



\$~7

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

+ **CONT.CAS(C) 897/2016**

MASTER DAVINDER SINGH

..... Petitioner

Through: Mr. A.K. Dubey Advocate
Mob: 9212024346

versus

RAJIV YADAV & ORS.

..... Respondents

Through: Mr. Rakesh Kumar, CGSC with Mr. Sunil, Advocate for R-1.
Mob: 9811549455
Email: rakeshkumarcgsc@gmail.com
Mr. Vierat K. Anand, Mr. Kumar Shashank, Mr. Harish Nadda, Mr. Vikalp Singh, Mr. Rishab Singh and Mr. Deepanwita Chakraborty, Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

07.03.2024

%

1. The present petition has been filed alleging willful disobedience of the judgment dated 20th July, 2015 passed in *W.P.(C) No. 6249/2015*, wherein the court had allowed the petition filed on behalf of the petitioner. By way of the aforesaid judgment, the petitioner herein had been allowed to attend the 14th Special Olympics World Summer Games, 2015, and had directed respondents to make the arrangement for the petitioner to attend the games.
2. The present petition has been filed, on account of the fact that the



petitioner was not able to participate in the aforesaid games, despite directions from this Court.

3. Learned counsel appearing for the petitioner submits that the petitioner was into the sports of Power Lifting and in view of the fact that he was denied the opportunity to play in the Special Olympics World Summer Games, 2015, his whole career has been spoiled. Thus, he submits that the respondents are in willful disobedience of the judgment passed by this Court.

4. Per contra, learned counsel appearing for respondent no. 4, has drawn the attention of this Court to the compliance affidavit dated 08th February, 2023 filed on its behalf. She submits that the respondent made all the efforts to ensure that the petitioner is able to participate in the Special Olympics World Summer Games, 2015.

5. She submits that despite all the efforts, the appropriate permission was not received from the Games Organizing Committee, due to which the petitioner was unable to participate.

6. Disputing the aforesaid statement, learned counsel appearing for the petitioner submits that the Games Organizing Committee was never informed of the same.

7. I have heard learned counsels for the parties and have perused the record.

8. Affidavit filed on behalf of respondent no.4 clearly details all the steps that were taken by the respondent no.4 after passing of the judgment dated 20th July, 2015. The relevant portions of the same read as under:

“xxx xxx xxx



6. I say that on 20.07.2015 at 04:18 P.M., an email was sent by Mr. Victor Yaz, Honorary National Sports Director, Special Olympics Bharat to the Games Organizing Committee along with the photo and registration details of the Petitioner. In the said mail it was requested that they are in receipt of the High Court order and accordingly was request made to include the name of the Petitioner in the List of Participants in Special Olympics World Summer Games, 2015.

7. I say that on 20.07.2015 itself at 04:54 P.M. another e-mail was sent on behalf of Respondent No.3 to the U.S. Embassy to issue a Visa to the Petitioner /Mr. Davinder Singh and his mother on priority basis to enable him to participate in the games.

8. I say that on 20.07.2015 itself, a reply was received from U.S. Embassy at 04:55 P.M. wherein it was mentioned that the email on behalf of Respondent No.4 i.e. Chairman, Special Olympics Bharat has been received and they will respond accordingly within 1 to 2 business days. Further, on 21.07.2015, the U.S. Embassy replied that the application for Visa should be made online.

9. I say that on 21.07.2015, the Respondents applied online for Visa according to the information given by the Petitioner and accordingly the confirmation Page No.1 of the application for Visa was received. The Copy of the Application dated 21.07.2015 providing details of the petitioner for Visa is annexed herewith as **Annexure-R 2**.

10. I say that on 21.07.2015, a mail was received from U.S. Embassy at 11:58 A.M. asking for passport copy, UID of their profiles and e-mail address with which their profiles have been created.

11. I say that on 21.07.2015, Mr. Lalit Sharma, National Director (Finance & Administration) of Special Olympics Bharat again sent an email at 04:23 P.M. to the U.S. Embassy sending all the required details as asked by them.

12. I say that on 22.07.2015, Mr. Lalit Sharma, National Director (Finance & Administration) of Special Olympics Bharat again sent an e-mail to U.S. Embassy at 11:46 P.M. showing the urgency of the matter and requested them to issue Visa on top priority basis.

13. I say that on 22.07.2015, an email was received from the U.S. Embassy stating that the case has been updated. On request from the deponent, a letter dated 22.07.2015 was sent to Mr. Onkar Kedia, Joint Secretary (Sports), Ministry of Youth Affairs and Sports addressed to Mr. Vinay Mohan Kwatra, Joint Secretary, Ministry of External Affairs for



taking up the matter suitably with the Visa Consulate. Embassy of the United States of America. New Delhi for Visa on priority basis. The Letter dated 22.07.2015 Was submitted to Mr. Vinay Mohan Kwatra, Joint Secretary, Ministry of External Affairs. The copy of the letter dated 22.07.2015 to Mr. Vinay Mohan Kwatra, Joint Secretary, Ministry of External Affairs is annexed herewith as Annexure-R3.

14. I say that on 23.07.2015, Visa was received in the afternoon. On 23.07.2015 itself, the CEO of Special Olympic Bharat i.e. Air Marshal Denzil Keelor requested Mr. John Dow, Chief regional Growth & Vice-President of Special Olympics International for making sincere efforts with 'World Games Organizing Committee to allow Davinder Singh to participate in the games.

15. I say that on 23.07.2015 at 06:01 P.M., an email was received from Mr. John Dow stating that Games Organizing Committee (GOC) has denied the request to allow or to reconsider the issue in respect of allowing the participation of Petitioner/ Mr. Davinder Singh.

