, (Near Divine School),
Sir Raja Ganapathy Nagar,
Thiruchirapalli District. Respondent

Prayer: Original Side Appeal filed under Order XXXVI Rule 1 of
O.S. rules read with Clause 15 of Letters Patent against the
order of this court dated 30.4.2019 in O.P.No.663 of 2016.

For appellant : Mr.P.V.Balasubramaniam

For Respondents : M/s.Rohini Ravikumar

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The present Appeal has been filed by the Tamil Nadu Football Association against the Thiruchirapalli District Football Association, aggrieved by the order dated 30.4.2019 passed by the learned Single Judge of this court allowing the Petition filed under Section 34 of the Arbitration and Conciliation Act viz., O.P.No.663 of 2016, (Tiruchirappalli Football Association vs. Tamil Nadu Football Association) and setting aside of the Arbitral Award dated 23.7.2016.

2. The present Appellant, Tamil Nadu Football Association seems to be State level Association, which, under its Bye-laws has various District Level Associations and the Respondent, Tiruchirapallai District Football Association also is its Member. The Bye-laws produced on records contains an Arbitration Clause. viz., Article 66 which is quoted below for

ready reference:-

"66.1 - TFA shall create an option for recourse to Arbitration, by nominating a panel of independent arbitrators who may be advocate or Magistrate to resolve any disputes between TFA, its members, Clubs, players, officials and all those involved in the Game of Association Football. The Arbitration Tribunal will only deal with the internal disputes that do not fall in the jurisdiction of the other two judicial bodies of TFA.

66.2 - With regard to substance, the arbitrators shall be guided and apply the various regulations of TFA and AIFF and the Indian Law.

66.3 - The Arbitration procedure shall be according to the special regulations made for this purpose."

3. On account of certain dispute arising between these two Associations, the matter was referred to Arbitral Tribunal. The Arbitral Tribunal upheld the constitution of an Ad hoc Committee by the State Level Association for administration of the District Level Association and being aggrieved by the same, the District Association approached this court by way of Petition under Section 34 of the Act for setting aside of that Award dated 23.7.2016.

4. The learned Single Judge, by a detailed order giving reasons has come to the following conclusion:-

"11 Conclusion :

From the factual matrix set out supra followed by discussion and dispositive reasoning, this court has no doubt in its mind that impugned award is vitiated by patent illegality inter alia owing to contravention of section 28(3) of A & C Act besides being in conflict with public policy owing to being contrary to fundamental policy of Indian law and is therefore, liable to be set aside.

12 Decision :

Owing to all that have been set out supra, instant O.P is allowed. Impugned award dated 23.07.2016 is set aside and it follows as a natural sequitur that prayer of the petitioner in the claim petition before AT for declaring the communication dated 18.8.2015 superseding the executive committee of Trichy DFA and appointing an adhoc committee as invalid stands answered in the affirmative. In other words, instant O.P being allowed and impugned award

being set aside leaves the prayer of the petitioner before AT acceded to as it is axiomatic besides being a sequitur and a corollary.

Considering the nature of the matter and trajectory of the hearing, this court deems it appropriate to leave the parties to bear their respective costs."

5. Learned counsel for the Appellant State Association urged before us that for four years, the said Ad hoc Administrative Committee appointed by the State Level Association was doing its work and the learned single Judge under Section 34 of the Act could not have set aside the Arbitral Award dated 23.7.2016 substituting its own decision under Section 34 of the Act and the District Association cannot hold the election as per the new electoral rolls as new Members have been added since last four years in the District Association.

6. On the other hand, the learned counsel appearing for the Respondent-District Association submitted that elections have been held about 2 weeks ago, however, on account of pendency of the civil suit viz., O.P.No.117 of 2019 on the file of the District Court, Trichy between the parties, the results of the said election have not been declared.

7. In view of the aforesaid developments, we are not inclined to interfere with the order passed by the learned Single Judge. It seems that the Respondent-District Association ought to have been allowed to conduct election in accordance with the Bye-laws and the Ad hoc Administrative Committee cannot continue perennially and the elections, now said to have been held, would be subject to further orders to be passed in the O.P. pending before the Civil Court. We deprecate the multiplicity of remedial proceedings resorted to by the parties. We are not inclined to interfere with the order passed by the learned Single Judge under Section 37 of the Act. The Appeal is found devoid of merits and is liable to be dismissed. Accordingly, it is dismissed. No costs. The connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Sub Assistant Registrar,
Original Side,
High Court, madras

O.S.A.No.187 of 2019

A.SK(08/11/2019)