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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 01.12.2023

Pronounced on : 13.12.2023

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

O.A.Nos.825 to 830 & 842 of 2023
and Arb.A.No.556 of 2023

O.A.No.825 of 2023

Coimbatore District Football Association
Rep by its President
Gate No.12, 1st Floor, Nehru Stadium
Coimbatore – 641 018

.. Applicant

Versus

1.T.Krishnamoorthy

2.J.I.Jesudason

3.Ajith Kumar Lal Mohan

4.J.Jessiah Villavarayar

5.S.Chandrakumar

6.C.V.Ramasamy

7.C.K.Anandha Krishnan

8.O.Shanmugasundaram



9.B.Srinivasan

10.A.Gunasingh

11.D.Wesly Rajkumar

12.D.Saravanan

13.M.Siva Sangmugam

14.K.V.Senthil Prabhu

15.R.Ravikumar

16.B.Selvaingh

17.R.Ananthan

18.Tamil Nadu Football Association

Rep by its President

73, Jawaharlal Nehru Stadium

Park Town, Chennai – 600 003

.. Respondents

Prayer in O.A.No.825 of 2023: Original Application filed under Section 9 of the Arbitration and Conciliation Act, 1996 praying for issuance of interim injunction restraining the respondents 1 to 17 from representing themselves as office bearers of applicant Association.

O.A.Nos.825 to 830 of 2023

For Applicant : Mr.J.Sivanandaraaj, Senior Counsel
for M/s.Rohini Ravikumar

For Respondents : Mr.R.Parthasarathy, Senior Counsel
for Mr.D.Ravindranathan and Mr.N.Suryanarayanan
for R1 to R3, R5 to R7, R9, R12, R14 to R17



O.A.Nos.842 of 2023, Arb.A.No.556 of 2023

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For Applicant : Mr.R.Parthasarathy, Senior Counsel
for Mr.D.Ravindranathan and Mr.N.Suryanarayanan

For Respondents : Mr.J.Sivanandaraaj, Senior Counsel
for M/r.S.Mahesh Kumar

COMMON ORDER

O.A.No.825 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 to 17 from representing themselves as office bearers of the applicant association.

O.A.No.826 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 to 17 from claiming themselves to be the office bearers of the applicant association.

O.A.No.827 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 to 17 from interfering with the functioning of the applicant association.



O.A.No.828 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 to 17 from communicating with members clubs, players and educational institutions representing themselves as office bearers of the applicant association.

O.A.No.829 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 to 17 from conducting any meetings, league matches, tournaments, coaching and training programs to any players and members club.

O.A.No.830 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 to 17 from using letter head of Applicant Association, issuing any letters, notices, communication through email, whatsapp, or any other electronic mode, pamphlets, brochure, newspaper publication claiming themselves as office bearers of applicant association.

O.A.No.842 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 & 2 from interfering with the



management of the applicant Association by the elected Executive Committee, including by way of calling for meetings/conducting tournaments, pending disposal of the arbitration proceedings.

Arb.A.No.556 of 2023 has been filed seeking for an order of interim injunction restraining the respondents 1 & 2 to handover the credentials and control of the Bank account of the applicant Association pending disposal of the arbitration proceedings.

2. It is the case of the applicant in A.Nos.825 to 830 of 2023, that the applicant Association is a member of the Tamil Nadu Football Association. The present Administrative Committee of the Coimbatore District Football Association was elected in the election, conducted on 24.09.2019 pursuant to the Order dated 03.04.2019 passed by this Court in A.Nos.7609, 7611 & 7613 of 2018, wherein, a retired District Judge namely Mr.M.Thangaraju was appointed and conducted the election. The present Administrative Committee took charge on 07.10.2019. Subsequent to the above election, activities of the Applicant Association were regulated and the affairs is running smoothly. The tenure of the present Administrative Committee is ending only on



06.10.2023.

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3. The first respondent was elected as the Secretary of the Association in the aforesaid election, but, the first respondent did not assume office due to various disciplinary proceedings. Further, based on the complaint received against the first respondent, disciplinary proceedings were initiated on the serious charge of misappropriation of funds and irregularity in maintaining books of accounts.

4. The first respondent was suspended for a period of three years with effect from 24.07.221 for his anti-association activities. One Mr.N.P.Anil Kumar, who was elected as Assistant Secretary is performing the duty of the Secretary of the applicant Association till date. The second respondent was a convenor of the erstwhile Ad Hoc Committee. After the election was conducted and the office bearers were appointed, the second respondent attempted to stop the functioning of the present Administrative Committee by filing frivolous proceedings before the Court of Law.



