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

Date of Decision: 12th January, 2021

+ **W.P.(C) 11247/2020 & CM APPLs. 35061-62/2020**

DELHI CAPITAL BADMINTON ASSOCIATION Petitioner

Through: Mr. Alok Bhachawat and Mr. Uday
Singh, Advocates. (M:9811105362)

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Anil Soni, CGSC with Mr.
Devesh Dubey, Advocate for R-1.
Mr. Sushil Dutt Salwan and Mr.
Arjun Garg, Advocates for R-2.
Mr. Talha Abdul Rahman, Ms.
Aakanksha Singh, Mohd. Shaz Khan,
Mr. Udit Atul Kokanthankar and Ms.
Aishwariya Devi, Advocates for R-4.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.
2. The present petition concerns the election of the Delhi Capital Badminton Association (*hereinafter*, “DCBA”), which is affiliated with the Badminton Association of India (*hereinafter*, “BAI”).
3. The BAI is a registered sports federation for the sport of badminton in India, under which all the state associations function. Various disputes have arisen between two factions within the DCBA, one consisting of the erstwhile Secretary - Mr. S.P. Singh Dhillon and one consisting of the present Secretary Mr. A.K. Mittal. The elections for the various posts of the New Executive Committee of DCBA which were scheduled for December,

2020 have not been held. A dispute has arisen that 10 candidates were elected unopposed.

4. Without going into the history of the elections, wherein the candidates were elected unopposed and the several disputes between the two warring groups/factions in the DCBA, it is considered appropriate that the entire process of election is now conducted in a fair and transparent manner, under the supervision of independent persons.

5. Ld. Counsels submit that the constitution of the DCBA is yet to be mended in accordance with the directions issued by the BAI from time to time. Hence, this Court is of the opinion that the elections ought to be held after the constitution of the DCBA is strictly amended in accordance with the procedure prescribed by the BAI. The BAI has called upon the DCBA to carry out certain amendments. Accordingly, the following directions are passed:

- a) In accordance with the directions issued by the BAI from time to time, the constitution of the DCBA shall be amended. For the said purpose, a meeting shall be called by the Secretary, BAI under whose supervision the amendment of the constitution of the DCBA shall be carried out. The amended constitution shall then be sent for approval to the BAI.
- b) Upon the BAI perusing the amended constitution and approving the same, the DCBA can go ahead and conduct the elections for the Executive committee.
- c) There are a total of 30 posts in the Executive Committee of the DCBA. The elections shall be held for all the posts, strictly in accordance with amended constitution of the DCBA.

6. All meetings of the DCBA shall henceforth be held under the supervision of Mr. Ajay K. Singhania, Secretary General, BAI. For the purpose of conducting the elections of the DCBA, Justice (Retd.) Brijesh Sethi (M:9910384669), is appointed as the Returning Officer (hereinafter, "RO"). The elections shall be held strictly under the supervision, control and directions of the RO. The RO shall be paid a lumpsum of Rs.5 lakhs at this stage by the DCBA for the purpose of conducting the election. Upon the conduct of the elections, the new body, as approved by the RO, shall take over and ensure the smooth functioning of the day to day activities of the DCBA.

7. At this stage, a dispute has arisen between the Petitioner and Respondent No.4 as to whether the elections should be held for 30 posts or 15 posts. This Court has perused the order passed by the Id. Single Judge of this Court in ***W.P.(C) 5074/2018*** titled ***S.P. Singh Dhillon v. UOI & Ors.*** wherein a settlement had been arrived at between the DCBA and the Delhi Badminton Association (*hereinafter*, "DBA"). Vide the MOU/Compromise it was agreed that the DBA would dissolve itself as a registered society by merging with the DCBA. The relevant portion of the order recording the MOU/Compromise is extracted herein below:

"2. The petitioner is the Hony. Secretary of the Delhi Capital Badminton Association (DCBA) was an office bearer of the erstwhile Delhi Badminton Association (DBA). DBA had filed the writ petition being W.P.(C) 3326/2013 captioned "Delhi Badminton Association v. Badminton Association of India & Ors." before this court, impugning the actions of Badminton Association of India (BAI), in recognising only DCBA as it is affiliate association. The said writ petition was dismissed as withdrawn by an order dated

12.08.2015, in view of the Memorandum of Understanding /Compromise/Settlement arrived at between the concerned parties.

