

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9603 OF 2024

Shailesh Madhukar Thakur

...Petitioner

Versus

The Assistant Charity Commissioner IX,
And Ors

...Respondents

Mr. Shrirang Katneshwarkar, a/w Mr. Sandeep Gupta i/by Mr. Ganesh Gadhe, for Petitioner.

Mr. Satish Kumar Pandey, for Respondent Nos. 19 and 31.

Ms. Gauri Jadhav, 'A' Panel with Smt. P.J. Gavhane, AGP for State.

Adv. Manoj Pingale (through V.C), for Respondent Nos. 2 and 11.

Adv. Bharat Kumar whaval, for Respondent No. 18 in person present.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 14 October 2025

ORAL ORDER:- (Per M.S. Sonak J)

1. Heard learned counsel for the parties.
2. Mr Shriram Katneshwarkar, learned counsel for the

petitioner, submits that service is complete upon all the respondents. Most of the respondents are appearing before us either through counsel or personally.

3. The petitioner has a grievance about the earlier committee whose term expired on 29th December 2022, now functioning as an ad hoc committee and delaying the holding of elections for the executive committee of the Maharashtra Boxing Association.

4. Accordingly, on 10th October 2025 we made the following order:-

"1. Learned counsel for Respondent No.19 places on record a notice issued by Maharashtra Boxing Association in respect of a meeting scheduled to be held on 12 October 2025 at 11:00 a.m. at Nagpur. The two points on the agenda of this meeting read as follows:-

"1. TO APPROVE AMENDMENT OF THE CONSTITUTION OF HTE MAHARASHTRA BOXING ASSOCIATION, ALIGNING WITH THE LATEST CONSTITUTION OF THE BOXING FEDERATION OF INDIA.

2. TO DISCUSS & FINALIZE GENERAL ELECTION OF MAHARASHTRA BOXING ASSOCIATION."

2. At least prima facie this is a welcome move on the part of the Maharashtra Boxing Association. The term of the earlier executive committee of the Maharashtra Boxing Association has ended on 29 December 2022. However, the earlier committee appears to be functioning as the ad hoc committee.

3. As the ad hoc committee, it was expected that expeditious steps are taken to hold elections. Instead, this ad hoc committee, has continued to cling to power without holding any elections for the last almost three years. This is, prima facie, quite unfortunate.

4. *In any event, now that the Maharashtra Boxing Association is considering amendment to the constitution of the Maharashtra Boxing Association so as to align it with the latest constitution of the Boxing Federation of India, we defer passing any orders today. Besides, on 12 October 2025, the Maharashtra Boxing Association is also going to finalize the election schedule.*

5. *We sincerely expect thazt the decisions on the above two issues are taken in the meeting on 12 October 2025. There is a general tendency to cling to power without facing elections. Such tendency, deserves to be deprecated.*

6. *Accordingly, we list this matter on **14 October 2025**, on which date, the Maharashtra Boxing Association, which is now directed to be impleaded as a Respondent in this Petition it must apprise the Court of the decisions taken in the meeting scheduled on 12 October 2025.*

7. *A copy of this order must be placed at the special general body meeting schedule on 12 October 2025 for the consideration of the Maharashtra Boxing Association and its members.*

8. *The amendment to the cause title by impleading the Maharashtra Boxing Association to be carried out forthwith. Re-verification is dispensed with.*

9. *Notice to the Maharashtra Boxing Association, returnable on **14 October 2025**.*

10. *All concerned must act on an authenticated copy of this order.”*

5. Today, Mr Satishkumar Pande, learned counsel for the Maharashtra Boxing Association (MBA), in pursuance of our above order, has placed before us the minutes of the Special General Meeting held on 10th October 2025 at Civil Line, Nagpur.

6. The first respondent's agenda notes concern the subject matter of this petition. Therefore, the scanned copies of the minutes now handed in by Mr Rakesh Tiwari, the representative of (MBA) are transcribed below: -

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**Minutes of the Special General Meeting of Maharashtra Boxing Association
held on**

12th October 2025 at 11:00 AM.

Venue – Ravi Bhavan, Civil Lines, Nagpur – 440001.

Present: Shree. Gopal Devang (Arjun Awardee) Vice President in the Chair.

Apologies for absence: Shree. Ranjit Savarkar (President)

Meeting started at 11:00 AM in the morning, Vice President Capt. Gopal Devang Chairing the meeting adjourned meeting for 30 minutes for the want of quorum. There were 30 Unit's representatives were present.

At 11:30 AM all representatives gathered to convene the SGM. Shree. Dhanajay Bansode from Parbhani proposed Shree. Gopal Devang (Arjun Awardee) to Chair the meeting the same was seconded by Shree. Krishna Dass from Mumbai District. Shree. Gopal Devang accepted the Chair and called meeting for an order.