5. The charges were framed against the 2nd respondent for anti-association activities and was suspended from all activities with effect from 09.10.2021, the same is never challenged. When the matter stood thus, the first and second respondents in collusion with one 4th respondent, erstwhile President of the Tamil Nadu Football Association indulged in various illegal attempts to disrupt functioning of the present Administrative Committee. In one such attempt, the fourth respondent, in an illegal communication dated 21.12.2021 appointed Ad Hoc Committee for the Applicant Association and named the second respondent as a Convenor for the above illegal Ad Hoc Committee.

6. The applicant immediately approached this Court and filed an application under Sections 9 and 11 of the Arbitration and Conciliation Act, 1996 in O.A.No.853 of 2021 and Arb.O.P.No.47 of 2021, wherein, this Court, vide Order dated 05.08.2022 held that the present office bearers are the duly elected office bearers of the applicant Association and neither the fourth respondent nor the Ad Hoc Committee can take over the administration of the Applicant Association. Despite the above Order of the Court, the respondents 1 and 2 are habitually issuing illegal communications



to various member clubs of the applicant Association claiming themselves to be Ad Hoc Committee and Secretary (elected unopposed). It came to the knowledge of the applicant that for the past few months, the first respondent actively indulged in circulating letters to member clubs, threatening letters to Referees using the fraudulent letter head. The first respondent at the behest of the 2nd respondent circulated an illegal letter dated 13.07.2023 using a bogus letter head and seal for the applicant Association regarding convening of an Extra Ordinary General Body Meeting to be held on 06.08.2023 at CSI Boys Higher Secondary School, Coimbatore. The said letters is with reference to conducting election for the post of President, Vice Presidents, Secretary, Assistant Secretary, Treasurer and Executive Members. The above letter, is in clear violation of the above Order dated 05.08.2022 passed by this Court. The respondents 1 and 2 are acting collusive to disrupt the smooth functioning and affairs of the applicant Association.

7. The applicant lodged a police complaint with the Inspector of Police, Race Course Police Station regarding the illegal meeting. The first respondent was immediately called upon for enquiry. The police warned the first respondent to not to indulge in illegal activity and advised not to go



ahead with the meeting. However, the first respondent and other illegal participants clandestinely and illegally conducted the meeting at a private hotel namely Residency Towers, Coimbatore. The change in venue from CSI Boys Higher Secondary School to a private hotel and surreptitiously conducted the elections. Hence, according to the applicant, the said election is sham and illegal. The applicant also came to know that in the said illegal election, the third respondent is been elected as President, 5th respondent as Assistant Secretary, 2nd and 6 to 8th respondents as Vice-presidents, 1st respondent as Secretary, 9th respondent as Treasurer and 10th to 17th respondents as Executive Committee members.

8. The respondents 1 to 3 have immediately published articles in local newspaper about the illegal election and cautioned the public not to get mislead. The applicant also issued a circular on 18.08.2023 to all the principals of schools intimating them regarding the upcoming Inter School Football Tournament for Kittu Trophy - from 05.09.2023 to 07.09.2023. The applicant made all the arrangements to conduct the tournament. In the meanwhile, the respondents circulated pamphlets to all the schools and messages in whatsapp claiming to conduct the above said Kittu Trophy. The



applicant was constrained to reschedule the tournament to a future date due to the acts of the respondents 1 to 17, causing great confusion and chaos. The applicant Association is functioning and the respondents are interfering with the functioning of the Association. Balance of convenience is in favour of the Applicant and irreparable loss will be caused to the applicant, if the interim order sought for in these applications are not granted. Hence, these applications.

9. It is the contention of the respondents 1 to 3, 5 to 17 that the applications have been filed by one Madan A.Senthil claiming to be a president of the Coimbatore District Football Association. The election to the CDFA is conducted as recently as on 06.08.2023 and new set of office bearers have been elected. Further, the said Madan A. Sendhil was, in fact, suspended from participating in the activities of the CDFA for a period of two years from 24.02.2022. Hence, the said Madan A.Sendhil cannot seek to represent the CDFA and it is in fact the respondents 1-3, 5-17 are the office bearers of the CDFA. The first respondent is the authorised signatory of the CDFA, also being the Secretary of the CDFA. The present application filed by the said Madhan A.Sendhil is liable to be dismissed in limine as non-



maintainable.

