



2026:DHC:3603



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

+ **W.P.(C) 4491/2024**

Date of Decision: **10.04.2026**

IN THE MATTER OF:

UDAY SHANKAR

.....Petitioner

Through: **Ms. Kanika Singh, Advocate.**

versus

**TABLE TENNIS FEDERATION OF INDIA
& ORS.**

.....Respondents

Through: **Mr. Avi Singh, Sr. Advocate along with Mr. Parth Goswami and Mr. Ayush Yadav, Advocates for R-1. Mr. Abhishek Malhotra, Sr. Adv, Kartikay Dutta, Anukriti Trivedi and Aahna Mehrotra Advs. for R-2. Mr. Nishant Gautam CGSC, Ms. Kavya Shukla Adv., Mr. Vineet Negi Adv., Mr. Vibhav V Nath Adv., Ms. Theresa, Advocates for UOI.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for the following reliefs:

(a) Issue a Writ of Quo Warranto or any other Writ, Order or directions thereby declaring the election of Respondent No.2 to post of Secretary General of TTFI as illegal, bad in law and void ab initio and further to quash the said appointment; and

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(b) Respondent no 1 be directed to comply with the National Sports Code 2011 as well as direction as passed in AGM dated 17.09.2023 of Respondent no 1 and

(c) Pass any other orders in favour of the Petitioner/Applicant as this Hon'ble Court may deem fit in the interest of justice.

2. The petitioner claims to be a former National table tennis player and also a member of the Disciplinary Committee of respondent no. 1-Table Tennis Federation of India (TTFI). Respondent no. 2 was elected as the Secretary General of TTFI *vide* elections conducted on 05.12.2022.

3. This Court, in ***Ms. Manika Batra v. Table Tennis Federation of India through its President and Ors.***,¹ had directed that elections to the Executive Committee of TTFI be conducted as per the provisions of the National Sports Development Code, 2011 and the Memorandum of Association (MoA) of TTFI. Pursuant to the said directions, the elections in question were held on 05.12.2022.

4. Respondent no. 2 was nominated as an authorised representative of respondent no. 5-Assam Table Tennis Association (ATTA) to the TTFI on 20.11.2022. At the time of his nomination, respondent no. 2 was a member (Sportsperson) of respondent no. 6- Maharashtra State Table Tennis Association (MSTTA). On 22.11.2022, he submitted his resignation to the MSTTA and the same was accepted on 31.01.2023.

5. Further, respondent no. 2's nomination for elections to the Executive Committee dated 05.12.2022, was seconded by one Mr. Harish Kakkar, who was a Government Servant, and had held an elective post at TTFI for more than five years at the relevant time. Subsequent to the elections, *vide* communication dated 10.05.2023 issued by respondent no. 4-Union of India,

¹ 2022:DHC:4323



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Mr. Harish Kakkar was directed to demit office in view of its internal guidelines for Government servants to hold elective posts for five years or for two terms, whichever is lesser.

6. The petitioner assails the election of respondent no. 2 as the General Secretary of TTFI on the following grounds:

- 6.1. His nomination as an authorised representative of ATTA is in contravention of Clause 17 of the MoA.
- 6.2. His nomination to the elections, having been seconded by Mr. Harish Kakkar, is in contravention of the election procedure as per Annexure –I to the MoA.
- 6.3. At the time of his nomination to the elections, respondent no. 2 was undergoing his third term as an office bearer at MSTTA, without undergoing the mandatory cooling-off period as per the Sports Code. Therefore, his election is in violation of the provisions of the Sports Code.

Submissions.

7. Ms. Kanika Singh, learned counsel for the petitioner, takes the Court through Clause 18(a) of the MoA and points out that, elections to the Executive Committee shall be from amongst the representatives of the members of TTFI. She then places reliance on Clause 17 of the MoA and asserts that the representatives of State Associations which are members of TTFI have to fulfil two requirements. The first, being that he/she ought to be an elected member of the very State Association which nominated him/her as its representative. The other requirement is that he/she ought to have been elected as a member of the State Association, in the same Annual General Meeting/Special general Meeting/Extraordinary Meeting in which its other



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office bearers were elected.

8. She draws the attention of the Court to the affidavit dated 01.06.2022 filed on behalf of the Union of India in L.P.A. No. 362/2022 titled ***Ravindra Dongre v. Union of India and Ors.***, wherein, the stand taken is that under the Sports Code, only elected members of State/Union Territory Associations can be a part of the electoral college for elections in National Sports Federations. She submits that the same position ought to apply in the present case as well.

