Item No.2

WP(C) No. 248 of 2010

Rural Sports Association ....Petitioner

-Versus-

Union of India & Anr …Respondents

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

09.09.2020

Heard Mr. N. Surendrajit, learned counsel appearing for the petitioner. Also heard Mr. S. Suresh, learned ASG appearing for the respondent No. 1 and Mr. Sukumar, learned GA for the respondent No. 2.

[2] The petitioner's society claims that it is the apex society representing all the local clubs of Bishnupur and a large part of Imphal West District, Manipur having more than 154 clubs/organizations as its members. For the improvement of infrastructures pertaining to sports, the petitioner's society made a proposal to the Secretary, Ministry of Youth Affairs and Sports, Government of India through the Secretary, Youth Affairs and Sports, Government of Manipur for financial assistance for construction of sports infrastructures including stadium, indoor stadium and others along with the project report for construction of an Indoor Stadium Category - 1 by a letter dated 10-01-2000. The Additional Chief Secretary (Youth Affairs and Sports), Government of Manipur by letter dated 4-3-2000 recommended the application of the petitioner's society for consideration for

grant of financial assistance to the Government of India. After considering the matter, the Government of India, Ministry of Culture, Youth Affairs and Sports sanctioned a sum of Rs. 89.87 lakhs towards construction of an Indoor Stadium Category-1 at Khoriphapa Playground, Nambol at an estimated cost of Rs. 1,19,83,900/-. Thereafter, after completing all formalities, the petitioner's society proceeded with the construction of the Indoor Stadium incurring an expenditure of Rs. 18 lakhs. By letter dated 21-07-2000, the petitioner's society submitted its report to the Under Secretary, Ministry of Culture, Youth Affairs and Sports, Government of India through the Director, Youth Affairs and Sports, Government of Manipur for releasing financial assistance (1st installment).

[3] The Principal Accounts Officer, Ministry of Youth Affairs and Sports, Government of India by letter dated 06-11-2000 accorded approval and conveyed the sanction of the President of India for payment of Rs. 25 lakhs as 1st Installment through the Additional Chief Secretary, Youth Affairs and Sports, Government of Manipur for transmission to the petitioner's society towards construction of Indoor Stadium Category- 1 at Khoriphaba, Nambol.

[4] There were some litigations involved in between and finally, the Government of Manipur by letter dated 20-12-2005 released the 1st Installment of Rs. 25 lakhs to the petitioner's society. The 2nd Installment amounting to Rs. 40 lakhs was also released to the petitioner's society by the Government of Manipur by letter dated 22nd March, 2007. The present litigation involves an amount of Rs. 24.87 lakhs which is the last and final installment to be paid to the petitioner's society.

[5] The present writ petition claiming the 3rd and final installment of Rs. 24.87 lakhs for construction of the Indoor

Stadium Category – 1 at Khoriphaba, Nambol was filed as early as 26th April, 2010. Notice was issued to the respondents on 30-04-2010. However, till date, the State respondents have not responded to the notice issued by this Court despite several opportunities being granted to them.

[6] Mr. S. Suresh, learned ASG has produced a letter dated 1st June, 2015 written by the Under Secretary to the Government of India, Ministry of Youth Affairs and Sports and the contents of which reads as under:

"F.No. 17-5/1999-SP-1(Pt.)
Government of India
Ministry of Youth Affairs & Sports
*****

Shastri Bhawan, New Delhi – 110001
Dated the 1st June, 2015

To

Sh. Salam Rupachandra Singh,
Assistant Solicitor General of India,
High Court of Manipur,
Khoyathong Bazar,
Imphal – 795001, Manipur

Sub:- W.P.(C) No. 248/2010 filed by Rural Sports Association Vs. UOI & Anr in the Guwahati High Court, Imphal Bench.

Sir,

I am directed to refer to your letter dated 29-04-2015 forwarding there with copy of W.P (C) No. 248/2010 filed by the above mentioned petitioner.

2. The petitioner i.e., Rural Sports Association, Nambol, Manipur has prayed for release of balance grant of Rs. 24.87 lakh towards construction of Indoor Stadium which was approved by Ministry of Youth Affairs & Sports under the erstwhile Sports Infrastructure Scheme.