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10. The first respondent, being the Secretary and Authorised Signatory of the CDFA has also filed application under Section 9 of the Act in O.A.No.842 of 20232 and Arb.Appln.No.556 of 2023 seeking to restrain Madan A.Sendhil from interfering with the administration and management of the CDFA. Initially, the administration of the CDFA became the subject matter of a batch of application before this Court in A.Nos.7609, 7611 & 7613 of 2018, wherein, this Court vide Order dated 03.04.2019, directed fresh elections to be conducted to the Executive Committee of the CDFA and appointed a retired District Judge as Election Officer to conduct elections to the CDFA. In the said elections, the first respondent was elected as Secretary, the said Madan A.Sendhil was elected as President and N.P.Anil Kumar was elected as the Honorary Assistant Secretary.

11. Due to various allegations of improper administration of the CDFA by the then President Madan A.Sendhil, the 18th respondent vide letter dated 04.08.2021, appointed an Ad Hoc Committee superseding the Executive Committee of the CDFA, which was to administer the day-to-day affairs of



the CDFA. Though the said Madan, under the name of the CDFA, obtained an order of ad-interim injunction vide Order dated 13.08.2021 in O.A.No.480 of 2021 before this Court in respect of the letter dated 04.08.2021 issued by the 18th respondent, the said O.A.No.480 of 2021 was dismissed for non-prosecution by this Court vide Order dated 20.12.2021 and the said application has not been restored till date. In the meanwhile, the said Madan illegally suspended the 1st respondent, and the second respondent herein, who was appointed by the 18th respondent as the Convenor of the Ad Hoc Committee, vide letters dated 24.07.2021 and 20.10.2021 respectively, and the said N.P.Anil Kumar who had colluded with Madan and assisted him in eliminating various members who questioned the improper administration by Madan, was made Secretary “In-Charge”.

12. The respondents 1 and 2 filed an appeal before the 18th respondent. The 18th respondent allowed the appeal vide letter dated 22.12.2021 and the interim suspension of the first respondent was also revoked vide letter dated 09.05.2022 by the CDFA. Instead of restoring the proceedings in O.A.No.480 of 2021, the said Madan, under the name of CDFA, immediately filed another application in O.A.No.853 of 2021 to restrain the 18th respondent from



interfering with the management of the CDFA. No interim orders were passed by this Court, the then Ad Hoc Committee appointed through the letter dated 04.08.2021 by the 18th respondent, was in charge of the administration of the CDFA. The said Madan and Anil Kumar was suspended for a period of two years from the CDFA by the Ad-Hoc Committee due to various allegations of improper administration vide letters dated 24.02.2022. They have failed to file any appeal against the said letters of suspensions before the 18th Respondent.

13. In the meanwhile, vide Order dated 05.08.2022 in O.A. No. 853 of 2021, this Court had directed the Ad Hoc Committee to hand over the management of the administration of the CDFA to Mr. Justice. A.K. Rajan (Retd.) who was originally appointed as the Administrator of the third respondent in a different proceedings. Despite the same, the said Madan and Anil Kumar continued to make attempts to administer the CDFA in violation of the orders of this Court. Ever since the elections were conducted in the year 2019, the said Madan failed to take any effective/active measures to develop the game in the district as the President of the CDFA. Since October 2019 and up until the said Madan was suspended by the Ad Hoc Committee



of the CDFA, the said Madan had neither conducted any tournaments for the players/schools/colleges in the district nor were any other association related activities conducted. The Annual General Meeting for the years 2020, 2021 and 2022 were never conducted at the relevant point in time. Further, they prepared Annual Reports dated 06.05.2023 to show as if the CDFA was functional. Since the said Madan and Anil Kumar who were under suspension, attempted to administer the CDFA in violation of the Order dated 05.08.2022 passed by this Court in O.A.No.853 of 2021, by claiming to be the office bearers of the CDFA, the General Body of the CDFA vide resolution dated 24.06.2023, passed by a majority of its members, called for fresh elections to be conducted to the Governing Body of the CDFA. General Body was convened on 24.06.2023 with proper quorum after issuance of notice on 30.05.2023 and the resolution was passed by a majority of the members of the CDFA.

