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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment pronounced on : 24.02.2025

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W.P.(C) 308/2025 and CM APPL.1481/2025**BIHAR OLYMPIC ASSOCIATION**

.....Petitioner

Through: Ms. Neha Singh, Adv. (through v/c)

versus

PRESIDENT INDIAN OLYMPIC ASSOCIATION & ANR.

.....Respondents

Through: Mr. Vikash Singh and Mr. Ujjwal
Chaudhary, Advs. for IOA.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****JUDGMENT**

1. The present petition has been filed under Article 226 of the Constitution of India seeking the following prayers –

A. *Issue a writ in the nature of mandamus or any other appropriate writ, order or direction quashing the unilateral, arbitrary and illegal office order dated 13.11.2024 and the consequential office order dated 01.01.2025 issued by the respondents.*

B. *Issue a writ in the nature of mandamus or any other appropriate writ, order or direction quashing the Ad-Hoc Committee and Restoring the Petitioner i.e., Bihar Olympic Association in light of the 38th National Games scheduled to be held from January 28, 2025 to February 14, 2025.*

C. *Issue a writ in the nature of mandamus or any other appropriate writ, order or direction for an enquiry against Respondent no.1 regarding the appointment of a single member fact-finding commission, the details of its working and the report submitted by the commission."*

2. The petitioner (Bihar Olympic Association) is a state Olympic association and a member of the respondent no.2 i.e. Indian Olympic Association (IOA). The petitioner is responsible for organizing sporting



events and promotion of sports within the state of Bihar. The respondent no. 1 is the President of the IOA.

3. On 13.11.2024, an office order was (hereinafter '*the impugned order dated 13.11.2024*') issued by the respondents, by virtue of which, three separate single-member fact finding commissions came to be appointed for certain State Olympic Associations, including the petitioner. The said impugned office order was issued by the respondents in the background of having received certain complaints and representations regarding "*functioning and election processes of certain state Olympic associations.*".

4. Vide the aforesaid order dated 13.11.2024, one Mr. Hemanta Kumar Kalita (Secretary General, Boxing Federation of India) was appointed as the "Single-member fact finding commission" constituted to look into the complaints relating to the petitioner. The responsibilities of the "Single member fact finding commission" were as under:-

"3. *The Commission shall be responsible for the following:*

(a) *Analyse the existing governance framework, organizational structure, and policies of the State Olympic Association to identify and weaknesses or gaps.*

(b) *Assess the State Olympic Association's adherence to its own constitution or by laws. Ensure alignment with the guidelines set by the Indian Olympic Association and relevant sports authorities.*

(c) *Assess the processes and procedures for conducting elections within the association to ensure they are fair, transparent, and compliant with prescribed regulations.*

(d) *Engage with key stakeholders, including association members, board officials, athletes, and coaches, to gather insights and perspectives on the governance challenges.*

4. *This appointment is made with the objective of strengthening the integrity, transparency, and efficiency of the State Olympic Associations, ensuring that they operate in full alignment with the standards and objectives of the Indian Olympic Association.*

5. *The Fact-Finding Commissioners shall be required to compile all findings, observations, and recommendations into a comprehensive*



report for submission to the President IOA, by December 2024.”

5. On 19.11.2024, a notice was issued by the “Single-member fact finding commission”, calling upon various stakeholders including state level associations affiliated with the petitioner and the Sports Council of Bihar, Department of Youth Affairs & Sports Government of Bihar, to provide information relating to the petitioner by 22.11.2024. Vide the said notice, the “Single-member fact finding commission” sought for the following information—

1	<i>Sports Discipline</i>
2	<i>Name of the Sports Association</i>
3	<i>Address:</i>
4	<i>Registration (Under the Registration of Society's Act) Date of Establishment:</i>
5	<i>Copy of Valid Registration (To be Enclosed):</i>
6	<i>Latest Updated Constitution/Bye laws of the state Sports Association (Copy to be enclosed):</i>
7	<i>Affiliation to National Federation (latest valid certificate of affiliation enclosed):</i>
8	<i>Up to Date recognition if any from Department of Youth Affairs and Sports/Sports Council:</i>
9	<i>Election Last held & Name designation of Observer:</i>
10	<i>Next Election Date:</i>
11	<i>President:</i>
12	<i>Secretary:</i>
13	<i>Treasurer:</i>
14	<i>Official Email and Contact Mobile:</i>
15	<i>Tenure of Office bearers (list of officer bearers to be enclosed):</i>
16	<i>List of affiliated units (list to be enclosed):</i>
17	<i>Activities report of last three years:</i>