Prior to calling meeting for an order Secretary General Rakesh Tiwari made it sure that every unit got the Notice, Agenda, Amended Constitution and Hon'ble High Court of Bombay in civil writ petition No. 9603 of 2024 order dated 10th October 2025. Shree. Shailesh Thakur was present in the meeting throughout.

Agenda No. 1 TO APPROVE AMENDMENT OF THE CONSTITUTION OF THE MAHARASHTRA BOXING ASSOCIATION, ALIGNING WITH THE LATEST CONSTITUTION OF THE BOXING FEDERATION OF INDIA.

Minute - 1 Capt. Gopal Devang put this agenda for discussion and approval of it. Shree. Yogesh Mundhda suggested few corrections which was ratified immediately with permission of the Chair. Shree. Dhanajay Bansode brought to the notice that there is no mention of Women Commission on this House accepted to have Women Commission and Shree. Nilesh Baviskar mentioned that it's a need of the hour that we should have Press & Public Relation Commission.

On this Shree. Meelan Vaidya and Vice President Dr. B. Premchand explained house why there is no mention of Women Commission? as their participation is expected and must in all commission as well as Executive Council.

Point No 16 Obligation of Members were ratified by the house changing submission of Audited Accounts date to the 15th August unanimously. There were few Spelling

Corrections and with these small corrections Amended Constitution put forth for approval by



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show of the hands and by this method "Amended Constitution" approved and passed unanimously attached herewith as an Exhibit – 1.

Agenda No. 2 TO DISCUSS & FINALIZE MAHARASHTRA BOXING ASSOCIATION'S ELECTION.

Minute 2: Rakesh Tiwari brought agenda point no. 2 to the House by giving reference to the earlier 3 attempts made by him to organise General Election after falling due on 29th December 2022. On this Rakesh Tiwari proposed Mumbai as the venue for the proposed General Election and Adv. Raghuraj Deshpande will overview the Election Process as a Returning Officer. House discussed this proposal in detail and finalised General Election Date as a Sunday, 9th November 2025 as finalised date for the elections. After due diligent on the subject House unanimously accepted the proposal.

Secretary General further informed house that he will furnish this information to the Hon'ble High Court Of Bombay. Adhoc Committee; MBA has submitted their detailed report Division wise for the Status of each unit. This was discussed in detail unit by unit in last AGM and on that context, House has granted Voting Right to each unit going through their status. The chart for the same and working on it by the house is attached herewith as an Exhibit – 2.

Following Units are disaffiliated as per the Constitution:

- 1) Buldhana District Boxing Association.
 - 2) Mumbai Upnagar Boxing Association.
- Other 24 Valid Districts were granted voting rights unanimously.

Vote of Thanks to the Chair:

Rakesh Tiwari thanked Capt. Gopal Devang (Arjun Awardi) for Chairing the meeting. Capt. Gopal Devang concluded the Special General Meeting by mentioning that as we all are meeting almost after 3 years let's be positive. Go back to your District and inform all members about General Elections as well amended constitution. If need be, amend your constitution aligning with MBA / BFI Constitution. He assured house free and fair elections which will give boost to the Maharashtra Boxing Association, it's Affiliated Members and as a central theme it's Boxers.

Name	Unit Name	Signature
Arun Buta	Nagpur	<i>Arun Buta</i>
Rakesh Tiwari	Chandrapur	<i>Rakesh Tiwari</i>
Amar N. Bhandarkar	Chandrapur Dist	<i>Amar Bhandarkar</i>



7. Although the above transcription refers to only three signatures of the attendees, several members of the MBA attended the meeting. We have not scanned all their names and signatures because we do not want to burden this order.

8. In terms of the above minutes, the amendment to the MBA Constitution to align it with the latest constitution of the Boxing Federation of India (BFI) has been approved. Some of the respondents dispute that these amendments aligned with the latest constitution of the BFI. They are at liberty to raise this dispute before the appropriate forum because it will not be possible for this Court, in this petition, to go into such a dispute. However, at least, *prima facie*, the resolution has been passed to align the constitution of the MBA with the constitution of the BFI.

9. The minutes also show that a decision has been taken to hold elections for the executive committee of the MBA on 9th November 2025. For this, Advocate Raghuraj Deshpande was chosen to be appointed as the Returning Officer.

10. The petitioner and some of the respondents have submitted that Advocate Raghuraj Deshpande was the advocate for some of the respondents. Therefore, this court should consider whether he should preside over the elections or if a retired judge should be appointed to oversee the election process.