16. I say that accordingly, Mr. Lalit Sharma, national Director (Finance & Administration) of the answering Respondents vide email dated 23.07.2015 informed all concerned person regarding the decision of the GOC declining the request for participation of Mr. Davinder Singh in the Special Olympics World Summer Games.

It is submitted that the emails exchange from 20.07.2015 to 23.07.2015 in respect of the communication of Special Olympics Bharat with U.S. Embassy and Special Olympics International are mentioned in Table-A.

TABLE A

DATE	PARTICULARS
20.07.2015	<i>Email send by Victor Vaz to the Game Organizing Committee along with photo and registration details of the Petitioner/Davinder Singh</i>
20.07.2015	<i>Email send by Special Olympics Bharat to the U.S. Embassy to issue Visa to the Petitioner/Davinder Singh</i>
20.07.2015	<i>Reply Email from the U.S. Embassy of receipt of the email sent by Special Olympics Bharat</i>
21.07.2015	<i>Email received from the U.S.</i>



	<i>Embassy asking for passport copy, UID of their profiles and e-mail address with which their profiles have been created</i>
<i>21.07.2015</i>	<i>Email again sent by Mr. Lalit Sharma, National Director (Finance & Administration) of Special Olympics Bharat to the U.S. Embassy requesting that the Visa be issued on priority</i>
<i>22.07.2015</i>	<i>Email again sent by Mr. Lalit Sharma, National Director (Finance & Administration) of Special Olympics Bharat to the U.S. Embassy for urgent issue of Visa</i>
<i>23.07.2015</i>	<i>The Email of the CEO of Special Olympics Bharat i.e. Air Marshal Denzil Keelor to Mr. John Dow, Chief regional Growth & Vice-President of Special Olympics International for making sincere efforts with world Games Organizing Committee to allow Davinder Singh to participate in the games</i>
<i>23.07.2015</i>	<i>Email Received from Mr. John Dow stating that Games Organizing Committee (GOC) has denied the request to allow the participation of Petitioner/Davinder Singh</i>
<i>23.07.2015</i>	<i>Email by Mr. Lalit Sharma, National Director (Finance & Administrator) informing all concerned person regarding the decision of the GOC declining the request for participation of the Petitioner/Davinder Singh in the Special Olympics World Summer Games</i>

The Copy of the above-mentioned emails are annexed herewith as Annexure R-4 (colly.).



17. I say that the above-mentioned steps taken on behalf of Respondent No.4 shows that sincere efforts and taken immediate action to comply the orders dated 20.07.2015 of this Hon'ble Court in Letter and Spirit but due to the above-mentioned circumstances which are beyond the control of the Respondent No.4, The Petitioner could not participate in the Special Olympics World Summer Games.

xxx xxx xxx”

9. Perusal of the aforesaid affidavit, demonstrates the steps taken by the respondent pursuant to the judgment dated 20th July, 2015. However, the requisite permission was not received by the respondent, on account of which, the respondents were unable to send the petitioner for participation in the Special Olympic Games.

10. Attention of this Court has also been drawn to the E-mail dated 23rd July, 2015 received by the respondent, regarding the decision of the Games Organizing Committee, thereby declining the request for participation of the petitioner in the Special Olympic World Summer Games, 2015. E-mail dated 23rd July, 2015 reads as under:

*“From: John Dow [JDow@specialolympics.org]
Sent: 23 July 2015 17:09
To: dkeelor@specialolympicsbharat.org
Subject: Re: Devender Singh's Case*

*Air Marshal we have given all the attention that we can to this request but the GOC has denied the request and will not reconsider. With all due respect to the Court in your great country, it is just not possible at this late date to honor the request. I am sorry but we gave it our best shot.
Jdow*

*From: Air Marshal Denzil Keelor dkeelor@specialolympicsbharat.org
Sent: Thursday, July 23, 2015 4:45:29 AM
To: John Dow
Cc: onkarkedia8@gmail.com
Subject: Devender Singh's Case*

Dear Dr. Dow,



The parents of athlete Davender Singh are extremely disturbed and are highly emotional that GOC is not accepting him to participate in games. Since this is a judgment of the court, May I request you once again to make a sincere effort with World Games Organizing Committee to accommodate him even at this late hour. Please reply as soon as possible atleast with in the next 12 hours.

Do give it a good try as this is the last chance for this athlete and the Court has given a favourable decision after their appeal.

AMK

*With Best wishes,
Air Marshal Denzil Keelor
CEO,*

*Special Olympics Bharat
J-47, Lower Ground Floor, Lajpat Nagar-III,
New Delhi-110024, India*

Tel: +91 1129841362 / 63

Fax: +91 1129841361

Mobile: +91 9810067041

Email: dkeelor@specialolympicsbharat.org

....

www.specialolympicsbharat.org

....

*An ISO 9001:2008 Certified Organization for the Development of Sports
for Intellectually Disabled.”*

11. Reading of the aforesaid E-mail clearly shows that the respondent was informed in clear terms that the Games Organizing Committee had denied the request with respect to participation of the petitioner herein in the Special Olympic World Summer Games, 2015.

12. Therefore, the respondent cannot be considered at fault if the petitioner was unable to participate in the Special Olympic World Summer Games, 2015 in the absence of the requisite permission from the Games Organizing Committee.



13. Accordingly, this Court finds no merit in the present petition.
14. At this stage, learned counsel appearing for the petitioner submits that the petitioner has already filed a suit for damages against the respondents.
15. This Court clarifies that it has not commented on the merits of the case of the petitioner in the suit for damages filed by him.
16. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MARCH 7, 2024/kr