3. It is to inform you that under the erstwhile scheme of Grants for Creation of Sports Infrastructure, the Ministry had approved in principle grant of Rs. 89.87 lakh for construction of Indoor Stadium at Kahoriphaba, Nambol (Manipur) which was estimated to cost Rs. 1,19,83,900/- . Subsequently, first

installment of Rs. 25.00 lakh was released by this Ministry on 06-11-2000. However, Government of Manipur vide their order dated 10-08-2001 held the money in abeyance pending an inquiry regarding the project.

4. Government of Manipur conducted a Joint Inspection of the project and submitted a report to the State Govt. wherein the progress of work was found satisfactory. Based on the report, Govt. of Manipur conveyed sanction to release the money to Rural Sports Association, Nambol vide order dated 20-12-2005 (Annex-1).

5. This Ministry thereafter released Rs. 40.00 lakh towards 2nd Installment vide sanction letter dated 08-11-2006 received with the petition. It has been reported in the petition that the State Govt. vide their letter dated 15-12-2008 (p-32-34/c) requested the MYAS to release the last installment of Rs. 24.87 lakh for the above mentioned project.

6. It is to inform you that the erstwhile centrally sponsored Sports Infrastructure Scheme which was implemented by this Ministry was transferred to the State Sector w.e.f. 01-04-2005. However, the Planning Commission agreed to meet the committed liabilities in respect of the projects approved prior to 01-04-2005. Accordingly, all the State Govts. Including Manipur were requested vide letter dated 11-12-2007 (Annex-II) to furnish the details of projects sanctioned under the erstwhile Sports Infrastructure Scheme by 31-12-2007. Govt. of Manipur did not furnish the required documents and therefore they were again reminded on 25-09-2008 (Annex-III) and 14-10-2008 (Annex-IV).

7. Govt, of Manipur did not submit the required information to this Ministry inspite of reminders. However, as per the copy of this Ministry's letter dated 09-12-2009 (Annex-V) received with the petition, it would be evident that this Ministry had already requested Govt. of Manipur to take up the matter directly with the Planning Commission which had agreed to provide ACA/SCA to States for completing the Sports Infrastructure Projects prior to 01-04-2005.

8. Since funds are not available currently under the erstwhile Sports Infrastructure Scheme of the Ministry, it is for the Govt. of Manipur to take up the matter with the Planning Commission (now known as Niti Ayog) for providing the required funds for the above mentioned project.

9. In view of the above, you are requested to defend the case accordingly and request the Hon'ble Court to delete the name of Ministry of Youth Affairs & Sports from the list of respondents as this Ministry has no role in the matter now. It is a case to be taken up by the Govt. of Manipur with the Planning Commission of India (now known as Niti Ayog). You are requested to intimate the latest position of the case from time to time to this office. You may also indicate if, a reply affidavit need to be filed by the Ministry in this case.

Yours faithfully

(S.P.S Tomar)
Under Secretary to the Govt. of India
Tel No. 23386396"

[7] The contents of the letter was also reflected by this Court in its order dated 24-01-2019. The letter dated 1st June, 2015 clearly indicates that the erstwhile centrally sponsored Sports Infrastructures Scheme which was implemented by the Ministry, Youth Affairs and Sports was transferred to the State Sector w.e.f., 01-04-2005 and that such funds are not available under the erstwhile Sports Infrastructure Scheme of the Ministry and it is for the Government of Manipur to take up the matter with the Planning Commission (now known as Niti Ayog) for providing the required funds for the project. However, the petitioner's society has also failed to make the Planning Commission (now known as Niti Ayog) as a party respondent till date.

[8] In that view of the matter, this Court is unable to give direction to the respondent No. 1 at this stage. However, this writ petition is disposed of with a direction to the petitioner to make a representation before the State respondents within a period of two weeks from today. Thereafter, on receipt of the representation, the State respondents shall examine and verify the matter and on being satisfied shall take up the issue before the appropriate forum in the Central Government to address the grievances of the petitioner's society with regard to release of Rs. 24.87 lakhs being the third and final installment for

construction of the Indoor Stadium Category – 1 at Khoriphaba, Nambol.

[9] It is made clear that all steps and consideration to be made by the State respondents as well as by the appropriate forum in the Central Government shall be done only as permissible under the law. Let such exercise be completed as early as possible, but not later than 6 (six) months from the date of receipt of the representation to be made by the petitioner's society.

With the above observations and directions, writ petition stands disposed of.

JUDGE

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Yumkham Rother

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