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Cont.P.No.1237 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Cont.P.No.1237 of 2019

Madras Sporting Youngsters Football Club
Represented by its Honorary Secretary
T.P. Thangaraj
S/o. T.R. Pandiarajan,
No.42, 1st Floor, Loco Scheme 2nd Street,
Jawahar Nagar,
Chennai - 600 082.

...Petitioner

Vs

1. Mr. E. Sugumaran,
Secretary, Chennai Football Association,
Room No.73, Jawaharlal Nehru Stadium,
Chennai - 600003.

2. Mr. E. Sugumaran,
No.1, Narayanasamy Garden,
1st Street, R.A.Puram, Chennai 28

... Respondents

Prayer : Petition filed under Section 11 of the Contempt of Court Act to punish the respondents herein for contempt of court for wilful and deliberate disobedience of the order passed in O.A.No.1210 of 2018 and A.No.10164 of 2018 dated 21.12.2018.

For Petitioner	: Mr. J. Saravana Vel
For Respondent	: Mr.J. Sivanandaraj for Mr. Rahul Jain



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ORDER

The applicant in Section 9 application has filed this Contempt Petition alleging that the orders of this Court dated 21.12.2018 passed in OA.No.1210 of 2018 and in A.No.10164 of 2018 have been deliberately disobeyed and therefore the respondents have to be punished under the Contempt of Courts Act for the contumacious behaviour.

2. The contention of the petitioner is that they had filed OA.No.1210 of 2018 against the Tamil Nadu Football Association and others challenging their election which took place on 30.06.2018. It is the contention of the petitioner that there were several irregularities in the conduct of the election. Therefore, the petitioner had immediately sought for the appointment of an Arbitrator to go into the validity of the election and pending these proceedings, they filed OA.No.1210 of 2018 seeking an interim injunction restraining the respondents 3 to 22 from functioning as office bearers and Executive Committee Members of the second respondent and also seeking for appointment of an adhoc committee for the administration of the second respondent Chennai Football Association.



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commenced on 16.12.2018 can continue. On the other hand, as contended by the applicant, had it been postponed on the directions of the first respondent, it shall be further postponed for a further period of two (2) weeks; and

d) The second respondent shall not issue fresh fixtures and conduct fresh matches till the disposal of this application."

4. While so, it is the contention of the petitioner that he had come across the notice of the Annual General Body Meeting issued by the first respondent dated 03.06.2019 to the second respondent informing them that the Annual General Body Meeting was to be held on 25.06.2019 at the Jawaharlal Nehru Stadium, Chennai. The petitioner on perusing the agenda realised that the some of the subject matters proposed to be discussed in the Annual General Body Meeting was in clear violation of the interim orders of this court. Therefore, the petitioner had issued a contempt notice dated 18.06.2019 to the respondents. Despite receiving the said notice, the respondents had proceeded to go ahead with the Annual General Body Meeting on 25.06.2019. Since the respondents had committed a contempt of the orders of this court , the petitioner had filed the instant petition.



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5. A detailed counter affidavit has been filed by the respondents commencing with an apology to the Court with a statement that the respondents have not done any deliberate or wilful act in violation of the orders. The respondents would submit that if, however, the court were to hold the respondents guilty then, they were tendering their unconditional apology. The counter sets out various issues between the petitioner and the respondents which are not germane to the contempt on hand. The respondents have also waxed eloquent about the respondents associations namely the Tamil Nadu Football Association and the Chennai Football Association.

6. The respondents have also stated that the Contempt Petition has been filed with ulterior motive and malafide intentions.

7. The respondents would further state that in deference to the orders of this court dated 21.12.2018, several of the subjects in the agenda were declared as Deferred. The counter would further state that in the meeting held on 25.06.2019, the Annual report for 2018-2019, Statement of Accounts for the year 2018-2019 along with the Auditors Report were approved. That apart, the budget for the year 2019-2020 was passed by the Members present and voting. The respondents have



gone on record to state that the Chennai Football Association has not spent a single penny which has been set out in the budget. Further the budget is only a projection of the expected expenditure for the coming year. The respondents would therefore pray for the dismissal of the Contempt Petition.

8. An additional affidavit has been filed enclosing a copy of the minutes on 10.12.2020.

9. Mr. J. Saravana Vel, learned counsel appearing on behalf of the petitioner would submit that the respondents are in gross contempt in view of the consideration and adoption of agenda No. 10 detailed in the General Body Meeting held on 25.06.2019.

10. The learned counsel would submit that the adoption of a budget is in clear violation of Clause No.5(b) of the order dated 21.12.2018. He would also bring to the attention of the Court the resolution that has passed on 25.06.2019 with regard to the 10th agenda.

“ Consideration and adoption of the budget for.

the year 2019-2020:

Budget for the year 2019-2020 was passed

having proposed by Mr.V.Stephen Charles (Central



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*Bank of India) and seconded by Y.Jeya Rao (G.E.T & D
India S &RC."*

11. Per contra, J. Sivanandaraj, learned counsel appearing on behalf of the contemnor would submit that Agenda No.10 is only a projection of the budget which is a statutory requirement that they had to comply with. He would also invite attention of the Court to the statement given in the counter affidavit that no amount has been spent by the Association towards any of the items set out in the budget for 2019-2020.

12. A perusal of the order dated 21.12.2018 particularly with reference to paragraph 5 (b) would indicate that the second respondent namely the Chennai Football Association was restraining from disbursing money and taking major decisions regarding matters involving high stakes. Agenda No.10 in the Annual General Meeting held on 25.06.2019 relates to the adoption of a projected budget for the next financial year. If pursuant to the said resolution, moneys had been disbursed, it would be in violation of the orders of this Court. However, the respondents contemnors has filed sworn affidavit stating that no amount has been released for any of the items given in the project budget for the year 2019-2020.

The petitioner has also not been able to contradict this statement. The passing of



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the resolution per se does not in any manner amount to disobedience of the orders of this court with reference to paragraph 5(b). Therefore, taking into account the sworn statement made by the respondents contemnors, I do not find any case for punishing the respondents for contempt. Accordingly Contempt Petition stands dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mrn

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/30/06/2021