6. It is relevant to note that in addition to the aforesaid, a document titled as ‘Questionnaire for Bihar State Olympics Association’ was appended with the said notice, containing questions enquiring about the working of the petitioner. The same reads as under:-



***“Questionnaire for Bihar State Olympics Association
Governance Framework***

1. What is the BOA's organizational structure, and how are executive members selected?
2. How does the BOA ensure adherence to its constitution and byelaws? Provide copies of the constitution of the BOA and the Affiliated SSAs.
3. What is the decision-making process, and how are disputes resolved? How many times does the EC of the BoA meet? What is the minimum mandate provided.
4. Are there mechanisms to ensure compliance with governance standards?

Affiliation and Oversight of State Sports Associations

5. What criteria are used to affiliate and monitor state sports association?
6. How does the BOA ensure accountability, integrity, and transparency in its dealings with affiliated associates?
7. Are regular audits conducted for affiliated associations?

Transparency and Accountability

8. How is the BOA's budget allocated, and are financial statements publicly available?
9. How does the BOA communicate its policies and activities to stakeholders?
10. What grievance redressal mechanisms are in place, including for whistleblowers?

Performance and Efficiency

11. How does the BOA evaluate the effectiveness of its policies and initiatives?
12. What is the BOA's coordination process with the state government?
13. How does the BOA prioritize athletes' needs and support marginalized groups?

Identifying Weaknesses of Gaps

14. What are the major governance challenges the BOA faces?
15. What measure are in place to prevent conflicts of interest?
16. Are independent audits conducted, and how often?

Adherence to International and National Standards

17. How does the Boa align its governance with IOA and IOC guidelines?



18. What policies exist to prevent corruption or favouritism?

Future Improvements

19. What strategic plans does the BOA have for improving governance and efficiency?

20. How are stakeholders like athletes and coaches involved in decision-making?"

7. Thereafter, the petitioner sent communications dated 20.11.2024 and 02.12.2024 to the respondents stating that the impugned order dated 13.11.2024 had been issued in violation of principles of natural justice and provisions of the IOA constitution. *Vide* the communication dated 02.12.2024, the petitioner called upon the respondents to recall the impugned office order dated 13.11.2024. Consequently, upon receiving no response thereto, the petitioner issued a legal notice dated 10.12.2024. The respondent no.1 sent a reply dated 16.12.2024 to the said legal notice, refuting the same.

8. Thereafter, an office order dated 01.01.2025 was issued by the respondents, pursuant to which, a 5-member Ad-Hoc committee was constituted "*to look after the affairs of the Bihar Olympic Association*". The functions required to be performed by the Ad Hoc Committee had been stipulated in the impugned order as under:-

"The responsibility of the Ad Hoc Committee shall also include, participation of the Bihar State Contingent in the 38th National Games scheduled to be held in Uttarakhand in Jan./Feb., 2025, affiliation status of the State Sports Association, to ensure the constitution of the BOA to be inline of the IOA constitution and conduct the election of the Executive Committee of the Bihar Olympic Association.

The Ad Hoc Committee shall be required to complete all above responsibility by 31st March, 2025 and submit a report to IOA by 10 April, 2025."



