



CWP-25354-2013(O&amp;M)

203 (1)

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-25354-2013 (O&M)  
Date of decision: 07.08.2024**

Gymkhana Club, Hissar

.....Petitioner

*Versus*

State Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: None for the petitioner.

Mr. Shilesh Gupta, Advocate-Amicus Curaie.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Chetan Mittal, Senior Advocate with  
Mr. Udit Garg, Advocate for respondent-HSVP.Mr. Johan Kumar, Advocate for  
Mr. Aseem Takyar, Advocate for applicant in  
CM-10393-CWP-2016.

None for respondent No. 6.

\*\*\*\*\*

**MAHABIR SINGH SINDHU, J.**

Present writ petition has been filed by Gymkhana Club, Hisar through its Manager, under Articles 226/227 of Constitution for issuance of writ in the nature of *certiorari* for quashing the impugned order dated 26.07.2013 passed by respondent No.2, thereby holding that HUDA Gymkhana Clubs are Public Authorities within the meaning of Section 2(h)(d)(ii) of the Right to Information Act, 2005 (for short, 'RTI Act').

(2) It transpires that during the pendency of present writ petition, an

email dated 16.03.2015 (R-8/1) was sent to the Administrator, HUDA, Hisar,



CWP-25354-2013(O&amp;M)

by the office of Chief Administrator, HUDA, Panchkula, directing him to withdraw the present writ petition, immediately and take strict action against the Manager, Gymkhana Club, Hisar. For reference, the relevant part of aforesaid e-mail reads as under:-

*“Administrator, HUDA, Hisar is directed to withdraw the writ petition immediately and take strict action against the Manager of Gymkhana Club, Hisar as instructions have already been issued that Gymkhana Clubs falls within the definition of public authority as given in section 2(h) (d)(i) of RTI Act, 2005. Moreover, expenses of the litigation may also be recovered from the Manager. Also in future now instructions be issued that Gymkhana Clubs comes under the definition of public authority. SPIO and ASPIO also be appointed for every Gymkhana Club.”*

(3) In pursuance of the aforesaid e-mail, a letter dated 20.09.2017 (P-10) was sent to the General Secretary, Gymkhana Club-cum-Estate Officer, HUDA, Hisar, by the President Gymkhana Club-cum-Administrator, HUDA, Hisar, for withdrawal of the present writ petition and relevant part of the same reads as under:-

*“Subject: CWP No.25354 of 2013 titled as Gymkhana Club Hisar Vs. State of Haryana etc.*

*It is submitted that the above CWP was filed by the Gymkhana Club, Hisar through its Manager Ravinder Singh against the respondent impleaded as party to the authority of RTI Act. The said Club was filed the above CWP for taking relief that the Gymkhana Club is not covered under the RTI Act and he may be declared out of purview to provide the information under RTI Act.*

*The Chief Administrator, HUDA Panchkula vide his E-mail dated 23.05.2016 decided that the said writ petition may be withdrawn as the Chief Administrator, HUDA Panchkula has decided the Gymkhana Club is liable to provide the information to any applicant who asked to provide the information. It has also been directed that to take disciplinary action against the Manager of Gymkhana Club, Hisar with immediate effect.*

*After repeated directions the said Gymkhana Club has not withdraw the above said CWP till date, now Worthy President of Gymkhana Club, Hisar-cum-Administrator, HUDA Hisar directed that the said CWP may withdraw at once by the General*



*Secretary-cum-Estate Officer, HUDA Hisar of Gym Khana Club, Hisar to avoid further legal complications and also submit the charge-sheet against the Manager of Gymkhana Club, Hisar within two days positively.*

*Sd/-  
For President,  
Gymkhana Club-cum-Administrator,  
HUDA Hisar”*

(4) In view of the above development, an application i.e. CM-13962-CWP-2017 was moved for withdrawal of the present writ petition, but the same was declined by the then Co-ordinate Bench of this Court on 27.09.2017, while passing the following order:-

