

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION (WP) NO.6502 OF 2022

- 1) Vidharbha Kabaddi Association,
Nagpur, P.T.R. No. E-24N, Through
Its Duly Authorized Person Shri
Pradeep Wamanrao Selukar, R/o 20,
Sarvshree Nagar, Dighori, Nagpur.
Having Office at Ram Nagar, Wardha.

.... Petitioner(s)

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- 1) Amateur Kabaddi Federation of India,
Through its Administrator, Having
Office At Ex.386, Cabin B (Basement),
Greater Kailash Part 1, New Delhi
110048.
- 2) Amateur Kabaddi Association of
Vidarbha, Through Its Chairman,
Office at Pannalal Garden, Bhuteshwar
Chowk, Amravati.
- 3) Shri S.D. Mohod (Retired Principal
District Judge), Arbitrator, R/o
Chintamani Apartment, 3rd Floor Hill
Road, Gokulpeth, Nagpur -10.
- 4) Vidarbha Regional Kabaddi
Association, Nagpur, P.T.R. No.E-24
N, through its Secretary, Shri Harjinder
Singh Sokhi, having its office at
Sitabuldi, Nagpur.

Amended as per
Court's order dt.
15.11.2022.

... Respondent(s)

Shri B.G. Kulkarni, Advocate for the petitioner/s

Shri C.B. Dharmadhikari, Advocate for the respondent No.2

Shri R.S. Renu, Advocate for the respondent No.4 (Intervenor)

CORAM : ANIL S. KILOR, J.

DATED : 05.07.2023

ORAL JUDGMENT :

1. Heard.
2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.
3. The petitioner association, namely Vidharbh Kabbadi Association, Nagpur filed an Arbitration proceeding in light of the dispute arose between the petitioner association and the respondent Nos.1 and 2.
4. The sole Arbitrator, on 13.06.2018, terminated the Arbitration proceeding by virtue of Section 32(2)(b) of the Arbitration and Conciliation Act 1996 (for short “the Act”) for want of prosecution.
5. The petitioner association, feeling aggrieved by the same, filed an application under Section 32 read with section 14 of the

Act before the Principal District Judge, Nagpur vide Misc. Civil Application No.987 of 2018, seeking declaration that the termination of the Arbitration proceeding is illegal and contrary to law and to set aside the order dated 13.06.2018 passed by the sole Arbitrator.

6. Subsequent to this, on realizing that the dispute between the petitioner association and the respondent Nos.1 and 2, is not in the interest of the Kabaddi players and the same would affect the prospects of such players and the association as well, it was resolved by the petitioner association to withdraw the said proceeding in its meeting held on 02.10.2022.

7. It is pertinent to note here that, while filing the application under Section 32 of the Act, it was filed through one Shri Subhash Narayanrao Pise. However, considering his age as 86 years, it was unanimously resolved to give powers to one Pradip Wamanrao Selukar to apply for withdrawal of aforesaid proceeding. Accordingly, he moved an application for withdrawal of the proceeding.

8. The learned District Judge vide impugned order dated 06.10.2022, rejected the said application. While rejecting the request for withdrawal of proceeding, the learned District Judge has considered the objection raised by the Vidarbha Regional Kabaddi Association that Shri Pise is no more a Secretary and hence, he does not have authority to withdraw the proceeding.

9. Interestingly, the petitioner Vidharbha Kabaddi Association, Nagpur and the Vidarbha Regional Kabaddi Association, Nagpur both are having the same PTR number.

10. Thus, from the record it is apparent that, there are two associations namely, Vidharbha Kabaddi Association, Nagpur as well as Vidarbha Regional Kabaddi Association, Nagpur.

11. The Vidarbha Regional Kabaddi Association is an intervenor in the present writ petition who strongly opposes the present petition on the ground that the resolution dated 02.10.2022 itself is illegal for the reason that the members who were present in the said meeting, are no way connected with the Vidharbha Kabaddi Association.

12. Thereupon, on a query put to the learned counsel for intervenor, whether any challenge was raised to the aforesaid resolution on any ground including that the persons who were present in the said meeting are/were no way connected with the Vidharbha Kabaddi Association, he fairly states that no such challenge is raised till date.

13. The learned counsel for the intervenor further tried to point out the illegalities committed by the petitioner Vidharbha Kabaddi Association and how the petitioner association is in collusion with the respondent Nos.1 and 2.

14. Undisputedly, there is no proceeding filed by the Vidarbha Regional Kabaddi Association, raising any grievance against the order passed by the sole Arbitrator, terminating the arbitration proceeding.

15. The record shows that the change report filed by the Vidharbha Kabaddi Association and the change report filed by the Vidarbha Regional Kabaddi Association, were accepted by the Charity Commissioner.

16. Thus, from the above referred fact it is clear that there are two groups known by two different names, though having same P.T.R.

17. The application filed under Section 32 of the Act was by Vidharbha Kabaddi Association who wants to withdraw the said proceeding. Whereas, the another group i.e. Vidarbha Regional Kabaddi Association, Nagpur objected such withdrawal without showing any resolution passed by the Vidarbha Regional Kabaddi Association for filing such proceeding.

18. Therefore, it is clear that out of two groups, one group had approached to the District Judge by filing application under Section 32 of the Act and the same group wants to withdraw the said proceeding. Thus, the denial of such request at the behest of the another group is not proper, particularly, when it will not affect the rights of Vidarbha Regional Kabaddi Association to raise any grievance independently to the order of the sole Arbitrator, if the said group so desires.

19. In the circumstances, I am of the opinion that the reasons recorded by the learned District Judge while rejecting the request

for withdrawal of the proceeding, are erroneous and hence, impugned order needs to be quashed and set aside. Accordingly, I pass the following order:

- (i) The writ petition is **allowed**.
- (ii) The order below Exh.20 dated 06.10.2022 passed by District Judge-1, Nagpur, is hereby quashed and set aside.
- (iii) The petitioner Vidharbha Kabaddi Association, Nagpur is permitted to withdraw the application filed under Section 32 of the Act in Misc. Civil application No.987 of 2018.

Needless to mention hear that this withdrawal of proceeding will not come in the way of the intervenor, Vidarbha Regional Kabaddi Association, Nagpur, if the Vidarbha Regional Kabaddi Association, Nagpur wants to raise a grievance against the order of sole Arbitrator, terminating the Arbitration proceeding vide order dated 13.06.2018.

At this stage, the learned counsel for the intervenor prays to keep this order in abeyance for four weeks.

I am unable to understand in what manner, the order is prejudicial to the interest of the respondent No.4 intervenor. Hence, the request is rejected.

Rule accordingly. No costs.

[ANIL S. KILOR, J.]