9. The said order came to be issued in light of the observations and recommendations of “Single-member fact finding commission” which have been reproduced in the aforesaid impugned order. However, the report itself was not served upon the petitioner. The extract of the report reproduced in the impugned order reads as under:-

“The IOA is in respect of the report of the Fact-Finding Commission formed for the Bihar Olympic Association. The Commissioner, Mr. Kalita had visited Bihar and held meetings with the representatives of 26 State Federations and six sportspersons of Bihar mostly in person. Major observation and recommendation submitted by the Fact-Finding Commissioner are as below:-

Observations

- a) Affiliation process of various State Sports Federations is done till date. Some representatives with whom I met were part of EC Bihar Olympic Association but affiliation of their sports federation is still pending, which shows inefficiency, bad governance and wrong political agenda.*
- b) Majority of the State Sports Federations are not receiving any communication regarding any activity of Bihar Olympic Association which leaves the impression of non-active sports body or zero existence. In some cases, they feel neglected.*
- c) No new initiatives for the development of sports were taken by the Bihar Olympic Association.*
- d) Majority of the stake-holders are unaware of the financial position and future plannings of Bihar Olympic Association.*
- e) Since there are no proper communications by Bihar Olympic Association the decision making is very poor.*
- f) Majority of the stakeholders are not informed about any meetings & decisions, which leads to zero transparency in the system.*

Recommendation

I would highly recommend that an ad hoc-committee shall be constituted in Bihar and there shall be a re-election to elect a visionary body which can actively overtake all the lacking which are being faced by the Bihar Olympic Association.”

10. Aggrieved by the impugned order dated 13.11.2024 and 01.01.2025, the present petition has been filed by the petitioner.



11. Learned counsel for the petitioner submits that the impugned orders dated 13.11.2024 and 01.01.2025 are liable to be set aside for having been issued in contravention of the procedure set out under Article 15.1.4 and 15.1.5 of the Memorandum and Rules and Regulations of Indian Olympic Association (as amended upto 02.11.2022) [hereinafter referred as '*the IOA Constitution*']. Under Article 15.1.4, it is stipulated that decisions on disciplinary matters relating to State Olympic Associations shall be made by the Executive Council and/or the General Meeting of the respondent no.2 and under Article 15.1.5, it is stipulated that any commission or committee that may be proposed to be formed by the president of the respondent no.2 is subject to ratification by the Executive Council and/or the General Meeting. Learned counsel for the petitioner submits that the respondents have failed to comply with the aforesaid procedure and instead, the impugned orders had been issued unilaterally by the respondent no.1.

12. In this regard, learned counsel further submits that the president of the IOA does not hold the power to unilaterally appoint a commission or a committee and such a power lies exclusively with the General Assembly of the IOA in terms of Article 6.5 and 6.8 of the IOA Constitution.

13. Furthermore, learned counsel for the petitioner submits that the impugned order dated 01.01.2025 has been issued by the respondents without complying with the procedure in terms of Article 5.1.3 of the IOA Constitution. Article 5.1.3 of the IOA Constitution provides that where a member of the IOA is being expelled, the same would be subject to a decision made by the General Meeting and a reasonable opportunity of being heard should be granted to the member being expelled.

14. Learned counsel for the petitioner also submits that the Ad Hoc



committee which has been constituted vide impugned order dated 01.01.2025 cannot carry out the functions of the petitioner or probe into the workings of the petitioner since the Ad Hoc Committee has itself been constituted in violation of law.

15. Learned counsel for the respondent submits that Article 15.1.4 would not be applicable in the present case inasmuch as the action taken against the petitioner does not constitute a disciplinary action in terms of the IOA Constitution. However, the respondent no.1 as the president of the respondent no.2 has the power to form a committee/commission pursuant to Article 17 read with Article 15.1.5 of the IOA Constitution and the same may be ratified after its formation in terms of Article 17.5 read with Rule 15.1.5 of the IOA Constitution. The respondents further rely on the case of ***Bajaj Hindustan Limited v. State of Uttar Pradesh & Ors.*** 2016 12 SCC 613 to contend that it is settled law that when there is a requirement for prior approval, the same is required to be explicitly mentioned in the provision itself and in the absence of any such explicit requirement in the guidelines, the respondents have not violated the IOA Constitution by not taking prior approval for replacing the petitioner association with an ad hoc committee. An AGM or an executive council meeting has not yet been convened and the agenda regarding the replacement of the petitioner association with an ad hoc committee would be taken up for discussion as and when the next meeting is convened.

16. Moreover, learned counsel for the respondent submits that pursuant to Article 15.1.1 read with Article IV (17) of the Constitution of the IOA, the President of the IOA has ‘absolute powers’ to implement the objectives of the IOA which, *inter alia*, includes, “*To do all other things that may be*



necessary or expedient to promote the development of sports and games in the country and for the conduct of its business.”