*“This is an application for withdrawl of the main writ petition. Prayer is rejected. Amicus curiae is already assisting the court in view of order dated August 08, 2017. The petition would remain under consideration in any case.*

*Mr. Gupta, today, seeks to place on record certain documents to show that a direction had been issued to the petitioner by the Administrator, HUDA, Hisar, directing him to withdraw the petition and to assist the counsel appearing for HUDA. According to him, this has been done as certain queries have been put by the court. He prays for some time to further assist the court.*

*Adjourned to 11.10.2017.*

*In case, any letter has been addressed by the amicus curiae to HUDA seeking certain information, this court expects that needful shall be done unless such information is found to be confidential in nature.”*

(5) Thereafter, status/progress reports were submitted in the matter from time to time and this Court after taking into consideration the same, on 20.05.2022, passed the following order:-

*“Learned Senior counsel for HSVP/HUDA, on instructions, has apprised the Court that uniform legal mechanism for proper functioning and regulation of all Gymkhana Clubs situated in the State of Haryana shall be finalized in compliance of the orders passed by this Court from time to time, within two weeks from today, positively.*

*Learned Amicus curiae has also brought to the notice of this Court that in compliance of the previous orders, 09 (nine) reports*



*have been received from 02 (two) Chartered Accountant firms, indicating various financial irregularities in the functioning of some Clubs.*

*If that be so, let necessary action be taken on the basis of aforesaid reports strictly as per law.*

*Posted on 20.07.2022.*

*Needful be done before the date fixed.*

*Photocopy of this order be placed on the file(s) of the connected matter(s)."*

(6) Today, during the course of hearing, status report dated 07.02.2023 by way of affidavit of Dharamvir Singh, Administrator, Haryana Shahari Vikas Pradhikaran, Panchkula (HSVP) has been filed on behalf of respondent-HSVP and which is taken on record. Copy supplied to other sides.

Registry to do the needful.

(7) For reference, Para Nos.3 to 6 of the aforesaid affidavit are recapitulated as under:-

*"3. That para no. 6 of the affidavit dated 29.07.2022 is reproduced here under:-*

*That as regards the order dated 20.05.2022, it is respectfully submitted that directions have been issued to the respective Gymkhana Club(s) for sending comments/reply with regard to the financial irregularities pointed out by the Chartered Accountants in their report. Though partial information has been received, yet a composite report/response has not been finalized for want of complete information. Further it is respectfully submitted that the respondents/HSVP will make sincere efforts to get the irregularities rectified and action will be taken in accordance with rules within a period of two months.*

*4. That in compliance of order dated 29.07.2022; all the Gymkhana Clubs have sent Action Taken Report on the points raised by the Chartered Accountant.*

*5. That the Action Taken Report received from the Gymkhana Clubs have been got verified from the empanelled Chartered Accountant engaged at HSVP (Head Quarter) and the irregularities as pointed out by the Chartered Accountant firms appointed by this Hon'ble High Court have been rectified.*

*6. That it is respectfully submitted that apart from the aforesaid verification/rectification, regular audits have also been conducted simultaneously from independent*



CWP-25354-2013(O&amp;M)

*Auditors/Chartered Accountants, of all the Clubs and no such irregularities were found during such regular audits as has been pointed out earlier.”*

From perusal of the above extract, it is clearly discernible that verification/rectification and audits of all the clubs were conducted by the independent Auditor and at present, no irregularity has been found in the functioning of any club.

(8) In view of the facts and circumstances discussed herein-above, no further direction is required to be issued in the present writ petition.

(9) Consequently, the writ petition is disposed off, accordingly.

(10) As no-one has come forward on behalf of the petitioner-Gymkhana Club, Hisar; therefore, if anything survives in the present writ petition, the petitioner would be at liberty to move an application for recalling of this order and same shall be considered, in accordance with law.

Pending application(s), if any, shall also stand disposed off.

**07.08.2024**  
Harish Kumar

**( MAHABIR SINGH SINDHU )**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |