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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12712/2024, CM APPL. 52957/2024 & CM APPL.
52958/2024

NATIONAL UNITED SPORTING CLUBPetitioner

Through: Mr. Sanjay Ghose, Senior Advocate
with Mr. Lalit Mohini Bhatt, Ms.
Hetu Arora Sethi, Mr. Anirudh Bhat,
Mr. Nirmal Prasad, Mr. Arjun Basra,
Mr. Mohit Garg, Advocates.

versus

UNION OF INDIARespondent

Through: Mr. Arjun Mukherjee, Mr. Arjun
Dhanraj Narang, Advocates for R-2 to
5.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
10.09.2024

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1. The Petitioner, National United Sporting Club, is a football club in Delhi and a member of the General Body of Delhi Soccer Association/ Respondent No. 2. Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, alleging multiple violations of the Delhi Soccer Association (DSA) Statutes by Respondent Nos. 2 to 5.
2. Petitioner's primary grievance is that Respondent No. 3 continues to operate and discharge functions as the President of Respondent No. 2, despite a "No Confidence" Motion having been passed against him in the Annual General Meeting (AGM) dated 24th September, 2023, on account of



violation of the DSA Statutes as well as the Code of Ethics of FIFA and All-India Football Federation.

3. Mr. Sanjay Ghose, Senior Counsel for the Petitioner, argues that 1/3rd of the Members of the General Body of DSA had issued a communication dated 21st July, 2024 to the Executive Committee/ Respondent No. 4, calling for an Extraordinary General Body Meeting (EGM) with the agenda of removing Respondent No. 3 from the position of the President and declaring the election for the said position. He submits that as per Article 19.7 of the DSA Statutes, Respondent No. 4 was under the mandate to convene the said EGM, however, the same has not been done.

4. During the course of arguments, it has been brought to the notice of the Court that an AGM of the DSA is scheduled to be convened on 22nd September, 2024, the agenda for which has already been notified. Petitioner's grievance also stems from the fact that the said agenda does not include the issue regarding the removal of Respondent No. 3 from the position of President.

5. Mr. Arjun Mukherjee, counsel for Respondents No. 2 to 5, as well Mr. Ghose, point out that, in terms of Article 20.3 of the DSA Statutes, the agenda of the AGM can be altered to include the said issue, only if two-thirds of the members present and eligible to vote, agree to such a motion. The said provision stipulates as under:

“The agenda of an ordinary Annual General Body meeting maybe altered, provided two-thirds of the Members present at the AGM and eligible to vote agree to such a motion.”

6. Mr. Ghose asserts that the Petitioner Club has the requisite support of the Members necessary for raising the issue of removing Respondent No. 3



in the AGM scheduled for 22nd September, 2024. Accordingly, he states that he would be satisfied in case a direction is given for this issue to be considered as part of the agenda to be deliberated upon at the said AGM.

7. In light of the foregoing, the present writ petition is disposed of with the following directions:

(a) The Petitioner shall be permitted to propose the motion regarding removal of Respondent No. 3, to be included as part of the agenda for the AGM scheduled to be held on 22nd September, 2024.

(b) In the event that the aforementioned motion is passed by two-thirds of the Members present and eligible to vote, as stipulated under Article 20.3 of the DSA Statutes, the same shall be taken up as part of the agenda and deliberated upon in accordance with the DSA Statutes.

(c) Subject to fulfilment of the aforesaid conditions, the issue pertaining to removal of Respondent No. 3 shall be taken up at Serial No. 1 in the AGM.

8. It is clarified that the Court has not examined the merits of the case, and accordingly, all rights and contentions of the parties are left open.

9. At this juncture, Mr. Ghose also presses for an observer to remain present at the AGM to ensure transparency and decorum. In response, Mr. Mukherjee assures that the AGM will be conducted in a civilised manner and the proceedings will be videographed.

10. With the aforesaid directions, the present writ petition is disposed of, along with pending applications.

SANJEEV NARULA, J

SEPTEMBER 10, 2024/ab