

**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 Madhya Pradesh Amateur Kabaddi Association (MPAKA) and Madhya Pradesh Amateur Kabaddi Association Reg. No. 04/14/01/19568/2018 (MPAKA1)

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."

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AKFI has received email from Mr. Ramkhilawan Shukla President MPAKA1 and Dr. Sapan Jat General Secretary, MPAKA1 on 20th April 2023 raising objections against two names i.e Mr. Deepak Joshi and Mr. Ravindra Yadav sent by MPAKA on the ground that registration of MPAKA was terminated in the year 2008 and since then it is working without registration. After the death of President Mr. Mahesh Joshi and General Secretary Mr. S.S Lakkad, during Covid-19 no election was conducted, and Mr. Mohan Singh and Mr. Deepak Joshi have declared themselves as Acting President and Acting General Secretary. Mr. Deepak Joshi is not the full time President and is an office bearer in a political party and Mr. Ravindra Yadav is holding post of District Secretary for the last 15 years. Hence their names should not be taken in the Electoral College for participation in the election of AKFI. MPAKA1 has requested to include two names i.e Mr. Ramkhilawan Shukla and Dr. Sapan Jat in the Electoral College for participation in the election of AKFI.

The objections were forwarded to MPAKA and their response was received.

Hearing through video meeting was done on 22.04.2023 at 6.00 pm.

Present

1. Mr. Sadan Jat on behalf of MPAKA1
2. Mr. Deepak Joshi on Behalf of MPAKA
3. Mr. Anshuman Shrivastava Advocate on behalf of MPAKA

Both the parties were heard at length.

It is submitted on behalf of MPAKA that the objections raised on behalf of MPAKA1 are misleading, hypothetical, and baseless. The letter has been sent in the name Madhya Pradesh Amateur Kabaddi Association with registration no. 04/14/01/19568/2018 where as the said registration is in the name of New Kabaddi Association Jabalpur. Besides this the seal and signatures over the aforesaid objection letter is also objectionable because seal of Madhya Pradesh Amateur Kabaddi Association is wrongly used. MPAKA is representing the State of MP in various National as well as international level activities conducted by AKFI and is affiliated with the AKFI. In September 2019, an agenda in Extra-ordinary General Meeting of MPAKA has been unanimously approved whereby Mr. Deepak Joshi was nominated as Acting President of the Association in presence of Mr. Mahesh Joshi and Mr. S.S Lakkad, the then President and Secretary of the Association. Unfortunately, both have expired during the covid pandemic. Thereafter again an Extra Ordinary General Meeting was called on 06.05.2021 where in the MPAKA has unanimously approved the agenda permitting Mr. Deepak Joshi to hold the office as Acting President and in the same meeting, another agenda unanimously approved to appoint Mr. Mohan Chowhan as Acting Secretary who was holding the post of Jt. Secretary. The minutes and proceedings of the said EOGM have been forwarded and brought to the notice of AKFI vide communication dated 30.07.2021. The registration of MPAKA has been terminated in the year 2008 by the Department of Firms and Societies. The MPAKA has challenged the said termination before the Appellate Authority which is still pending for adjudication. The Appellate Authority has not passed any order debarring the MPAKA to conduct any activities or debarring Mr. Deepak Joshi and Mr. Mohan Chowhan to hold the office as Acting President and Secretary. Hence the objections raised are not tenable.

I have examined the documents sent by both the parties and have gone through the records.

MPAKA1 i.e New Kabaddi association Jabalpur is not affiliated member of AKFI. Hence has no locus-standi as association to forward the names of its authorised representatives for inclusion in Electoral College for the election of AKFI.

The names sent by MPAKA1 are rejected.

MPAKA has admitted that the registration of the said Association has been terminated in the year 2008 and the appeal filed against the said order is still pending. It is also relevant to note that the Appellate Authority has not suspended the said order of termination of registration of MPAKA which was passed in the year 2008. No explanation has been offered as to why there was inordinate delay in filing the Appeal only in August, 2022.

Admitted cases is that the election of MPAKA is not been held after 24th September 2017. It is also admitted that during the lifetime of Mr. Mahesh Joshi and Mr. S.S Lakkad President and secretary respectively, in September 2019, Mr. Deepak Joshi was nominated as Acting President of the Association in an Extra Ordinary General Body Meeting. I have examined the constitution of MPAKA (which is very dim and not "legible"). There is no provision for nomination of an 'Acting President' during the presence of President of Association. Again after the sad demise of Mr. Mahesh Joshi and Mr. S.S Lakkad during COVID-19 no election of MPAKA were conducted till date.

Admittedly again in an Extra Ordinary General Body Meeting called on 6th May 2021 Mr. Deepak Joshi was permitted to hold the office of 'Acting President'. In the same meeting Mr. Mohan Chowhan who was Joint Secretary was appointed as 'Acting Secretary'.

Admittedly no election were conducted after 6th May 2021. Both Mr. Deepak Joshi and Mr. Mohan Chauhan continue to be working as 'Acting President' and 'Acting Secretary'. In the constitution there is no provision of 'Acting President' and 'Acting Secretary' to function for any period without conducting election.

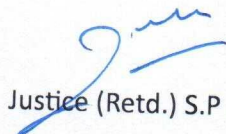
2- Mere participation of the teams sent by the Association in the various National Championship conducted by AKFI doesn't confer any special right upon the 'Acting President' and 'Acting Secretary'.

Apparently there are no President or Honorary Secretary duly elected by the Association since the demise of Mahesh Joshi and S.S Lakkad. As per the judgement of the Hon'ble Delhi High court dated 10th February 2023 President and Secretary or their authorised representatives can participate in the election of AKFI. Since Mr. Deepak Joshi and Mr. Mohan Chowhan are not the President and Secretary of the Association they can't participate in the election themselves or nominate authorised representatives to participate in the election of

AKFI. In the constitution, there is no provision of co-option of 'Acting President' or 'Acting Secretary'

In these circumstance names sent by MPAKA can't be included in the Electoral College for participation in the election of AKFI.

In view of the above names sent by MPAKA are also rejected.



Justice (Retd.) S.P Garg
Administrator / President

Amateur Kabaddi Federation of India

New Delhi

23.04.2023