14. The elections to the Governing Body of the CDFA were announced vide a Notice to all the Member Clubs of the CDFA dated 13.07.2023 calling for nominations for the various posts in the Governing Body of the CDFA, for which the last date for filing nominations was 26.07.2023. The Agenda



for the meeting of the General Body was also shared which notified the conduct of elections to the Executive Committee of the CDFA on 06.08.2023. The notice regarding the conduct of the General Body Meeting dated 24.06.2023 and 06.08.2023 was sent to all its member clubs of the CDFA, including the clubs which the said Madan and Anil Kumar are President/Chairperson. The records and relevant communications were sent to Hon'ble Mr.Justice A.K.Rajan (Retd.) , who was appointed as the Administrator of the third respondent Association by this Court in an independent action.

15. The entire election process was conducted by an independent election officer, one Mr.Vijay Anand Jayaraj, Advocate, who was appointed by the General Body on 24.06.2023 and all nominations were duly scrutinised by the said Election Officer. Accordingly, the present Executive Committee took charge of the administration of the CDFA on 06.08.2023 in the General Body Meeting and since then he has been administering the CDFA with all earnest efforts to revive the functioning and running of the association to its fullest capacity. While the said meeting of the CDFA was scheduled to be held in CSI Boys Higher Secondary School, due to security



concerns from various unknown persons with vested interests, the police officials requested that the meeting be held elsewhere and was therefore held in Residency Hotel, Avinashi Road, Coimbatore. All the members of the CDFA were informed about the sudden change in venue over phone and the notice of change of venue was also stuck in the CSI Boys Higher Secondary School. Two persons were stationed in the original venue to inform any members/persons who came to the original venue by mistake.

16. Hence, it is the contention that the present Executive Committee has, since the date of assumption of office, conducted various tournaments like the Kittu Trophy, Coimbatore District Football Boys Team under-19 Selection, CDFA Women Football Rolling Trophy, Inter-School Football Tournament (Boys under 17). Besides, they already proposed events. Hence, it is the contention suspension of the said Madan and Anil Kumar are still in vogue, they having failed to challenge the same in any manner, they are continuing to unlawfully claim that they are the elected body of the CDFA and they have made representations to the effect that they would be conducting tournaments and trials in the months of October/November 2023. Further, it is the contention that the applicant has no right to seek for any



interim order.

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17. O.P.No.842 of 2023, is filed by the Coimbatore District Football Association, represented by its Secretary T.Krishnamoorthy, who is said to have been elected in the election conducted 06.08.2023, wherein, interim injunction is sought restraining the respondents 1 and 2 from interfering with the management of the Applicant Association by the elected Executive Committee.

18. Similarly, applicant in the above Original Petition has filed the Arb.O.P.No.556 of 2023 seeking for an interim direction to the respondents 1 and 2 to handover the credentials and control of the Bank Account of Applicant Association.

19. It is relevant to note that applicant in Original Applications in 825 to 830 of 2023, are the same Coimbatore District Football Association, which is represented by one Mr.Madan A.Sendhil. It is not in dispute that he was elected originally in the election conducted on 24.09.2019, pursuant to the



Order dated 03.04.2019 passed by this Court in A.Nos.7609, 7611 & 7613 of 2018. It is not disputed by both sides, the period is four years from the date of election and the period, admittedly, ends on 06.10.2023. Therefore, for the convenience sake, this Court refers the applicant in Original Application Nos.825 to 830 of 2023 as the erstwhile president of the CDFA. Though, it is questioned, the manner of election in respect of new office bearers, the fact remains that with respect to the election, an Extra Ordinary General Body Meeting was held on 06.08.2023 at Residency Hotel, Coimbatore and new office bearers were elected and the respondents in the above Original Applications are the presently changed office bearers. The Original Petition No. 842 of 2023 and Arb.O.P.No.556 of 2023 are filed by the present office bearer of the CDFA. Since, the dispute in Original Petitions and Applications are with regard to the management and affairs of the applicant Association and the election, this Court is inclined to dispose of all the Original Petitions and Applications by way of this Common Order.

20. The learned counsel for the applicant in O.A.Nos.825 to 830 of 2023 would contend that the office bearers (erstwhile office bearers) were



elected in the election conducted on 24.09.2019 and the period is four years.

