

Objections to the Nominations sent by Amateur Kabaddi Association of Vidarbha
(in short AKAV) for the Electoral College of AKFI

ORDER

The Amateur Kabaddi Association of Vidarbha (AKAV), an affiliated State unit association of AKFI, sent names of its two representatives for “Electoral College”, namely Mr. Jitendra P. Thakur Honorary Secretary and Mr. Ashokrao A. Deshmukh President of the Association. Against these two names, objections were filed by Mr. Pradeep Singh Thakur Secretary Vidarbha Kabaddi Association (VKA); Mr. Nanu Ram Mohan Lal Verma and Mr. Subhash N. Pise.

Mr. Nanu Ram Verma objected to the names sent by the AKAV for the “Electoral College” stating that he was Treasurer and in charge of VKA as per the order passed by Hon’ble Justice B.R. Gawai. He further alleged that previously AKAV was not in existence. It was VKA which was affiliated to AKFI. But after an illegal cancelation of affiliation of VKA, AKFI granted affiliation to AKAV. This affiliation was granted illegally for which various legal proceedings before various authorities were initiated. Since, the Hon’ble High Court of Delhi in the judgment Mahipal Singh V/S Union of India in Writ Petition No. 4601/2013 has set aside the decisions taken by Mr. Janardan Singh Gehlot and subsequent President Ms. Mridul Bhadauria, all the actions taken by them have become illegal and void ab-inito. It is now VKA which is to be included in the “Electoral College” of AKFI for conducting elections.

Mr. Pradeep Singh Thakur claiming himself to be the Secretary of VKA in the objections stated that he was ex player of VKA from 1982-83 to 1989. He was elected as a Joint Secretary in the election held on 10.07.2005 of Wardha District Kabaddi Association during the period 2005-2009; it was affiliated to VKA. Thereafter he was removed from the post without any prior intimation and notice. He filed an appeal by application no. 360/20. He also filed PTR on Wardha District Kabaddi Association No. E-216 and presented a change Report. He was elected from the post of Joint Secretary to Secretary and the report was submitted to Charity Commissioner. The case is still pending in the office of Charity Commissioner and they are still working for Wardha District Kabaddi Association till date. He further stated that during the dispute of Wardha District Kabaddi Association, Mr. Subhash Pise elected him as Secretary of VKA on 20.08.2008 for the smooth working of the Association. Since that time, they are waiting for the results of the appeal to Charity Trust Nagpur and High Court Nagpur bench application no. 19/2009. An Ad-hoc Committee was

established the Committee member Mr. Nanu Ram Verma removed Mr. Subash N. Pise from the Association alleging that the Association had not paid the affiliation fee through the notice by Charitable Trust. He further stated that he was working as Member for VKA by the order of Charitable Trust Nagpur and High Court Bench Nagpur. Mr. Jitendra Thakur has no right to represent VKA which is the Joint unit of AKFI. He be permitted to work for the Association as a Secretary.

Mr. Subash N. Pise in the objections informed that VKA is the pioneer agency in the entire region of Vidarbha to take care of the up-liftment of the sport of Kabaddi. VKA Nagpur was affiliated to AKFI since 1960. It has conducted various activities relating to Kabaddi from time to time as per the circulars issued by AKFI. It had sent teams for participation in the National Kabaddi Championship (both men and women) from time to time. He further stated that in 2014, the Bombay High Court, Nagpur Bench passed an order directing Deputy Chair Commissioner Nagpur to conduct the elections of the Executive Body of the VKA Nagpur. Deputy Chair Commissioner Nagpur by an order dated 03.03.2012 directed the Association to deposit the election fee of Rs. 65000 which was duly deposited. Initially Mr. P.G. Lande was appointed as Election Officer. After his retirement, the Charge was handed over to the inspectors from the office of Deputy Chair Commissioner from time to time. The process of election has not yet been completed. As a result of it, the Office Bearers who are on Schedule-1 have been consistently administering the Trust as being the only recognised body of the Trust prescribed by Maharashtra Trust Act. It is further stated that after the Elections of the President of AKFI have been declared illegal by the Hon'ble Delhi High Court, all the actions declaring the Executive Body under the leadership of Subhash Pise of VKA have become illegal and cannot be sustained. Ms. Jitendra Thakur is not even a member of VKA. The matter is pending before the Hon'ble High Court vide application Arbitration case No. 1/2015.

