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

+ **W.P.(C) 17080/2024 & CM APPL. 72440-72441/2024**

BENGAL GOLF ASSOCIATIONPetitioner
Through: Mr. Sonal Anand, Mr. Aayush Sai
and Ms. Surbhi Singh, Advocates.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Ishkaran Singh Bhandari,
CGSC with Mr. Rajat Mohan
Dwivedi, Advocates.
Mr. Anisul Haque, Advocate for
UOI.
Mr. Jayant Mehta, Sr. Advocate
with Mr. Hrishikesh Baruah, Mr.
Parth Goswami and Mr. Akshay
Kumar, Advocates.
Mr. Sagar Chaurasia, Advocate for
R-3/IOA.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
10.12.2024

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1. This petition concerns the imminent elections to the General Council of respondent No.2 - Indian Golf Union ["IGU"]. The petitioner claims to be a constituent State Association of IGU. Its principal grievance is that IGU has published a list of the electoral college under the Model Election Guidelines of the National Sports Development Code of India, 2011, in which the petitioner – Association has been held to be disqualified, for violation of an order of this Court dated 16.08.2022 in



W.P.(C) 195/2010.

2. The relief sought in this writ petition is as follows:

“(i.) Mandamus thereby declaring that the communication dated 05.12.2024 sent by the President of the Respondent no. 2 stating the Respondent No. 5 as the Returning Officer is null, void and non-est in law, in light of the Respondent No. 4 already being appointed and functioning as the Returning Officer for the elections scheduled on 15.12.2024;

(ii.) Mandamus thereby restraining the Respondent No. 2 to modify, alter and in any manner interfere with the electoral college of 31 State Golf Associations already affiliated by the Respondent No. 2 and forming part and parcel of the electoral college so that the 31 affiliated SGAs can cast their vote;

(iii.) Mandamus directing the Respondent No. 2 not to interfere with the process of the election process, which has already been set into motion and allow the elections to be held as originally envisaged and in a fair and transparent manner;

(iv.) Appoint an independent observer to oversee the entire election process and file his report before this Hon’ble Court;

(v.) Any other Order(s) that this Hon’ble Court may deem fit in the present facts and circumstances.”

3. The petitioner claims to have been affiliated with IGU for a long time, and it is stated that the petitioner’s affiliation has not been challenged or discontinued.

4. IGU notified its Annual General Meeting [“AGM”], to be held on 15.12.2024. The elections to the General Council were also notified to be held at the AGM. A former Judge of the Allahabad High Court [Respondent No.4 in this petition] was appointed as the Returning Officer. The learned Returning Officer first made an order dated 25.11.2024, holding that five State Golf Associations [not including the petitioner herein] were not entitled to take part in the ongoing election process. However, upon a representation by the said Associations, the learned Returning Officer passed a further order dated 27.11.2024,



holding that the order passed by him on 25.11.2024 was liable to be ignored, and the five State Associations were entitled to take part in the elections.

5. It is the case of IGU that respondent No.4 resigned as the Returning Officer at a meeting on 27.11.2024, and IGU appointed a former Chief Justice of the High Court of Sikkim as the Returning Officer. The said Returning Officer has also since resigned, and a new Returning Officer, who is a former Judge of the High Court of Punjab and Haryana [Respondent No.5 in the petition], has since been appointed. There is some controversy as to the above position. The petitioner has placed on record a communication of respondent No.4 dated 05.12.2024, disputing that he had resigned as the Returning Officer and stating that he is continuing to conduct the elections.

6. The electoral college has since been circulated by the President of IGU, in which several associations, including the petitioner, have been stated to be disqualified. The electoral college, as notified, comprises two representatives each from nineteen State Associations and one representative each from two State Associations. As a result of the disqualification of the other associations, including the petitioner, they have also not been permitted to nominate candidates for the election.

7. In the meanwhile, respondent No.5 has also issued an election schedule, which has been handed over by learned counsel for IGU. The election schedule is as follows:

“The SGAs have sent names of representatives, and the List of Electoral College has already been uploaded on the website of Indian Golf Union. The remaining Election Schedule is as under:

1. Filing of Nominations

05-06 December 2024



	<i>(11 a.m. to 4 p.m.)</i>
2. <i>Final List of Nominations</i>	<i>06 December 2024 by 5 p.m.</i>
3. <i>Scrutiny of Nominations</i>	<i>08 December 2024</i>
4. <i>Result of Scrutiny</i>	<i>09 December 2024</i>
5. <i>Withdrawal of Nominations</i>	<i>10 December 2024 (by 4 p.m.)</i>
6. <i>Final List of Contesting Candidates</i>	<i>10 December 2024 (by 6 p.m.)</i>
7. <i>Poll</i>	<i>15 December 2024</i> <i>(11 a.m. to 2 p.m.)”</i>

8. The petitioner seeks orders appointing respondent No.2 as the Returning Officer and quashing the exclusion of the petitioner from the electoral college.

9. Having heard learned counsel for the petitioner, IGU, and the Union of India, I am of the view that it is inappropriate at this stage to interfere with the election process. The poll is scheduled to be held in five days, and any controversy can be raised in challenge to the election results, rather than during the process.

10. Although Mr. Sonal Anand, learned counsel for the petitioner, strenuously urges that the disqualification of the petitioner and other associations is untenable, I am not inclined to interfere with the decision at this stage of the election process. Suffice it to say that the rights of the petitioner, or any other party, to challenge the election, *inter-alia*, on the ground that it was wrongly excluded from the electoral college, will remain reserved. All rights and contentions of the parties in this regard are left open for adjudication in accordance with law at the appropriate stage.

11. The only question remaining concerns the appointment of the Returning Officer. As far as this aspect is concerned, Mr. Jayant Mehta,



learned Senior Counsel for IGU, states upon instructions that IGU has no objection to the Court appointing a Returning Officer to conduct the election, particularly as the election is only five days away. Mr. Mehta however, seeks adherence to the schedule already framed. Mr. Anand, however, submits that if the petitioner, in any event, is to be left out of the electoral process, an order changing the Returning Officer would serve no purpose. The Court, therefore, refrains from passing any order in this regard.

12. The writ petition, alongwith the pending applications, is disposed of, reserving the rights of the petitioner or any other party to take appropriate legal remedy after the result of the election is declared. It is made clear that this Court has not expressed any comment on the merits of the objections articulated by the petitioner, which would be considered in accordance with law at the appropriate stage.

PRATEEK JALAN, J

DECEMBER 10, 2024
SS/JM/