

O.A.No.1158 of 2019
in
C.S.No.728 of 2019

SENTHILKUMAR RAMAMOORTHY J.

Mr.J.Ravi kumar, Advocate, takes notice on behalf of the Respondents.

2. I heard the learned senior counsel appearing for the Applicant Mr.P.S.Raman, and the learned senior counsel appearing for the Respondents, Mr.AR.L. Sundaresan.

3. As regards Original Application No.1159 of 2019, the learned senior counsel for the Applicant submitted that pursuant to the letter dated 16.12.2019 from the Ministry of Youth Affairs and Sports, the meeting scheduled on 22.12.2019 has been postponed to 28.12.2019 at Bhopal and that the said meeting would be attended by a Government Observer. Therefore, he submitted that the Applicant does not have any objection to the conduct of the General Body Meeting on 28.12.2019. In this regard, the learned senior counsel for the Applicant submitted that a separate notice dated 18.12.2019 has been issued by the Applicant specifying the Agenda for the said meeting. Therefore, no orders are necessary, at this juncture, in

Application No.1159 of 2019.

4. As regards application No.1158 of 2019, the learned senior counsel for the Applicant referred to Clause 16(c) of the By laws of the second Respondent, wherein, it is stated that the Central Council meeting shall be convened on requisition in writing by at least 1/4th of the members of the Central Council or on the directions of the President. Therefore, he submitted that the notice dated 30.11.2019 by the Secretary, namely, the first Respondent convening a meeting of the Central Council on 22.12.2019 is contrary to the by laws and, consequently, invalid. Therefore, he contended that such an invalid meeting cannot be permitted to be conducted. In particular, he submitted that Agenda item 4 pertaining to the Bengal Chess Association Affairs is one of the fiercely contested which is items, proposed to be discussed at the General Body Meeting, which is scheduled to be held on 28.12.2019.

5. In response, the learned senior counsel for the Respondents submitted that the meeting of the Central Council was convened by notice dated 30.11.2019, whereas the applicant has approached the Court belatedly despite receiving such notice much in advance. In addition, it is submitted that Clause 16(c) provides that a meeting shall

take place 4 times in a year or as far as necessary. Therefore, he contended that the Secretary is entitled to convene such meeting 4 times and that only three meetings had been convened in the current year. On that basis, the learned senior counsel for the Respondents submitted that there is an arguable case that the Secretary is empowered and entitled to convene the meeting, which is scheduled on 22.12.2019.

6. I considered the submissions of the learned senior counsel for the applicant and the learned senior counsel for the Respondents and examined the records. *Prima facie*, it appears that the meeting of the Central Council can be conducted either on the requisition in writing by at least $\frac{1}{4}^{\text{th}}$ of the members of the Central Council or on the directions of the President. In this case, on perusal of the notice dated 30.11.2012, it is clear that the notice has been issued by the Secretary and there is no indication in the said notice that it is issued upon requisition by $\frac{1}{4}^{\text{th}}$ of the members of the Central Council. On the other hand, the contention that the Applicant has filed this application belatedly and, in fact, only two days before the meeting is true. In these facts and circumstances, I am of the view that the said meeting may be proceeded with except as regards Agenda item No.4, namely, the Bengal Chess Association Affairs in respect of which discussions

may take place but no decision should be recorded. As regards all other items on the Agenda, the decision or resolutions at such meeting shall not be implemented until further orders. It is made clear that decisions at the General Body Meeting on 28.12.2019, including with reference to the matters pertaining to item No.4 Bengal Chess Association Affairs, are not restrained by this order.

7. List the matter on 03.01.2020.

20.12.2019

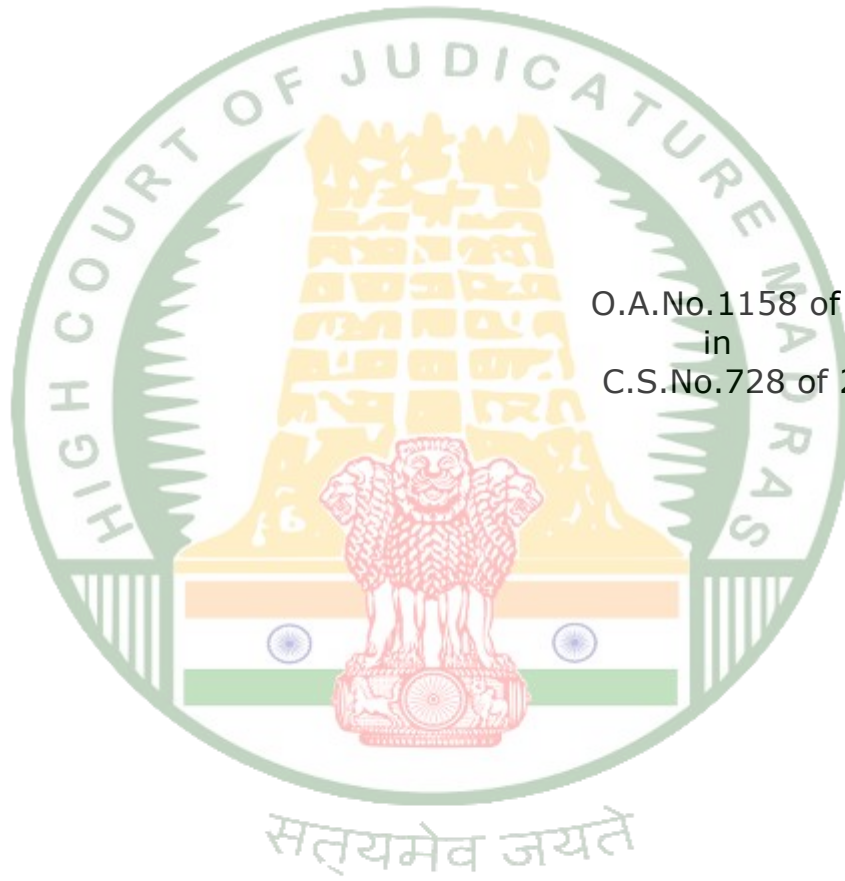
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