



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

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CWP-3990-2025 (O&M)

Date of Decision : April 03, 2025

RAKESH KUMAR

-PETITIONER

V/S

PUNJAB STATE CHESS ASSOCIATION AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Shreenath A. Khemka, Advocate
for the petitioner.

Mr. Arjun Kaushal, Advocate
for the respondent No.1.

Mr. Manu Loona, Advocate
for the respondent No.3.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Ish Karan Singh Chhabra, Advocate
for the respondent No.5.

KULDEEP TIWARI, J. (ORAL)

CM-5017-CWP-2025

1. As prayed for, the instant application is **allowed**. The affidavit on behalf of the respondent No.1, along with Annexures A1 to A8, is ordered to be taken on record.

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2. The prayer enclosed in the present writ petition appertains to issuance of directions upon the respondent(s) to conduct fresh election for the office bearers of the Punjab State Chess Association, in compliance with Clause 17 of the Amended Memorandum of Association, under the aegis of an

independent returning officer to be appointed by this Court, as the terms of the incumbent office bearers elected in the last election held on 21.06.2024 has come to an end.

2. The learned counsel for the respondent No.1 submits that, a Returning Officer has already been appointed in pursuance of the National Sports Development Code of India, 2011 (hereinafter referred to as the 'Code of 2011') and the election is likely to be held very soon, therefore, the prayer made in the present writ petition has become infructuous.

3. On the other hand, Mr. Ish Karan Singh Chhabra, Advocate, who records his appearance on behalf of the respondent No.5, under a validly executed Vakalatnama instituted before this Court today, files reply dated 31.03.2025, and, vociferously opposes the prayer enclosed in the present writ petition, on the ground that, the constitution of the respondent No.1/Association is not in conformity with the Code of 2011, hence before passing the asked for directions, a direction is required to be passed upon the respondent No.1/Association to amend its constitution in conformity with the Code of 2011. He further submits that, until the respondent No.1/Association amends its constitution, the election process cannot be initiated.

4. This Court has heard the submissions made by the learned counsels for the parties and perused the record.

5. Insofar as the submission made by the learned counsel for the respondent No.1 is concerned, the learned counsel for the petitioner submits that, although a Returning Officer has already been appointed, however, purely in order to ensure transparency in the election process, an additional Returning Officer may also be appointed by this Court. He further submits that, any District and Sessions Judge (Retired) may be appointed as the additional

Returning Officer, whose bill will be foot by the petitioner.

6. After hearing the learned counsels for the parties, this Court is of the view that, the paramount issue is to eradicate the element of bias, to bring transparency and to maintain the sanctity of democratic process within the Association in question. This object can be achieved by appointing a neutral returning officer, therefore, this Court appoints Mr. H.P. Singh, (Retired) District and Sessions Judge, Sirsa, as the Returning Officer, who shall conduct and look after the entire election process. The remuneration of this Returning Officer is fixed as ₹ 2,50,000/- to be borne by the petitioner. The already appointed Returning Officer shall act as additional Returning Officer. The newly appointed Returning Officer is directed to ensure that, the entire election process is completed within two months from today.

7. Now, insofar as the objection raised by the learned counsel for the respondent No.5 is concerned, this Court is of the view that, the issue “*as to whether the constitution of the respondent No.1/Association is in conformity with the Code of 2011*” is not pending adjudication before this Court. However, in case, the respondent No.5 believes that the respondent No.1/Association has not amended its constitution as per the requisite requirements, it is at liberty to take appropriate action against the latter, including its de-affiliation, if required.

8. **Disposed of accordingly.**

April 03, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No