9. Further, she submits that Mr. Harish Kakkar, who seconded the petitioner's nomination to the elections, as required under the 'Election Procedures' annexed to the MoA, was ineligible to be a member of TTFI as per the extant guidelines applicable to Government Servants for holding elective posts. Therefore, according to her, respondent no. 2's nomination for the elections was also illegal and invalid.

10. Mr. Abhishek Malhotra, learned senior counsel on behalf of respondent no. 2, submits that the petitioner's reliance on Clause 17 of the MoA is misplaced. According to him, there is no requirement, either in the MoA or the National Sports Development Code, 2011 (Sports Code) for representatives of State Associations to be elected members therein. He points out that Clause 17 of the MoA makes provision for nomination of different persons as representatives by the President/Secretary of the State Associations and the person nominated by the President shall be deemed to be the duly authorised representative. According to him, the aforesaid provision in consonance with the Sports Code.

11. Further, he submits that respondent no. 2 was not an office-bearer of MSTTA since 09.11.2022, when fresh elections were conducted in MSTTA.

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He takes the Court through communication dated 09.11.2022 issued by one Mr. Shashank Wagh, Election Officer who conducted the elections to indicate that respondent no. 2 was a member of MSTTA only in the capacity as a sportsperson. Therefore, according to him, the requirement of cooling-off period under the Sports Code would not apply.

12. He submits that the petition is liable to be dismissed on the ground of delay and *laches*, since the elections in question were held in the year 2022, whereas this petition was filed in the year 2024. He points out that apart from objections raised by third-parties before the Returning Officer, respondent no.2's candidature or election was not challenged before any Court prior to this petition. According to him, this petition is a belated attempt at disrupting the settled composition of the elected body of TTFI.

13. Mr. Avi Singh, learned senior counsel for TTFI, submits that there is no ambiguity under Clause 17 of the MoA so far as the requirement that representatives of State Associations ought to be elected members of its Executive Committee is concerned. Therefore, according to him, the election of respondent no. 2 is liable to be set aside.

Analysis.

Respondent no.2's nomination as representative of ATTA.

14. The aspect of validity of respondent no. 2's nomination as the authorised representative of ATTA is central to the dispute herein. Therefore, it is addressed at the outset.

15. Adjudication of this question involves interpretation of Clause 17 of the MoA, which is extracted below, for reference:

"17. VOTING:

Affiliated Permanent Member State/Union Territory units only will have the rights of TWO votes through their representatives in the AGM/SGM or



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Extraordinary Meetings of TTFI.

Each affiliated Permanent Member State/ Union Territory units shall be represented by Two Representatives authorized {in writing} by the President and Secretary of the affiliated Member State/Union Territory units, in the AGM / SGM / Extraordinary Meetings. Such Representatives must be a duly elected member of the Executive Committee of State/UT Association during the AGM where the other office-bearers were elected.

To avoid any ambiguity, it is clarified that the President or Secretary of a State/UT Association, who desires to be the representative, his/her individual authority shall be accepted provided the General Assembly of the State/UT Association has authorized the name(s) of the representative through a resolution. Only those with such an authorization will be allowed to represent the State/UT Association.

However, in case President/Secretary nominates different person(s), the person(s) authorized by the President shall be deemed to be the duly authorized person(s).

Each affiliated Board / Institution / Organisation of All India character shall be represented by One Representative in the AGM / SGM / Extra Ordinary Meetings, without any voting right.

The President and Secretary of the affiliated Unit will authorize their representative(s) as mentioned in the above paragraph, in writing to the TTFI Secretariat before the last specified date.”

(Emphasis supplied)

16. A perusal of the aforesaid clause indicates that for nomination of representatives of State/Union Territory Associations to TTFI, such representative ought to be authorised in writing by its President and Secretary in an Annual General Meeting/Special General Meeting/Extraordinary Meeting. There is also a further condition, that such representative must be a duly elected member of the executive committee of State/Union Territory. However, nowhere in the said clause is there any requirement for the representative to have been an elected member of the same State Association which has nominated him/her to TTFI. Literal

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interpretation of the clause would entitle State Associations to nominate as representatives, even persons who are elected members of other State/Union Territory Associations which are members of TTFL.

17. The Supreme Court, in its decision in *State of Jharkhand and Another v. Govind Singh*,² has categorically held that the function of the Court is to interpret the law as it stands and not to legislate under the guise of interpretation. Courts cannot add words to a statutory provision or to a governing instrument such as rules and regulations, nor can it supply omissions which the drafting authority may have consciously or otherwise left out. The interpretation must be confined to the plain meaning of the language used, and where the words are clear and unambiguous, they must be given full effect without importing any addition or substitution.