It is the contention that the first respondent in the above Original Applications namely Mr.T.Krishnamoorthy was elected as Secretary of CDFA, however, he could not assume office due to various disciplinary proceedings that were pending against him and he was suspended for a period of three years vide letter dated 13.09.2021, with effect from 24.07.2021. Hence, it is the contention that though Ad Hoc Committee was illegally appointed by the Tamil Nadu Football Association, the applicant has moved before this Court in A.Nos.1153, 1554 and 1555 of 2019 in A.No.1774 of 2019 & O.A.No.128 of 2019 in C.S.No.126 of 2019, this Court by Order dated 27.09.2019, constituted an Administrative Committee headed by Mr.Justice A.K.Rajan (Retd.) to take over the administration of the Tamil Nadu Football Association.

21. Challenging the said Order, O.S.A.Nos.277 to 281 of 2019 have been preferred. The Division Bench of this Court has also constituted an Administrative Committee headed by Mr.Justice A.K.Rajan (Retd.) to conduct elections for Tamil Nadu Football Association. Therefore, by Order of this Court, Tamil Nadu Football Association was defunct from 2019 to



2023. However, Mr. J.Jessiah Villavarayar, the erstwhile President of the Tamil Nadu Football Association has breached the Order of the Court dated 29.04.2019 and attempted to interfere with the activities of several District Associations including the CDFA and superseded CDFA and further, appointed Adhoc Committee illegally, that was challenged in Section 9 application in O.A.No.480 of 2021. The said Original Application was dismissed on 20.12.2021 for non initiation of arbitration. Further, Mr.Jessiah on 21.12.2021 issued an email to the Ad Hoc Committee to take over the Applicant Association immediately citing dismissal of O.A.No.480 of 2021. Thereafter, the Original Application in O.A.No.853 of 2021 under Section 9 of the Act, for interim orders and O.P.No.47 of 2021 under Section 11 of the Act, for appointment of Arbitrator was filed as TNFA is defunct. This Court, restrained the Tamil Nadu Football Association and the so-called Ad Hoc Committee appointed by the Tamil Nadu Football Association from interfering with the administration of the CDFA. Therefore, it is the contention that the Adhoc Committee which was restrained by this Court, could not interfere with the CDFA.

22. The first respondent who is a suspended member of CDFA, issued



a letter on 30.05.2023 relying on the Annual Report sent by Adhoc Committee to conduct election which is in violation of the Court Order.

Besides, they also issued notice to conduct Annual General Body Meeting and elections for CDFA. Hence, it is the contention that the present dispute is not an election dispute, the election cannot be conducted by the suspended member and only the President and Secretary elected can conduct election and no election was conducted on 06.08.2023. The entire act on part of the respondents are fraudulent in violating the Orders of the Court. When the Ad Hoc Committee appointed by the Tamil Nadu Football Association is restrained by this Court, election could not have been conducted. Hence, it is the contention that the respondents should be restrained from the management of the applicant Association.

23. According to the learned counsel for the applicant, there is a prima facie case and the balance of convenience is in favour of the applicant, unless the interim order is passed, they will be put to irreparable injury and hardships, whereas, it is the contention of the learned counsel for the respondents that the Applications in A.Nos.825 to 830 of 2023 filed by the erstwhile President Mr.Madan A.Sendhil, who seeks to challenge the election



conducted on 06.08.2023 as illegal has no *locus standi* to maintain petitions.

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It is the contention that the tenure of the erstwhile office bearers had expired on 06.10.2023. Therefore, as on date, the erstwhile office bearers cannot seek to injunct the newly elected office bearers from running the affairs of the Association. It is the further contention that disputes are not arbitrable. The injunction relief sought in the present applications cannot be maintained without calling into question the validity of the elections that were held. As on date, there was no challenge to the elections by way of a suit before the appropriate Court. Hence, present applications under Section 9 are not maintainable.

24. The applicants having failed to participate in the Annual General Meeting and Extraordinary General Meeting/Elections are now seeking to indirectly undo the election which have been validly conducted in accordance with the procedure contemplated under the Statutes after due notice to all the member clubs.

25. It is the further contention that in O.A.No.853 of 2021, vide Order dated 05.08.2022, this Court directed that the administration of the applicant



association be vested with the Hon'ble Mr. Justice A.K.Rajan. The elections were conducted after due notice of the administrator and all the members of the club including the said respondents, and the present Executive Committee. Hence, the applicant in A.Nos.825 to 830 of 2023 have no right whatsoever to claim a relief of interim injunction. Hence, prayed for dismissal of the A.Nos.825 to 830 of 2023.

