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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 436/2019, CM APPL. 30586-30588/2019
WINTERE GAMES FEDERATION OF INDIA Appellant
Through Mr. Gurvinder Singh, Advocate.

versus

INDIAN OLYMPICS ASSOCIATION & ANR Respondent
Through Mr. Hrishikesh Barvah, Mr. R.
Mishra, Mr. Hemant Phalpher, Mr.
Sanjiv K. Saxena, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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10.07.2019

1. The appellant is aggrieved by the order dated 29.05.2019 passed by the learned Single Judge dismissing the writ petition filed by it (W.P.(C) 6262/2019) praying *inter alia* for the following reliefs :-

“In view of the facts and circumstances of the case, it is respectfully prayed

- (a) that this Hon’ble Court may be pleased to allow the present appeal and set aside the impugned order dated 29.05.2019 in W.P.(C) No.6262/2019 ;
- (b) the status of Winter Games Federation of India, as Member of Indian Olympic Association be restored.
- (c) all action taken on the name of ad hoc committee as formed on

27.02.2019 by Indian Olympic Committee be declared as illegal, null and void ab initio.

- (d) The Indian Olympic Association be restrained from forming or recognizing any other sports body to conduct the sports of skiing and snow board.”

2. The learned Single Judge has observed in the impugned order, that the relief sought by the appellant/petitioner that its membership be restored as a member of the respondent no.1/IOA, cannot be granted as it has ceased to be a member of the International Skiing Federation, which is the international body for the sport in question, i.e., the sport of skiing and skateboarding in India.

3. A perusal of the documents placed on record reveals that a letter dated 17.05.2018 was written by the respondent no.1/IOA to the International Ski Federation stating *inter alia* that it proposes to oversee the administration of the appellant in view of its dysfunctional governance and to govern and manage the said sport of skiing and snowboarding in India, by assuming the role of the governing body itself. The document filed at page 62 of the paper book is the reply dated 23.05.2018 sent by the International Ski Federation to the respondent no.1/IOA stating *inter alia* that its body has approved the contents of the letter dated 17.05.2018 addressed by the respondent no.1/IOA.

4. We have pointedly inquired from learned counsel for the appellant to show us as to whether a challenge was laid by the appellant/petitioner to the

aforesaid letters dated 17.05.2018 and 23.05.2018, particularly when the prayer clause of the writ petition indicates otherwise.

5. Learned counsel for the appellant/petitioner states that though a reference was made to the aforesaid correspondence exchanged between the respondent no.1/IOA and the International Ski Federation in the body of the petition, no specific relief has been prayed for seeking quashing of the aforesaid letters. If the appellant is aggrieved by the aforesaid letters, it ought to have assailed the same in accordance with law.

5. In view of the aforesaid position, we do not find any error in the impugned order wherein it has been recorded that the appellant has ceased to be a Member of the International Ski Federation, which is an international federation of the sports in question.

6. At this stage, learned counsel for the appellant states that he may be permitted to withdraw the present appeal while reserving the right of his client to assail the letters dated 17.05.2018 and 23.05.2018 in accordance with law. Prayer as made is allowed. The appeal is disposed of as not pressed along with the pending applications.

HIMA KOHLI, J

ASHA MENON, J

JULY 10, 2019/MK