

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7489 OF 2021**

Maharashtra Amateur Gymnastic Association ...Petitioner
Versus
Gymnastic Federation of India &: Ors ...Respondents

Mr Anil R Satyajeet, *for the Petitioner.*
Mr Ganesh Gadhe, *for Respondent No. 2.*
Mr Ajinkya Udane, *for Respondent No. 5.*
Mr RP Kadam, AGP, *for Respondent-State.*

**CORAM: G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: 18th November 2021

PC:-

1. By an interim order dated 10th November 2021, this Court directed:

“1. Heard the learned Advocates for the parties and the following order is passed:

(i) The selection trials of gymnasts shall be conducted in the presence of Shri Shrikant Harnale, Observer, appointed by the State Government by its order dated 3rd November 2021.

(ii) The results of the trials shall be forwarded to the Respondent No. 1 only under the signature of Mr Shrikant Harnale, Observer and no other signature will be allowed on

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the list of the selected players/gymnasts for the national championship.

- (iii) All contentions of the parties are kept open.
- (iv) Stand over to 16th November 2021 before the regular Court.
- (v) Needless to add that the representative of the Petitioner may also remain present when the trials are being conducted.”

2. This order protects the gymnasts who are to participate in the National Artistic Gymnastics Championship at J&K from 22nd to 26th November 2021.

3. The other concern of the Petitioner is as to the question of who, between Mr Mahendra Chemburkar, who has filed the Petition through the Maharashtra Amateur Gymnastics Association society and Respondent No. 4, Makarand Joshi and Respondent No. 5, Sanjay Baburao Shetty, are entitled to represent the Maharashtra Amateur Gymnastics Association.

4. It is pointed out that there is a provision under the Constitution of the Gymnasium Federation (at page 44), which provides under Clause 27 for settlement of disputes and conflicts in National Sports Federation or Associations. There is a provision for arbitration that is expressly mentioned in that clause, although the reference is to the Arbitration Act 1940 rather than to the Arbitration and Conciliation Act 1996. We make no observations in regard to the applicable statute. The grievance of the Petitioner is that a mediator has, instead of mediating the dispute, decided the

same on merits. That, the submission is, could only have been done by a properly constituted arbitral panel.

5. The Petitioner evidently has remedies available to him/it in terms of Clause 27 and under the applicable statutes for arbitration and mediation. We leave those remedies open. The Petitioner is fully at liberty to take all necessary steps in regard to the alleged mediation's result, as also to invoke arbitration for the resolution of disputes in regard to the Petitioner Association.

6. This order is sufficient to dispose of the present Writ Petition. All contentions are kept open. There will be no order as to costs.

7. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J.)

(G. S. Patel, J)