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

+ LPA 37/2025 & CM APPL. 2645/2025, CM APPL. 2646/2025

AJEET NAGAR

.....Appellant

Through: Mr. D. K. Rustagi, Mr. J. Karan,
Mr. Mohit Nagpal and Ms. Anjali
Pandey, Advocates

versus

UNION OF INDIA THROUGH SECRETARY & ANR

.....Respondents

Through: Mr. Vivek Goyal, CGSPC with Mr.
Gokul Sharma, GP, for UOI/R-1 &
2.

+ LPA 39/2025 & CM APPL. 2648/2025, CM APPL. 2649/2025

UTTAM SINGH

.....Appellant

Through: Mr. D. K. Rustagi, Mr. J. Karan,
Mr. Mohit Nagpal and Ms. Anjali
Pandey, Advocates

versus

UNION OF INDIA THROUGH SECRETARY MINISTRY OF
YOUTH AFFAIRS AND SPORTS & ORS.

.....Respondents

Through: Mr. Piyush Beriwal, Mr. Sandip
and Ms. Jyotsna Vyas, Advocates
for R-1 and 2

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

16.01.2025

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CM APPL. 2644/2025 in LPA 37/2025

CM APPL. 2647/2025 in LPA 39/2025

1. Exemption allowed subject to all just exceptions.
2. The applications stand disposed of.

LPA 37/2025 & CM APPL. 2645/2025, CM APPL. 2646/2025

LPA 39/2025 & CM APPL. 2648/2025, CM APPL. 2649/2025

3. The appellants have filed the present appeals, *inter alia*, impugning a common order dated 22.08.2024 whereby the learned Single Judge had interpreted an order dated 10.05.2024 passed in the underlying petitions as amounting to recalling the order.
4. Accordingly, the learned Single Judge had also directed the respondent-federation to place on record the latest status of the elections by way of an affidavit. The appellants contend that the said order amounts to recalling of a consent order dated 04.12.2023 without the consent of the appellants.
5. The appellants had filed the respective writ petitions [W.P.(C) 6816/2019 and W.P.(C) 12673/2021], essentially, challenging the electoral roll and voter's list for election of the office bearers of respondent no.6 federation. It is contended on behalf of the appellants that the last electoral roll was prepared by Justice C. K. Mahajan (Retd.) on 27.12.2016. However, subsequently elections were conducted on 18.10.2020 and 22 (twenty-two) state units participated which included only 10 (ten) members that had participated in the elections held on 30.12.2016. The appellants' challenge to the elections conducted is premised on the aforesaid basis.
6. The present petitions were listed on 04.12.2023 and the learned



Single Judge without examining the merits of the controversy issued the following directions with the consent of the parties. The relevant extract of the said order is set out below: -

“5. Having regard to these submissions, the writ petitions are disposed of with the consent of learned counsel for the parties with the following directions:

a. Hon’ble Mr. Justice Najmi Waziri, former Judge of this Court [Tel: 9810097311], is appointed as the Commissioner to conduct the next election to the Federation.

b. In order to constitute the electoral college for the election, the Federation is directed to place all relevant records before the learned Commissioner, in accordance with his directions. All concerned parties may place their relevant contentions in this regard before the learned Commissioner within a period of four weeks from today, and the learned Commissioner will hold such hearings/deliberations with the parties as he may consider appropriate before declaring the final electoral college.

c. The elections will be conducted under the supervision of the learned Commissioner in the month of April 2024. The provisions of the National Sports Development Code, 2011 will apply.

d. All parties assure the Court that they will cooperate with the learned Commissioner for this purpose.

6. Mr. Rustogi and Mr. Sanoria represents two rival factions of the Federation. Each claim to be the genuine Federation. Mr. Rustagi is instructed by Mr. Uttam Singh, petitioner in W.P.(C) 12673/2021 and Mr. Sanoriya by Mr. Ravindra Tomar. Mr. Uttam Singh claims to have been elected as the Secretary General in the election held in 2021. Both learned counsel state upon instructions that their clients will share the remuneration of the learned Commissioner.