17. Learned counsel for the respondent submits that Article 5.1.3 is inapplicable in the present case as the petitioner’s membership with the respondent no.2 has not been terminated *vide* impugned order dated 01.01.2025. He submits that the appointment of the Ad Hoc Committee *vide* impugned order dated 01.01.2025 is a temporary measure for managing the affairs of the petitioner association, taken in the light of the 38th National Games which were scheduled to start in January, 2025.

18. Learned counsel for the respondent also submits that the petitioner did not oppose the allegations against it by failing to respond to the notice / communications issued by the “Single-member fact finding commission”.

19. Learned counsel for the respondents also submits that the petitioner failed to avail the alternative and efficacious remedy of filing an appeal against the impugned office orders issued by the respondents before the arbitration commission of the IOA pursuant to Article 23.1 of the IOA constitution and therefore, should not have filed the present writ petition before this Court.

20. Furthermore, learned counsel for the respondents submits that an authorization letter has not been filed by the Honorary Secretary of the petitioner association, authorizing him to file the present petition on behalf of the petitioner association. On this ground, he submits that pursuant to the judgement in *Swakshtagrahi Sangh Janpad Panchayat Niwas v. Union of India and Others* 2022 SCC Online MP 5420, the present petition is liable to be dismissed for lack of proper authorization.



ANALYSIS AND CONCLUSION

21. Having heard the respective counsel for the parties, I find merit in the contentions of the petitioner as regards illegality/invalidity of the impugned order dated 01.01.2025, whereby, the President of the IOA has purported to appoint an Ad-hoc Committee “to look after the affairs” of the Bihar Olympic Association. The reasons are enumerated hereunder:-

- i. A perusal of the office order dated 13.11.2024, whereby, a “Single-Member Fact finding Commission” was appointed by the President, IOA reveals that the same was purely for the purpose of undertaking a factual enquiry/gathering of relevant information pursuant to the alleged complaints and representations in respect of the concerned State Olympic Association (‘SOA’) i.e. the Bihar Olympic Association. For the purpose of undertaking a factual enquiry as regards the petitioner association, it was necessary at the very least for the “Single-Member Fact finding Commission” to forward a copy of the complaints and representations to the concerned Association on the basis of which the said enquiry was being conducted and elicit a response thereto. This does not appear to have been done.
- ii. On the contrary, the concerned “Single-Member Fact finding Commission” sent a public notice dated 19.11.2024 containing a detailed questionnaire seeking general information. The said questionnaire has been appended as Annexure P-3 along with the present petition. The relevant complaints/representations which impelled the President, IOA to constitute the “Single-Member Fact finding Commission” was not even provided to the concerned SOA.
- iii. It transpired that there was no other notice sent by the “Single-



Member Fact finding Commission” to the petitioner apart from the above mentioned questionnaire. Further, no open hearings were held by the “Single-Member Fact finding Commission”. There was no occasion for the petitioner to deal with the specific allegations against it, as set out in the impugned order dated 01.01.2025 as well as the report of the “Single member fact finding commission”.

- iv. Significantly, the Executive Council of the IOA consists of 15 members including the President. It is pointed out by the learned counsel for the petitioner that as many as 8 Executive Council Members have objected in writing to the manner in which unilateral and illegal decisions were sought to be taken by the President, IOA.
- v. It has also been pointed out that the Vice President of the IOA addressed a letter dated 21.11.2024 to the President of the IOA, specifically objecting to the office order dated 13.11.2024 whereby a “Single-Member Fact finding Commission” was appointed. It was stated therein that the Executive Council was not privy to the alleged complaint/s purportedly received against the concerned SOA and a proposal to appoint a “Single-Member Fact finding Commission” was not made an agenda item for discussion in any Executive Council meetings.
- vi. It is also relevant to note that in response to a legal notice dated 10.11.2024 sent by the petitioner Association, a reply dated 16.12.2024 was sent by the President, IOA, wherein, it was stated as under:-

“6. Since the action taken by the IOA is simply the first stage of investigation providing a 'fair hearing' has not been deemed necessary just as yet. Rest assured that should the single-member



fact-finding commission's report deem it necessary, then appropriate action in this regard would definitely be taken by the IOA. In the meanwhile, all your allegations and aspersions regarding violation of the principles of natural justice are not only premature, but also immaterial and unnecessary. As the apex body of sport in India, the IOA is well aware of its duties to provide due hearing to all its members before administering any sanctions against them. Such premature aspersions that the IOA has failed to respect the fundamental principles of natural justice not only demeans the Olympic Charter but also questions the integrity and functioning of the BOA.

