

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).29577/2017

(Arising out of impugned final judgment and order dated 10-08-2017
in CM No.10461/2017 passed by the High Court Of Delhi At New Delhi)

MAHARASHTRA ARCHERY ASSOCIATION

Petitioner(s)

VERSUS

RAHUL MEHRA & ORS.

Respondent(s)

WITH

[ITEM NO.26.1 - Diary No(s).28788/2017 (XIV)]
(FOR ADMISSION and I.R. and IA No.90041/2017-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.90042/2017-PERMISSION TO
FILE SLP/TP and IA No.90515/2017-PERMISSION TO FILE ADDITIONAL
DOCUMENTS and IA No.90522/2017-EXEMPTION FROM FILING O.T. and IA
No.96855/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA
No.100981/2017-impleading party and IA No.100985/2017-impleading
party and IA No.101791/2017-impleading party and IA
No.103189/2017-impleading party and IA No./- and IA
No.106701/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA
No.110265/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA
No.110675/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA
No.118502/2017-APPROPRIATE ORDERS/DIRECTIONS)
[ITEM NO.26.2 - Diary No(s). 29202/2017 (XIV)]

Date : 04-12-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Amit Agrawal, Adv. [AOR]

Mr. Sushil Salwan, Adv.
Mr. Siddharth Singla, Adv. [AOR]
Mr. Aditya Garg, Adv.
Ms. Swikriti Singhania, Adv.

Mr. Sunil Gupta, Sr. Adv.
Mr. Nikunj Dayal, Adv. [AOR]
Mr. Pramod Dayal, Adv.
Ms. Payal Dayal, Adv.

For Respondent(s) Mr. Rahul Mehra
Caveator-in-person

Mr. P.S. Narasimha, ASG
Mr. Amit Sharma, Adv.
Mr. R. Balasubramanian, Adv.
Ms. Aarti Sharma, Adv.
Mr. Raj Bahadur, Adv.
Mrs. Anil Katiyar, Adv. [AOR]

Intevener(s) Mr. Chirag M. Shroff, Adv.
 Ms. Neha Sangwan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Sunil Gupta, learned senior counsel and Mr. Salwan, learned counsel for the petitioners; Mr. Narasimha, learned Additional Solicitor General for the Union of India and Mr. Rahul Mehra, respondent appearing in person.

It is submitted by Mr. Narasimha, learned Additional Solicitor General that though certain amendments have been carried out in the constitution, yet they are not in consonance with the National Sports Development Code, 2011 (NSDCI) of the MYAS. In the affidavit filed by the Union of India, certain deviations have been pointed out. They read as follows :

"i. The NSDCI provides that the election of office bearer of an NSF shall be conducted in accordance with the Model Election Bye-laws of the NSDCI, copy whereof is annexed herewith and marked ANNEXURE R/3 [PAGE 12 TO 51]. As per the provisions of the said election bye-laws, the Office Bearer and Members of the Managing Committee shall be elected by secret ballot. However, the Constitution of the AAI provides that election of office bearers of the AAI shall be held as per the rules and regulations which may be adopted by the General Council, and there is no mention in the Constitution of the AAI that such election shall be held by secret ballot.

ii. As per the principles underlying the NSDCI, an affiliated member of a National Sports Federation (NSF), i.e., a full member of the NSF, should be represented by two delegates in the General Council (by whatever name called). The Constitution of AAI shows each State Association has been given representation of three delegates in the General Council i.e. one representative over and above the minimum of two representatives.

iii. The NSDCI provides that an NSF shall give affiliation as a full member to a State Association if such State Association has at least 50% of the district units functioning in that State as per Para 3.10 and Para 3.19 of Annexure-II of the Code. But no such stipulation is found in the eligibility conditions for affiliation of State Associations as members of the AAI.

iv. The Constitution of AAI also makes a provision that up to three persons may be bestowed the title of Honorary Life President of AAI, without voting rights, in recognition of the services rendered by past Presidents of AAI. The NSDCI is silent on the matter."

Mr. Gupta, learned senior counsel and Mr. Salwan, learned counsel for the petitioners fairly stated that the amendment shall be carried out keeping in view the said deviations within a week hence.

In view of the aforesaid, it is directed that amendment shall be incorporated by treating it as an order of the Court. After the constitution comes into force, election shall be held under the supervision of Mr. S.Y. Quraishi who has been appointed as the Administrator by the High Court, within four weeks therefrom. Mr. Quraishi is requested to see that the election takes place in accordance with the amended constitution which stands amended by incorporation by virtue of order passed by this Court, as agreed to by learned counsel for the parties.

The amended constitution shall be filed before this Court and a copy whereof be supplied to Mr. Narasimha, learned Additional Solicitor General and Mr. Rahul Mehra, respondent-in-person. But the filing of the amended constitution will not postpone the election, as directed hereinabove. To elaborate, amendment shall be incorporated stating the same as an order of the Court within a week hence and thereafter Mr. Quraishi shall proceed to hold the election in accordance with the constitution which will come into existence by virtue of the order passed today.

Mr. Quraishi shall be at liberty to see that the constitution

of the Association is strictly in accordance with the Code and thereafter proceed with the election. If he has any reservation, he is at liberty to move this Court.

List after eight weeks.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar

N.B.: Copy of the order, if applied for, be given today/dasti.