26. I have perused the entire materials placed on record. The erstwhile office bearers and the present office bearers elected in the so-called election have filed these applications under Section 9 of the Arbitration and Conciliation Act, 1996 and to restrain each other from interfering with the administration of the Coimbatore District Football Association. The applicants in O.A.Nos.825 to 830 of 2023 mainly challenges the elections of the respondents, namely the present office bearers on the ground that there is a violation of the Court Orders. Therefore, the applicant is entitled to continue the affairs, whereas, it is the contention of the respondents, namely the present office bearers, that they have been elected illegally and they are managing the CDFA and conducted various tournaments ever since their date of their assumptions.



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28. The applicant in O.A.Nos.825 of 830 of 2023 mainly rely upon various interim orders which were obtained earlier under Section 9 of the Arbitration and Conciliation Act. It is relevant to note that A.Nos.7609, 7611 & 7613 of 2018 were filed before this Court under Section 9 of the Arbitration and Conciliation Act, 1996 challenging the Ad Hoc Committee appointed by the 18th respondent. This Court, by consent of both sides appointed Mr.M.Thangaraju, District Judge (Retd.) to conduct elections to the CDFA by Order dated 03.04.2019. In the said election, the erstwhile office bearers, Mr.Madan A.Sendhil was elected as President, M.P.Anil Kumar as Assistant Secretary, these facts are not in dispute. Thereafter, it appears that once again, on 04.08.2021, Ad Hoc Committee was appointed superseding the executive committee which was put into challenge in O.S.A.No.480 of 2021. Though interim Orders were passed, thereafter, the



main O.A.No.480 of 2021 was dismissed for non prosecution by this Court, by Order dated 20.12.2021 and the said application has not been restored till date. Thereafter, it is the specific case of the present office bearers that two of the members suspended earlier by the erstwhile President was revoked the by TNFA vide letter dated 09.05.2022.

29. Thereafter, it appears that once again the erstwhile president has filed O.A.No.853 of 2021 in Arb.O.P.No.47 of 2021, this Court by Order dated 05.08.2022, taking note of the fact that the Hon'ble Division Bench in O.S.A.Nos.277 to 281 of 2019, has appointed Hon'ble Mr. Justice A.K.Rajan (Retd.) as Administrator to the Tamil Nadu Football Association; had directed that Ad Hoc Committee appointed by the 2nd respondent, shall not interfere with the administration of the applicant Association. In the event, if any charge already taken over as contended by the learned counsel for the respondents, the second respondent or Adhoc Committee to handover the charge immediately to the Hon'ble Mr. Justice A.K.Rajan (Retd.), the Administrator, within one week from the date of receipt of a copy of that Order. It is seen that the Division Bench of this Court in O.S.A.Nos.277 to 281 of 2019, has constituted the administrative committee under the



chairmanship of the Hon'ble Mr. Justice A.K.Rajan (Retd.) in a different suit between the Tamil Nadu Football Association vs. Krishnagiri District Football Association vide Order dated 20.09.2023. Despite the said order, it appears that the erstwhile office bearers continued to administer the CDFA. Be that as it may, the parties are relying upon by the interim orders obtained under Section 9 of the Arbitration and Conciliation Act, 1996 to contend that there was a violation in electing the present office bearers. Records produced before this Court also indicate that the process of the present election was intimated to the Administrator constituted by this Court.

30. Be that as it may, the very object of the interim measures provided under Section 9 of the Arbitration and Conciliation Act for the purpose of preservation, interim custody or sale of any goods which are the subject-matter of the arbitration agreement or for securing the amount in dispute in the arbitration; the detention, preservation or inspection of any property or thing which is the subject matter of the dispute in arbitration, as to which any question may arise therein and authorising for any of the aforesaid purposes any person to enter upon any land or building in the possession of any party, or authorising any samples to be taken or any observation to be made, or



experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence; interim injunction or the appointment of a receiver; or such other interim measure of protection as may appear to the Court to be just and convenient,

31. From the provisions contained under Section 9 which is very clear that when the interim orders passed before the commencement of arbitral proceedings, the arbitral proceedings shall be commenced within a period of 90 days from the date of such order or within such further time as the Court may determine. The interim measure is normally granted by the Court for limited purpose, only till the commencement of arbitral proceedings or till such other time as the Court may determine. Therefore, merely, getting any interim orders without exhibiting manifest intention to arbitrate the real dispute, the parties cannot take advantage of interim orders obtained long back without referring the dispute to the Arbitration. Even in the present applications, this Court is not able to find any prayer for substantial relief such as appointment of arbitrator or reference to arbitration etc.,