Notice of these objections was sent to AKAV and hearing on objections from both the parties was held on 28.12.2018. On behalf of objector Subash N. Pise, his representative Raman Khare along with Shri Sankat R. Charpe advocate appeared. Mr. Pradeep Singh Thakur did not appear and appointed Mr. Ganesh Tayade on his behalf. None appeared on behalf of objector Nanu Ram Mohan Lal Verma. For the Association, Mr. Jitendra Pran Singh Thakur Secretary and Mr. Ashok Anand Rao Deshmukh President appeared along with Advocate Shri Charuhas Dharamadhikari. Effective hearing was given to both sides. Written submissions have been filed by the parties in support of their objections.

On perusal of the objections and the documents on record it reveals that previously VKA was an affiliated unit of AKFI. However on 11.03.2013 AKFI cancelled the affiliation of VKA. Contention of the learned counsel for VKA is that cancellation of affiliation of VKA was unilateral and illegal without serving any notice under the constitution of AKFI. It was a pre planned decision of the then President of AKFI who granted affiliation to AKAV immediately though it had come into existence a few days before. Since the activities and action taken by the previous President have been declared illegal and void, the affiliation withdrawn is non-est.

The learned Council for the Association controverted the arguments and stated that all the matters pending before various authorities have been decided against the Objectors. He has placed on record the compilation of all these documents/orders.

It is not in dispute that previously Mr. K. Jagadishwer Yadav was appointed as Arbitrator and he passed an interim order on 16.08.2014. It is also on record that in CAW No. 2309/14 and Writ Petition No. 5432/2013 by an order dated 11.08.2014, the Hon'ble High Court appointed Mr. S.D. Mohod former Principle District Judge as Arbitrator to resolve the disputes between the parties. It is on record that the Learned Arbitrator Mr. S.D. Mohod had conducted arbitration proceedings on various dates. Finally the Arbitration proceedings were terminated and intimation was sent to Hon'ble High Court vide letter dated 10.10.2018. The order records that when the matter was listed for arguments on 16.10.2017, Appellant No. 2 Nanu Ram Verma filed application to dispose off the proceedings as infructuous stating that cause for which proceeding was instituted did not survive. The matter was then posted for hearing on 13.06.2018 and for consideration. On 13.06.2018 Nanu Ram Verma filed application for withdrawal of claim/ appeal/ sworn by him before Notary, Nandita Tripathi on 13.06.2018. The respondent no. 1 and 2 in the said proceeding gave no objection. Accordingly, the learned Arbitrator prepared minutes of the proceedings on 13.06.2018 and disposed off the matter. Apparently, no proceedings regarding the withdrawal of affiliation to VKA Nagpur are pending before any authority at present. Learned Council for the objector informed that the objectors have challenged the said order on the Arbitration and the proceedings for restoration are pending. However, no specific order in the said proceedings has been placed on record.

When names of two representatives from the Association were invited for the formation of "Electoral College" of AKFI, all State Associations were asked to provide status report regarding the last elections of the Association held; for how many terms its Office

Bearers were in post; what was the age of the Office Bearers and if any court case involving Association or its Office Bearers was pending. Said information was invited to examine as to what extent the State Sports Association were in compliance of the Sports Code. AKAV by its letter dated 04.10.2018 provided the information that last election of Office Bearers of AKAV was held on 22.04.2018 in the presence of an observer appointed by AKFI. The President elected in that election of 22.04.2018 was for his first term in the post. Secretary elected in this election was in the second term as he was earlier elected in 2013 also. Similarly Treasurer Mr. Rajindra K. Mathe was also in second term since earlier elected in 2013. President is 59 years of age as his date of birth is 16.09.1959, Secretary is 47 years as his date of birth is 29.09.1971 and Treasurer is 50 years old as his date of birth is 20.06.1968. Information further stated that there was no court case involving association was pending.

It has thus come on record that both the Office bearers of AKAV are in office since 2013 and Prima-facie none of the Office Bearers is in post in violation of the Sports Code qua tenure and term guidelines of Sports Code. They have performed various activities relating to Kabaddi since then. Their election as Office Bearers has not been set aside by any court of law so far. AKAV continues to be the affiliated unit of AKFI. It is informed that the objectors have already joined a new federation New Kabaddi Federation (NKF), and have no locus standi to challenge the names of the representatives for "Electoral College".

In the present situation, the Electoral College for the election of Office Bearers has been constituted for a limited purpose that the Electoral Body of AKFI will amend the MOA of AKFI so as to bring in conformity with Sports Code in terms of the judgment of the Hon'ble Delhi High Court. Accordingly names received from AKAV for Electoral College are accepted as such for the limited purpose and first round of elections of AKFI in terms of judgement of Hon'ble Delhi High Court.

Objections are disposed of in terms of the hearing given to both sides and observations made above.

Copy of the order be sent by e-mail to both the parties for compliance and be put on the website of the AKFI.

22.01.2019

Administrator
AKFI