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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.09.2021

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cont.P. No.781 of 2021

and

Sub.Appln. Nos. 204, 355 & 356 of 2021

Volleyball Federation of India,
rep. by its Secretary General
Mr. Anil Choudhry,
Room No.72, Jawaharlal Nehru Stadium,
Chennai-600 003.

... Petitioner

Vs.

1. Mr.Narinder Dhruv Batra,
President,
Indian Olympic Association,
Olympic Bhawan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.

2. Mr. R.K.Anand,
Chairman – Legal Committee,
Indian Olympic Association,
Olympic Bhawan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.

3. Mr. Rajeev Mehta,
Secretary General,
Indian Olympic Association,
Olympic Bhavan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.

... Respondents



Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, praying to call the respondents to the Bar and punish them for wilful and wanton disobedience of the order dated 11.11.2020 passed by this Hon'ble Court in C.S.No.113 of 2020.

Sub-Appln. Nos. 355 & 356 of 2021

Volleyball Federation of Uttaranchal,
called and known as Uttarakhand

Volleyball Association,
rep. by its General Secretary,
Hem Pujari.

.. Applicant/Proposed
4th respondent

Vs.

1. Volleyball Federation of India,
rep. by its Secretary General
Mr. Anil Choudhry,
Room No.72, Jawaharlal Nehru Stadium,
Chennai-600 003.
2. Mr.Narinder Dhruv Batra,
President,
Indian Olympic Association,
Olympic Bhawan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.
3. Mr. R.K.Anand,
Chairman – Legal Committee,
Indian Olympic Association,
Olympic Bhawan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.



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4. Mr. Rajeev Mehta,
Secretary General,
Indian Olympic Association,
Olympic Bhavan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.

... Respondents

Prayer: Sub-Application filed under Section 151 of Civil Procedure Code, 1908, praying to recall the order in Cont. Petn. No.781 of 2021 dated 23.08.2021 and to implead the applicant/proposed 4th respondent as the 4th respondent in Cont. P.No.781 of 2021 dated 23.08.2021.

For Petitioner in : Mr.P.V.Balasubramanian for
Cont.P.No. 781/2021 M/s.BFS Legal

For Respondents : Mr.P.Chandrasekaran for R1
in Cont. P. No.781/2021
Mr.Kumarapaul Chopra for R2
Mr.Cibi Vishnu for R3

For Petitioner in
Sub.Appln. Nos.355 & : Mr. Avinash Wadhwani
356 of 2021

For Respondents in : Mr.P.V.Balasubramanian for
Sub.Appln.No. 355/2021 M/s.BFS Legal for R1
& 356/2021

Mr.P.Chandrasekaran for R2

Mr.Kumarapaul Chopra for R3
Mr.Cibi Vishnu for R4



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ORDER

(This case has been heard through video conference)

This Contempt Petition has been filed to call the respondents and punish them for wilful and wanton disobedience of the order dated 11.11.2020 passed by this Court in C.S.No.113 of 2020.

2. It is submitted by Mr.Avinash Washwani, learned counsel appearing for intervening petitioner that the order in the civil suit has been obtained by suppression of material facts. It is his contention that the parties have already moved a Writ Petition before the High Court of Delhi in W.P.(C) No.5257 of 2021 and the High Court of Delhi had passed an order dated 11.05.2021 as follows :-

“6. It is made clear that any action taken by the respondents pursuant to either of the elections, or by the Union of India further to the impugned order dated 09.04.2021, will abide by the result of this Writ Petition. None of the respondent/proposed respondents will claim any equities in respect of any acts done in the interim. Any person in control of the funds of the respondent No.2/VFI will also maintain proper accounts of the income and expenditure of VFI for the perusal of the Court, as



and when called for.”

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Hence, his contention is that the above order has been suppressed and it has not been stated before this Court. While this Court passed an order on 23.08.2021 in the application of Contempt Petition, which has been filed based on the judgment of this court recognising the election conducted on 12.03.2020. This Court has also granted liberty to the other parties to work out their remedy by filing a separate suit. However, the Contemnors moved this Court contending that despite that order, the 1st respondent herein President of Indian Olympic Association has not recognised the election held on 12.03.2020. When such is the subject matter of contempt, taking note of the order passed by this Court and the earlier judgment, this Court passed the following order on 23.08.2021 :-

“3. Post on 03.09.2021. In the meanwhile, the Secretary General of the Indian Olympic Association (IOA) is directed to send a letter to the Federation International de Volleyball (FIVB), indicating the orders of the Court recognising the Election conducted on 12.03.2020. If such a letter is sent by the Secretary, the person concerned shall act on such letter. Such a letter also should be addressed by the President either separately or jointly along with the Secretary.”



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3. Now, it appears that the parties, who are at logger heads filed the Writ Petition before the High Court of Delhi. Be that as it may, now it appears that in pursuant to the order passed by this Court on 23.08.2021, the 1st and 3rd respondents have complied the directions. Therefore, there is nothing much to decide in the contempt petition. Further, this Court is of the view that when the contemnor is already a party before the Delhi High Court in W.P.(C) No.5257 of 2021, wherein interim orders are passed, in all fairness, ought to have placed the same before this Court, while passing the order by this court on 23.08.2021. Such suppression of material facts would tell upon the conduct of the applicant in this Contempt Petition. This Court has already recorded the conduct of parties in the order dated 23.09.2020 observing as follows :-

“This Court is of the view that such vexatious litigations must be nipped at the bud and the person instituting such litigation put on terms.”

However, the Delhi High Court has also passed an interim order holding that any action taken by Union of India in pursuant to the order dated 09.04.2021 will be subject to the result of Writ Petition. Therefore, any action or recognition in pursuant to the order passed by this Court is done by the respondents will be subject to the result of Writ Petition.



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4. In such view of the matter, no further enquiry is required in this regard. However, taking note of the suppression of facts, this Court closes the contempt petition with cost of Rs.25,000/- (Rupees twenty five thousand only) on the petitioners and the cost shall be payable to the Cancer Institute, Adyar, Chennai within a period of two weeks from the date of receipt of copy of this order. Accordingly, this Contempt Petition is closed. No costs. Consequently, all the connected Sub-applications are closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)i/c

rpp

//Certified to be true copy//

Dated at Madras this day of 2021.

COURT OFFICER(O.S.)

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IM/06/09/2021

To

1. The President,
Indian Olympic Association,
Olympic Bhawan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.



2. The Chairman – Legal Committee,
Indian Olympic Association,
Olympic Bhawan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.

3. The Secretary General,
Indian Olympic Association,
Olympic Bhavan,
B-29, Qutab Institutional Area,
New Delhi – 110 016.

4. The Director,
Cancer Institute(WIA),
No.38, Sardar Patel Road,
Adyar, Chennai – 600 020