32. The main allegations appears to be is with reference to the



elections stated to have been conducted, elections in which the present office bearers have been appointed. The main submissions canvassed before this Court is only on basis of the interim orders. When the interim measures or protection granted by this Court, the parties without referring the actual dispute to the arbitrator, those interim orders cannot be used as a binding precedent for always unless the manifest intention is shown to arbitrate the real dispute. Therefore, this Court is of the view that though much emphasis has been made based on the earlier interim orders obtained in this regard for management of the CDFA without referring the real dispute to the Arbitrator. Such interim orders cannot be given much importance. The present allegation made in these applications is only with regard to elections.

33. It is apt to point out that in the case of *Madras Sporting Youngsters Football Club vs. Tamil Nadu Football Association* reported in (2022) SCC OnLine Mad 460, wherein, this Court, after considering the Arbitration Clauses contained in the bye-laws of the Tamil Nadu Football Association held that election dispute relating to the election to the post of office bearers is not arbitral, only a civil suit is maintainable.



34. Similarly, in the case of *Tamil Nadu Football Association v. Pennar Senior FC* in Application No.1775 of 2019 in C.S.No.126 of 2019, by Order dated 28.06.2019, the learned Single Judge, while considering the Article 66, 67 & 68 of the bye-laws, held that they are in the nature of the appellate authority, which can hear only disputes relating to the disciplinary sanction made against the members by other bodies of the Tamil Nadu Football Association. Hence, held that dispute is not arbitrable. Same bye-laws relied in this case for invoking arbitration.

35. It is relevant to note that much emphasis was made by the learned Senior counsel Mr. Sivanandaraaj in the above case, i.e., *Madras Sporting Youngsters Football Club Vs. Tamil Nadu Football Association*, wherein, he sought to rely upon the same clause for reference of arbitration. Such view of the matter when the entire dispute appears to be with regard to the election and the present Applications 825 to 830 of 2023, filed by the erstwhile office bearers and the substantive relief in the applications is absent and the very



conduct of the applicant from the very beginning in all these years that mere obtaining interim relief under Section 9 and thereafter not referring the dispute to the arbitration makes it very clear that interim order obtained under Section 9 of the Arbitration and Conciliation Act, 1996 taken advantage at the whims and fancies of the parties, without there being a manifest intention to arbitrate the dispute. At any event, when the very dispute is narrated in the affidavits and counter affidavit relate to the election, as held by this Court in *Madras Sporting Youngsters Football Club vs. Tamil Nadu Football Association*, applications are not maintainable. Applications in A.Nos.825 to 830 of 2023 have not made out any prima facie case and balance of convenience in their favour as their office terms is already over; if at all, they want to challenge the election, they will have to challenge the election in the manner known to law by approaching the Civil Court not by way of Section 9 application. Accordingly, the applications in A.Nos.825 to 830 of 2023 are dismissed.

36. As far as O.P.No.842 of 2023 and Arb.Appln.No.556 of 2023 is concerned, since the issue relating to the election, same cannot be arbitrable. When the dispute is not arbitrable, this Court is not inclined to grant any



interim orders.

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37. Admittedly, this Court, by judgment dated 20.09.2023 in O.S.A.Nos.277 to 281 of 2019 constituted an Administrative Committee under the chairmanship of Hon'ble Mr. Justice A.K.Rajan (Retd.) with four members viz., (i) Mr.R.Basheer Ahamed, (ii) Mr.Harijinder Singh, (iii) Mr.Stalin Abhimanyu and (iv) Ms.Kanimozhi Mathi, to administer the Tamil Nadu Football Association during the tenure of its functioning until the new office bearers are elected. Records are also produced to show that the election to the present office bearers were intimated to the chairman of the Administrative Committee.

38. Such view of the matter, in the absence of any dispute, which is referable to the arbitration, interim orders under Section 9 of the Arbitration and Conciliation Act cannot be maintained. It is for the applicant to work out the remedy by filing civil suit restraining the respondents in the appropriate manner and these applications are dismissed.



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13.12.2023

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Internet : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

N.SATHISH KUMAR, J.

dhk

O.A.Nos.825 to 830 & 842 of 2023
and Arb.A.No.556 of 2023



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13.12.2023