7. The remuneration of the learned Commissioner is fixed at ₹10,00,000/-, to be shared equally between the factions represented by Mr. Uttam Singh and Mr. Ravindra Tomar.”

7. Admittedly, the Commissioner appointed by the court [Justice Waziri (Retd.)] found that the constitution of the federation was not in line with the National Sports Development Code of India, 2011 (hereafter *the*



Sports Code) and further observed that the first and foremost requirement would be to ensure that the bylaws of respondent no.6 federation are brought in tune with the Sports Code.

8. It is stated that thereafter certain applications were filed seeking recall of the order dated 04.12.2023 but the same were not entertained. The matter was again listed before the learned Single Judge on 10.05.2024. The said order indicates that since the threshold condition of the constitution being in line with this Sports Code had been flagged, it was necessary to hear the petitions. The order dated 10.05.2024 indicates that the learned Single Judge has set out the earlier order dated 04.12.2023 and had observed as under: -

“4. As far as the question of holding elections is concerned, quite apart from the objections raised by other applicants, the learned Court Commissioner has filed a report dated 05.02.2024, in which it is stated that the Constitution of the Federation is not in accordance with the Sports Code. The learned Court Commissioner has also given a detailed list of violations of the Sports Code. It is stated in the order that the elections cannot be held until the Constitution is suitably amended, in compliance with the Sports Code, as required by the order dated 04.12.2023.

5. Mr. Sudhir Naagar, learned counsel for the Federation states that the directions given in paragraph 5(b) of the order dated 04.12.2023 have already been complied with, and that the amendments of the Constitution of the Federation are in progress.

6. It is therefore clear that further directions will have to be given with regard to amendment of the Constitution and time for holding of elections.

7. The applications are therefore disposed of with the direction that order dated 04.12.2023 is modified to the extent that the directions for holding of the elections in April, 2024 is deleted, and the writ petitions are restored to their original number, so that further directions can be passed in this regard.”

[emphasis added]



9. It is clear from the above that the learned Single Judge was of the view that further directions would have to be issued with regard to the amendment of the constitution as well as the time for holding of the elections. The directions issued by the learned Single Judge for holding of the elections in April, 2024 were deleted and the petitions were restored to the original number in order for further directions to be passed.

10. It is material to note that the aforesaid order dated 10.05.2024 is not under challenge.

11. It is thus apparent that all contentions of the parties are now reserved. It is apparent that the constitution of respondent no.6-federation would have to be made in consonance with the Sports Code and, thereafter further directions, as may be necessary for conducting the elections for the other matter, are required to be issued.

12. It is in the aforesaid context that the learned Single Judge had observed that the order dated 10.05.2024, in effect restores the writ petitions to the positions as obtaining on 04.12.2023 and for further consideration.

13. The appellants' contention that the order dated 04.12.2023 could not be recalled without consent of the parties, is unmerited. The fundamental basis on which the said order had been issued is called in question as it was informed to the court that the constitution of the federation was not in accordance with the Sports Code. The Court Commissioner appointed by the court with the consent of the parties had made observations to the aforesaid effect.

14. None of the other directions for holding the elections were carried out. The observations made by the Court Commissioner were considered



by the learned Single Judge on 10.05.2024 and the writ petitions were restored. As noted above, this order is not under challenge. Clearly, the import of the consent granted would be considered by the court while issuing further directions. But at this stage, the question of reverting back to the consent order at this stage does not arise. We find no infirmity with the impugned order passed by the learned Single Judge.

15. It is, however, clarified that none of the contentions of the appellants in respect of the challenge laid in the writ petitions are foreclosed.

16. The appeals are dismissed with the aforesaid observations.

17. Pending applications are also disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 16, 2025

Yrj/ms

Click here to check corrigendum, if any