18. If the submissions advanced on behalf of the petitioner are to be accepted, the Court would have to read into Clause 17 of the MoA, a requirement that, on a literal interpretation, does not exist. Even in the affidavit dated 01.06.2022 filed on behalf of the Union of India in L.P.A. No. 362/2022, the Union has nowhere taken the stand that the representative ought to be an elected member of the very Association he is representing in an NSF.

19. Further, the other submission on behalf of the petitioner, that the representative of a State Association necessarily ought to have been elected as an office bearer in the same Annual General Meeting/Special General Meeting/Extraordinary Meeting as the other office bearers, is not made out from a literal interpretation of the clause.

² 2004 INSC 692



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20. It is not uncommon for a single post of an office bearer to be vacated during the pendency of the tenure of the Executive Committee. In such cases, generally, the vacancy is filled by way of separate elections specifically to the vacant post. If the interpretation urged by Ms. Kanika Singh is to be accepted, persons who have been elected to such vacant posts, by virtue of not having been elected as an office bearer in the same meeting as others, would be prohibited from being nominated as a representative. Therefore, even this purported requirement, cannot be read into Clause 17 of the MoA.

21. Respondent no. 2, at the time of his nomination as an authorised representative of ATTA was an elected member of the executive body of MSTTA. Therefore, he fulfilled the requirements as per Clause 17 of the MoA.

22. So far as the objection with respect to respondent no. 2's failure to undergo any cooling-off period prior to his third tenure in MSTTA is concerned, it is seen that the petitioner has not placed any material on record to establish that respondent no. 2 had any tenure as an office-bearer of MSTTA. According to respondent no. 2, he was the Vice-President at MSTTA during the years 2014-2022.

23. The requirement of undergoing a cooling-off period after the second consecutive term as an office bearer is under paragraph 3 of notification dated 20.09.1975 issued by the Union and annexed as Annexure-XI to the Sports Code. Under Explanation 1 in the said notification, the term 'office bearer' for the purpose of the said requirement would mean the President, the Secretary, and the Treasurer. The post of 'Vice-President', importantly, is excluded from this definition. Therefore, the petitioner has failed to



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establish that the petitioner's election to TTFI is invalidated on this ground.

Respondent no.2's nomination for the elections in question.

24. The third objection raised on behalf of the petitioner, that respondent no. 2's nomination for the elections in question was seconded by a person who was subsequently directed to demit office, having been in an elected post for more than five years, cannot be accepted. It is manifest in Annexure P-16, which is communication dated 10.05.2023, that TTFI was advised by the Union to ask Mr. Harish Kakkar to demit office. The petitioner has not placed any material on record to establish that owing to communication dated 10.05.2023, prior actions of Mr. Harish Kakkar would stand invalidated.

25. The reliefs prayed for in the petition ought not to be granted for another important reason. The petition is highly belated. This Court, while exercising its jurisdiction under Article 226 of the Constitution of India is exercising its discretionary powers. Such discretion may be refused to be exercised in case of unexplained delay. Reference may be made to the decision of the Supreme Court in ***Tamil Nadu Housing Board, Chennai Vs. M. Meiyappan & Ors.***,³ wherein, the Court has held as follows:

“13. At the outset, we must state that on the facts of this case, the High Court was not justified in entertaining the writ petition. In our opinion, the writ petition must fail on the short ground that the writ petition had been filed 16 years after the award was announced by the Collector. It is trite law that delay and laches is one of the important factors which the High Court must bear in mind while exercising discretionary power under Article 226 of the Constitution. If there is such negligence or omission on the part of the petitioner to assert his right which, taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party, the High Court must refuse to invoke its

³ (2010) 14 SCC 309



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extraordinary jurisdiction and grant relief to the writ petitioner.."

26. It is pertinent to note that the elections in question took place in the year 2022. This petition has been filed in the year 2024, after a lapse of more than one year. Respondent no. 2's tenure is set to expire in the year 2026. Although, the petitioner had raised these objections before the Returning Officer prior to 05.12.2022, when the elections were held, the said objections were rejected considering that the electoral college had been finalised and accepting the same would derail the entire election process.

27. The petitioner has not placed any material on record to indicate any steps taken to challenge respondent no. 2's nomination before any Court, subsequent to the rejection by the Electoral Officer. Further, in the petition, there is no explanation for the delay in the petitioner's approaching this Court. Considering that the petitioner's term is set to expire shortly in the year 2026, weighing of equities would tilt the scales against the granting of the reliefs prayed for in the petition.

28. In view of the aforesaid discussion, the petition is, hereby, dismissed. Pending applications, if any, stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

APRIL 10, 2026

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