3. In terms of the said Memorandum of Understanding/Compromise/Settlement, DBA had agreed to dissolve itself as a registered society and it was agreed that the members of DBA would merge with DCBA. It is relevant to note that the parties also agreed that DCBA shall hold elections for electing its Executive Committee to manage its affairs and in order to give adequate representation to the members of DBA, and also in the district units of DCBA. One of the grievances raised by the petitioner relates to the representation of the erstwhile executive members of DBA in DCBA.”

8. Pursuant to the MOU/Compromise, settlement was entered into between the parties, which was recorded in **W.P.(C) 3326/2013** titled **Delhi Badminton Association & Anr. v. Badminton Association of India & Ors.** on 12th August, 2015. The settlement was given effect to and the elections to the association were to be held while ensuring adequate representation of members of the DBA in the DCBA.

9. A perusal of the minutes of meeting dated 1st August, 2015 also shows that the constitution of the association was amended as per Agenda No.3, which reads as under:

“Agenda No.3

To consider the amendment of the relevant Rules of the DCBA in order to create certain further posts so that all the associations which are either joining or merging may get a fair representation in DCBA

It was informed that in terms of observation of the Hon'ble Delhi High Court as made in W.P.(C) No.3326 of 2013 wherein it was observed that it would be in the interest of the sport of Badminton in

Delhi that there should be only one Association in Delhi to represent the state in the BAI and hence the two association may explore possibilities of either merger or joining as mass or as it may come out from discussions, the Delhi Capital Badminton Association and the Delhi Badminton Association upon mediation have come to an out-of-court settlement as a consequence whereof in order to give full representation to all the districts as also to the two associations it is necessary to amend existing Clause 6 of the Memorandum of Association of DCBA and Clause 20 of the Rules of DCBA in the following manner:-

EXISTING	AMENDED
6. Management The affairs of the Association shall be managed by the Executive Committee consisting of the office bearers (13) (Thirteen) including 3 (Three) co-opted members. Office Bearers of the Association shall be as under:- President 1 Senior Vice President 1 Vice Presidents 5 Hony. Secretary 1 Hony. Treasurer 1 Advisor 1 Executive Members 5 Co-opted Members 3	6. Management The affairs of the Association shall be managed by the Executive Committee consisting of 30 (Thirty) elected and 3 (Three) co-opted members. Office Bearers of the Association shall be as under:- President 1 Senior Vice President 5 Vice Presidents 9 Hony. Secretary 2 Hony. Treasurer 1 Joint Secretary 3 Advisor 2 Executive Members 7 Co-opted Members 3

EXISTING	AMENDED
20. Management The affairs of the Association shall be managed by the Executive	20. Management The affairs of the Association shall be managed by the Executive

<i>Committee consisting of the office bearers and not more than 18 (Eighteen) including 3 (Three) co-opted members. Office Bearers of the Association shall be as under:-</i>	<i>Committee consisting of the Office Bearers and not more than 33 (Thirty Three) (including 3 (Three) co-opted members). Office Bearers of the Association shall be as under:-</i>
<i>President 1</i>	<i>President 1</i>
<i>Senior Vice President 1</i>	<i>Senior Vice President 5</i>
<i>Vice Presidents 5</i>	<i>Vice Presidents 9</i>
<i>Hony. Secretary 1</i>	<i>Hony. Secretary 2</i>
<i>Hony. Treasurer 1</i>	<i>Hony. Treasurer 1</i>
<i>Advisor 1</i>	<i>Joint Secretary 3</i>
<i>Executive Members 5</i>	<i>Advisor 2</i>
<i>Co-opted Members 3</i>	<i>Executive Members 7</i>
	<i>Co-opted Members 3</i>

The House unanimously adopted, affirmed and approved the aforesaid amendments to amend existing Clause 6 of the Memorandum of Association of DCBA and Clause 20 of the Rules of DCBA.”

10. In view of the above, this Court directs that the elections ought to be held in terms of the amended ‘Management’ clause. The RO would, therefore, conduct elections for all the posts of the Management, as reflected in the minutes of meeting dated 1st August, 2015. The RO shall ensure that while accepting the nomination of any candidates the applicable guidelines given by the Ministry of Sports, National Sport Federation and its constituent body are strictly adhered to. The RO would be assisted by Mr. Ajay K. Singhania, Secretary General, BAI for conducting the elections.

11. All parties agree that the electoral roll would be drawn up and finalised by the RO as on 1st May, 2019. Any member added after 1st May, 2019 shall not be entitled to vote in this election, however, they can continue as members. The list of persons entitled to elect shall be drawn up strictly in

terms of the rules prescribed by BAI.

12. The petition is disposed of in the above terms. All pending applications are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

JANUARY 12, 2021/dk/T

Corrected & released on 18th January, 2021