7. Additionally, it would be pertinent to bring to your notice that as the President of the IOA, I am well empowered to deal with all disciplinary matters in relation to, amongst others, the State Olympic Associations. As already stated hereinabove, only an investigation into the allegations received by the IOA has been initiated, and as and when a decision needs to be made, the necessary steps, in accordance with the IOA Constitution shall be taken. The BOA may rest assured that no decision has yet been made on the subject matter and therefore, there clearly is no unilateral, arbitrary or grave violation of the provisions of the IOA Constitution. In fact, as the custodian of the Olympic Charter in India, the IOA is well aware of its constitutional provisions.”

- vii. As such, it was stated by the President of the IOA itself that if any action is proposed to be taken based on the report of the “Single-Member Fact finding Commission”, a hearing would be provided and the principles of natural justice would be followed. However, contrary to the assertions/ commitment made in the said letter, the respondent no.1 vide office order dated 01.01.2025 directly proceeded to appoint an Ad-hoc Committee “to look after the affairs” of the Bihar Olympic Association.
- viii. The counter-affidavit filed on behalf of the President, IOA/respondent no.1 does not disclose any opportunity of hearing /adherence to the principles of natural justice before issuance of the order dated



01.01.2025. It is an elementary principle of natural justice that an adequate and reasonable opportunity of hearing be given before passing of an order.¹

- ix. Interestingly, along with the affidavit, filed on behalf of the respondent no.1/President, IOA, a copy of the report dated 10.12.2024 of the “Single-member fact finding commission” (hereinafter ‘*the fact finding report*’), has been enclosed. However, while responding to the petitioner’s legal notice vide communication dated 16.12.2024, no reference was made by the President, IOA to the said Fact Finding Report. Instead, it was stated that the matter is at the “first stage of investigation”.
- x. The procedure allegedly followed by the “Single-Member Fact finding Commission” also casts a shadow of doubt as to the fairness and legitimacy thereof. The copy of the fact finding report, filed along with the affidavit of the respondent no.1 as annexure A-4 thereto, reveals that it does not contain any cogent material on the basis of which any action can be taken against the petitioner. There is a suggestion that some meetings were held between the “Single-Member Fact finding Commission” and representatives of some State Sports Federations as well as some athletes, however, not only are there are no details as to what transpired in the said meetings, nor is there any reference to the petitioner being permitted to participate therein. The entire enquiry appears to have happened behind the back

BCCI v. Cricket Association of Bihar (2015) 3 SCC 251; **Swadeshi Cotton Mills v. Union of India** 1981 1 SCC 664; **State of Orissa v. Binapani Dei** 1967 SCC OnLine SC 15; **Mohinder Singh Gill v. Chief Election Commissioner** (1978) 1 SCC 405.



of the concerned State Olympic Association (Bihar Olympic Association) and its Executive Committee.

- xi. Quite apart from the aspect of procedural fairness and adherence to the principles of natural justice, a perusal of the Constitution of the IOA reveals that the President, IOA does not have any power to unilaterally take over the affairs of any SOA. An SOA is a “member” of the IOA under Article 1.2 read with Article 3.9 of the Constitution of the IOA (as amended upto 2nd November 2022).
- xii. The IOA Constitution contemplates to “suspend, terminate or expel a member” for violation of the IOA Constitution or the Olympic Charter. However, the power to do so is specifically conferred on the General Assembly of the IOA under Article 6.1.5 of the Constitution. Constituting an Ad-hoc body “to look after the affairs” of the concerned State Association is akin to suspending the Executive Committee of the concerned SOA.
- xiii. As such, any proposal to take over, to suspend and/or appoint an ad-hoc body “to look after the affairs” of the concerned SOA should have been taken by the General Assembly of the IOA.
- xiv. Learned counsel for the petitioner also rightly points out that in terms of Article 15.1.4, the President, IOA has, *inter alia*, the following powers:-

*“15. Duties of Office-Bearers
15.1 PRESIDENT*

.....

