

**In the office of Amateur Kabaddi Federation of India (AKFI)
E-386 Basement Greater Kailash Part 1 New Delhi – 110 048**

In the matter of names of Representatives of Delhi State Kabaddi Association (DSKA) led by President Mr. Zile Singh and Secretary Mr. Surender Singh

And

Delhi State Kabaddi Association (DSKA1) led by President Mr. Mahavir Singh Mahlawat and Secretary Mr. Virender Sharma

ORDER

The Hon'ble Delhi High Court vide its order dated 10th February 2023 in WP(C) 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021 has directed the Administrator to conduct Election of Amateur Kabaddi Federation of India (AKFI).

"62. Since the AKFI continues to be under the control of the Administrator and elections of the Executive Committee of AKFI have to be held, the petitions are disposed of in the following terms:

(i) the 'age and tenure restriction' on the members of the Governing Body imposed by the National Sports Development Code of India 2011 applies not only to the Amateur Kabaddi Federation of India but also to all its constituents at the State and District Level; and

(ii) the amendments carried out to Clause 15.10 and Clause 30 of the AKFI Constitution are quashed. The Original Clause 15.10 and Clause 30, extracted hereinabove, are restored; and

(iii) all the State and District Associations and bodies, if they want to continue to be members of the AKFI have to amend their Memorandum of Associations/Constitutions and bring them in conformity with the Sports Code particularly in respect of the Age and Tenure restrictions imposed by the Sports Code; and

(iv) if, the District Associations/bodies and/or State Association refuse or fail to comply with the 'age and tenure restriction' imposed by the Sports Code, they would be liable for action which may entail disaffiliation and/or removal as a recognized District and State constituent of the AKFI; and

(v) the representatives of the State Associations to the National Federation have to be compliant of the 'age and tenure restriction' imposed by the Sports Code and likewise the representatives of the District Associations/bodies to the State Association have to be compliant of the 'age and tenure restriction' imposed by the Sports Code; and

(vi) if the representatives of the State Associations to the National Federation and the representatives of the District Associations/bodies to the State Association are not compliant of the 'age and tenure restriction' imposed by the Sports Code, then they shall not constitute the electoral college and shall be disqualified from contesting for any post of the executive committee and also from casting their vote for such an election; and

(vii) the State Associations and the District Associations, after the expiry of the term of the existing Executive Committee, shall hold fresh elections strictly in accordance with the 'age and tenure restriction' imposed by the Sports Code; and

(viii) the election notification dated 07.08.2019 for elections to the AKFI and the notification of the electoral college of AKFI issued by the Administrator are quashed; and

(ix) the Administrator shall prepare and notify the schedule for the holding of the elections of the office bearers of AKFI in accordance with these directions, which should not be later than 3 months from the date of this order; and

(x) the President and Secretary of the affiliated Member unit should attend the General Body Meeting of AKFI, however if the President and Secretary of an affiliated member are unable to attend or are not compliant of the 'age and tenure restriction' imposed by the Sports Code, they may nominate, in accordance with the Constitution of AKFI, a person who is compliant. If there is a dispute on the nomination, then the nomination by the President shall prevail. "

AKFI has received letter dated 03.03.2023 from DSKA1. In the said letter the names of President and Secretary of DSKA1 are informed to AKFI. AKFI has also received letter dated 17.03.2023 from DSKA1 sending two names of authorised persons to AKFI to be included in the Electoral College for the election of AKFI i.e Mr. Mahaveer Singh Mahlawat and Mr. Neeraj Choudhary.

Since AKFI received names of authorised persons from two different associations claiming themselves to be the genuine associations affiliated with AKFI, notice for hearing was issued to both the associations vide email dated 27th March 2023.

Both the parties were heard in physical mode at the office of AKFI on 31st March 2023 at 4.00 pm.

Present

1. Mr. Shantwanu Sinha Advocate with Mr. Surender Singh and Mr. Mahavir Singh Mahlawat on behalf of DSKA1
2. Mr. Gurbaksh Singh with Mr. Surender Singh on behalf DSKA

Ld. Counsel of the DSKA1 urged that their association is a genuine association, and its authorised representatives should be included in the Electoral College for participation in the election of AKFI. This association has conducted elections regularly and has sent names of its office bearers to the Registrar of Societies and Firms Delhi. Photocopies of the relevant documents, some obtained through RTI have been placed on record.

Ld. Counsel for the other association i.e DSKA urged that their association is duly affiliated unit of AKFI and has participated in the 1st round of elections in 2019. Similar objections were filed earlier by DSKA1. The objections were dismissed vide order dated 20.01.2019. It is further urged that the election of this association (DSKA) has been held on 20.12.2019 under the supervision of Sh. N.K Gupta (Ld. Retd. DJ Delhi) as returning officer observed by Sh. Kunal Prakash Advocate and Mr Ajit Kumar Chaudhary from AKFI and Delhi Council of Sports respectively as per NSCI 2011.

It is furth stated that election of this association has never been declared invalid.

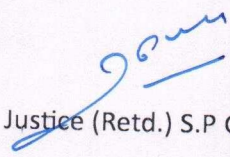
I have considered the submissions of both the parties and have examined the documents on record. It is not in dispute that DSKA is an affiliated unit of AKFI. It has participated in the first round of election of AKFI held on 15.02.2019. At that time also DSKA1 has filed objections and prayed to allow them to participate in the elections. The objections were dismissed by order dated 20.01.2019. The said order remained unchallenged.

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As per the order of the Hon'ble Delhi High Court WPC 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021, names of the authorised representatives are to be called from the affiliated member units of AKFI for participation in the elections and General Body Meeting. Mere filing of names of Office Bearers by conducting election in the office of the Registrar of Societies and Firms Delhi doesn't confer any right to make the said association as an affiliated unit of AKFI. DSKA had also filed names of its Office Bearers after conducting Election on 20.12.2019 in the office of the Registrar of Societies and Firms Delhi.

Since DSKA1 is not affiliated unit of AKFI, names sent by it can not be included in the Electoral College for participation in the election of AKFI.

The representation is dismissed.

Scanned copy of the order be sent to both the parties by email today itself.



Justice (Retd.) S.P Garg

Administrator / President

Amateur Kabaddi Federation of India

New Delhi

12.04.2023