11. Though we have no reason or material to doubt the impartiality of advocate Raghuraj Deshpande, we feel that in

such matters, the perception involved is not an altogether irrelevant consideration. This proceeds on the principle that justice should not only be done but should also appear to have been done. The appearance of justice is as important as the doing of justice itself.

12. It is solely out of this spirit, and without meaning any disrespect whatsoever to Advocate Raghuraj Deshpande, that we inquired with the learned counsel and the parties before us whether any alternative could be suggested. Some of the respondents suggested that we appoint a retired High Court Judge to preside over the elections.

13. However, Mr Rakesh Tiwari, representative of the MBA, frankly, pointed out that the MBA's coffers currently have no more than Rs. 3 Lakhs in its account, and therefore, spending a huge amount on the elections itself may be difficult.

14. The learned counsel for the petitioner, MBA and the other counsel appearing in the matter almost unanimously suggested that the Charity Commissioner at Mumbai should depute an Assistant Charity Commissioner as the Returning Officer to hold the elections now scheduled on 9th November 2025. We accordingly suggest that the Charity Commissioner be requested to oversee the conduct of elections. Since this proposal is unanimous, and there can be no doubts about the charity Commissioner's impartiality, we see no difficulty in accepting the same.

15. Mr Rakesh Tiwari, the representative for MBA, who is present in person and Mr Pandey, the learned Counsel for MBA suggested that it would be better if the Assistant Charity Commissioner were appointed as a Returning Officer to safeguard against baseless allegations made by any of the parties. They maintained that they want to hold the elections in a free and fair manner. For this purpose, they have ensured that the election schedule was finalised at the Special General Meeting held on 12th October 2025.

16. Accordingly, we request the Charity Commissioner of Mumbai to nominate a suitable Assistant Charity Commissioner to preside over the election of the MBA scheduled on 9th November 2025. The Charity Commissioner should appoint the Assistant Charity Commissioner, and the elections must now be held in accordance with the amended constitution.

17. Though we have directed that the elections must be held in accordance with the amended constitution, it does not mean that we have rejected any party's challenge to the constitution not aligning with the BFI's constitution or any other challenges they may have. The parties who have such objections or challenges are free to pursue them before the appropriate forum and in the appropriate manner.

18. Our only concern is that elections are held in a free and fair manner as expeditiously as possible, as the term of the previous committee expired on 29th December 2022. By

now, there should have been a democratically elected executive committee in place to govern the affairs of the MBA.

19. Therefore, these directions to hold the election as per the amended constitution are without prejudice to the rights and contentions of all parties, including their rights and contentions to challenge the amended constitution itself in accordance with law.

20. Some of the respondents have complained about their suspension by the ad-hoc committee and their consequent disqualification to participate in the election process. Again, we do not wish to expand the scope of this petition. If any of the parties have such grievances, it is open to seek redressal by taking appropriate proceedings before the appropriate forum.

21. With the above liberties, we dispose of this petition by directing the holding of elections for the executive committee of the MBA on Sunday, 9th November 2025, in accordance with the decisions/resolution passed in the Special General Meeting of the MBA held on 12th October 2025. The Charity Commissioner and the Assistant Charity Commissioner must do the needful to ensure that the elections are indeed held in a free and fair manner, and that the directions now issued by this Court are duly complied with.

22. Suppose any of the parties have any grievance about

the conduct of the elections, or their exclusion from the elections process, or any objections to the qualification and the entitlement of any persons who are eventually elected. In that case, they are open to challenging the same by filing appropriate proceedings before the appropriate forum. Once again, we clarify that our anxiety is only to ensure that the democratic process prevails and elections are held without further delay.

23. Nothing in this order is aimed at approving or regularizing any alleged illegalities or hampering any legal remedies that any parties may have regarding all such matters.

24. Considering the order that we have now made there is no necessity of setting aside the Charity Commissioner's impugned order, which now largely stands superseded by this order.

25. However, moving forward, we emphasise that even the Charity Commissioner or other authorities overseeing sports associations must take a proactive role in ensuring that members of the executive committee do not serve beyond their designated terms and that elections are conducted promptly, so democratic principles guide these institutions. Therefore, when petitions are presented to the Charity Commissioner or other authorities, they should not be dismissed lightly on technical grounds. Instead, these authorities must proactively ensure that democratic principles

are upheld and that elections happen in a timely manner.

26. This writ petition is disposed of in the above terms without any cost order.

27. All concerned are to act on an authenticated copy of this order.

28. Ms Gauri Jadhav, A panel counsel, agrees to communicate an authenticated copy of this order to the Charity Commissioner, so that the Charity Commissioner can take immediate steps for its implementation.

(Advait M. Sethna, J)

(M.S. Sonak, J.)