15.1.4 To deal with all disciplinary matter arising in the IOA or in relation to the National Sports Federations/Associations/State Olympic Associations, as per rules on the subject provided that any decision in relation to those matters shall be made by the Executive Council and/or the General Meeting”



- xv. In terms of the above, the President, IOA undoubtedly has powers to deal with all disciplinary matters in relation to an SOA “as per rules on the subject”. However, learned counsel for the respondent has not been able to point out any rules that are in existence to deal with disciplinary matters in relation to the SOA. In any event, the latter part of Article 15.1.4 explicitly clarifies that any decision in relation to any disciplinary matter shall be made by the Executive Council and/or the General Meeting. No such decision has been taken in the present case.
- xvi. Learned counsel for the respondents relies upon Article 15.1.5 to contend that it is open for the President of the IOA to constitute various commission/committees and that it is always open to obtain a *post facto* ratification from the Executive Council and/or the General Body. Article 15.1.5 reads as under :-
- “15.1.5 The President of IOA may propose the formation of various IOA Commission / Committees and the Members of those Committees and Commission, subject to ratification by the Executive Council and/or the General Meeting.”*
- xvii. The above provision, no doubt, indicates that the President of the IOA has the power to form various commission/committees. However, an ad-hoc committee “to look after the affairs” of an SOA, which is a constituent member of the IOA, cannot be said to be a “committee” of the IOA. The committees of the IOA are those which are set out in Article 17 of the Constitution of the IOA. The Committees contemplated therein are those which are necessary for running the affairs of the IOA. Article 15.1.5, therefore, encompasses within its scope, the power to constitute a committee for the purpose of running



the affairs of the IOA. It cannot be construed to include the power to constitute committee/s for running the affairs of another independent body *viz.* the SOA, which is a constituent member of the IOA.

- xviii. Moreover, the residuary powers to deal with matters which have not been specifically provided under the IOA constitution lie with the General Council of the IOA in terms of Article 25.3 of the IOA Constitution.
- xix. In view of the aforesaid, the respondent no.1/President, IOA cannot be considered to have the power to constitute an Ad Hoc Committee to “look after the affairs” of an SOA.
- xx. Also, the affidavit filed on behalf of the respondent no.1 does not disclose as to whether any steps were taken to obtain any ratification of the Executive Council and/or the General Meeting in respect of the action taken by the President.
22. For the above reasons, I find that the impugned action on the part of the President, IOA in constituting an Ad-hoc Committee “to look after the affairs” of the Bihar Olympic Association does not satisfy the requirements of law. The impugned order dated 01.01.2025 is consequently set aside.
23. I am also unable to accept the contention of the learned counsel for the respondents that this Court is precluded from entertaining the present petition on account of the alternate remedy of an appeal against the decisions of the IOA before the Arbitration Commission being available to the petitioner under Article 23.1 of the IOA Constitution. It is settled law that the mere availability of such an alternative remedy is not a bar to the jurisdiction of this Court where there has been a failure to comply with the principles of natural justice or where the action is completely without



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jurisdiction.

24. While setting aside the impugned order dated 01.01.2025, this Court takes on record the statement made by the learned counsel for the petitioner that expeditious and urgent steps shall be taken to ensure that the Constitution of the Bihar Olympic Association is amended so as to bring the same in line with the IOA Constitution and the National Sports Development Code of India, 2011 and elections shall be held expeditiously to elect the members of the Executive Committee of the Bihar Olympic Association.

25. Let the above be done within a period of three months from today, failing which, it shall be open for the IOA to take appropriate disciplinary action against the petitioner including by way of suspension and/or any such measure contemplated under Article 6.1.5 and/or any other provisions of the Constitution of the IOA.

26. The present petition is disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

FEBRUARY 24, 2025/r, dn