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

+ **W.P.(C) 11314/2019 & CM APPL. 46574/2019 (stay)**

**MAHARASHTRA AMATEUR GYMNASTICS ASSOCIATION &
ORS** Petitioner

Through: Mr.Samrat Nigam with
Mr.Abhimanyu Walia and
Mr.Shaurya Kuthiala, Advocates.

versus

GYMNASTICS FEDERATION OF INDIA & ORS Respondents

Through: Mr.Ruchir Mishra with Mr.Sanjiv
Kr.Saxena, Mr.M.K.Tiwari,
Mr.Ramneek Mishra and
Mr.Abhishek Rana, Advocates for R-
2 to 4.
Mr.Santosh Kumar with Mr.Rajiv
R.Mishra and Ms.Suruchi Yadav,
Advocates for R-6 &7.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **30.10.2019**

1. Petitioner seeks quashing of communication dated 01.10.2019 whereby the Returning Officer has decided to include the names of respondent Nos.6 & 7 as the nominees of the Maharashtra Amateur Gymnastics Association.

2. It is contended by learned counsel for the petitioner that the petitioners Nos.2 & 3 are the elected representatives of the Maharashtra Amateur Gymnastics Association which has been recognised by the Gymnastics Federation of India and the Gymnastics

Federation of India has also taken a view that respondent Nos.6 & 7 are not the elected representatives of Maharashtra Amateur Gymnastics Association. He submits that contrary to the records and decision of Gymnastics Federation of India, respondent No.3 has included the names of respondent Nos.6 & 7 as the nominees of Maharashtra Amateur Gymnastics Association.

3. Learned counsel further submits that unless an Association is a recognised state association by Gymnastics Federation of India, same could not have been recognised by the Maharashtra Olympic Association.

4. Learned counsel for the petitioner submits that petitioner is not seeking any interdict on the elections but is only seeking that either the names of the petitioners Nos. 2 & 3 be included as the nominees of Maharashtra Amateur Gymnastics Association or in the alternative pending the dispute before the Deputy Charity Commissioner, Mumbai no individual should be permitted to represent the Maharashtra Amateur Gymnastics Association.

5. Learned counsel appearing for respondent Nos.6 & 7 submits that respondent Nos.6 & 7 were duly elected as the President and Secretary of the Petitioner No. 1 - Maharashtra Amateur Gymnastics Association in the election held on 09.06.2019 and their election has been duly recognized by the respondent no. 1/ Gymnastics Federation of India and Respondent no. 5 / Maharashtra Olympic Association.

6. Learned counsel for respondent Nos. 6 & 7 concedes that the dispute with regard to the Executive Committee is pending before Deputy Charity Commissioner, Mumbai.

7. Learned counsel respondent Nos.6 & 7 under instructions undertakes that without prejudice respondent Nos. 6 & 7 would not cast their vote/participate in the ensuing election of Gymnastics Federation of India/Respondent No. 1 scheduled for 05.11.2019.

8. The undertaking is accepted.

9. In view of the above undertaking, learned counsel for the petitioner seeks leave to withdraw the petition.

10. The petition is accordingly dismissed as withdrawn.

11. It is clarified that this Court has neither considered nor commented upon the contentions of the petitioner no. 2 and 3 and respondent no. 6 and 7 or their right if any to represent respondent no. 1/Association and the same would be subject to decision of the Deputy Charity Commissioner, Mumbai. All rights and contentions of parties are reserved.

12. Order *dasti* under signature of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 30, 2019

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