



2026:DHC:3329

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

+ W.P.(C) 2136/2024, CM APPL. 8885/2024

AMIR SINGH

..... Petitioner

Through: Mr. Rahul Mehra, Sr. Adv. along with
Mr. Hemant Phalpher, Mr. Chaitanya
Gosain, Mr. Anand and Mr. Auritro
Mukherjee, Advs.

versus

UNION OF INDIA AND OTHERS

..... Respondents

Through: Mr. Anil Soni, CGSC (UOI) along
with Mr. Sahaj, G.P. for UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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14.02.2024

CM APPL. 8886/2024 (Exemption)

1. Exemption is allowed subject to just exceptions.
2. Application stands disposed of.

W.P.(C) 2136/2024

3. The present petition has been filed by a former sportsperson in Volleyball, who is the recipient of the Arjuna Award. The writ petition assails the forthcoming election process to elect the Executive Committee of the respondent no.2/ Volleyball Federation of India for 2024-2028 for which the election notification was issued on 19.01.2024. Pursuant thereto, the elections are stated to be scheduled on 17.02.2024.
4. It is contended by the learned senior counsel for the petitioner that the respondent no.2/ Volleyball Federation of India is conducting its affairs in patent violation of the directions contained in judgment dated 16.08.2022 in



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W.P. (C) 195/2010 of this Court. *Vide* the said judgment, the Division Bench of this Court had prescribed certain mandatory compliances and issued various directions to be complied with by all the National Sports Federations ('NSFs') for good governance and transparency in sports association.

5. It is contended that no steps whatsoever have been taken to bring the charter of the VFI in line with the mandatory directions contained in judgment dated 16.08.2022 despite the fact that an ad-hoc Committee for the Volleyball Federation of India was formed as far back as on 13.06.2023 vide an Office order issued by the IOA, which reads as under :-

"IOA/VFI/1-26/2023/1355

13 June, 2023

OFFICE ORDER

Sub:- Formation of Ad Hoc Committee of Volleyball Federation of India.

In consultation and recommendation of the International Volleyball Federation (FIVB), an Ad Hoc Committee for the Volleyball Federation of India is being formed. The Executive Council Meeting of the Indian Olympic Association held on 5th June, 2023 has also given consent to formation of this Ad Hoc Committee.

The Ad Hoc Committee of VFI will be consisting of the following members: -

Mr. Rohit Rajpal, Executive Council Member, IOA – Chairman

Mrs. Alaknanda Ashok, Joint Secretary, IOA - Member

Mr. S. Gopinath, IPS (Retd.) former athlete - Member

Mr. Stephen Bock, FIVB Head of Legal and General Counsel – Member.

This Ad Hoc Committee has to conduct the election of the Executive Council and to manage the affairs of the Volleyball Federation of India, including selection of the athletes and making entries for participation of sportspersons in international events.

A retired Judge of the Hon'ble Supreme Court or any High Court in India will also be involved with the Ad Hoc Committee to ensure fresh elections of VFI are conducted in a smooth, transparent and legally sound manner."

8. Attention is also drawn to an order dated 01.09.2023 passed by this Court in W.P.(C) 8691/2020, whereby, a Division Bench of this Court has, *inter-alia*, held as under:-



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“It is further made clear that in respect of all future elections, the respondent/Union of India shall ensure strict compliance of the judgment delivered in W.P.(C) 195/2010 dated 16.08.2022.”

9. Reliance is also placed on a subsequent judgment dated 27.09.2023 in W.P.(C) 10138/2023 by a Coordinate Bench of this Court, while dealing with the contentions regarding the disregard of the directions contained in judgment/order dated 16.08.2022 in W.P.(C) 195/2010 in context of another NSF viz. Gymnastics Federation of India, has specifically observed as under:-

“27. It is, therefore, discernible that the respondents have taken a stand that out of the 13 pitfalls noted in the order passed by the Division Bench of this court in W.P.(C) 195/2010, issue nos. ii, iii, iv, vi, vii and viii do not apply to a National Sports Federation. According to the respondents, these issues pertain to the internal functioning of the IOA, which is a sui generis body.

28. A perusal of paragraph no.18 of the additional affidavit would also indicate that respondent No.2-GFI in its understanding, endeavours to follow the spirit of the judgment dated 16.08.2022. At the same time, it also raises doubt as to whether the judgment and order dated 16.08.2022 should at all be made applicable to respondent no.2-GFI.

29. It is, thus, seen that there is a dispute between the parties with respect to not only compliance of the directions passed by this court but also with respect to the very applicability of those directions to respondent no.2-GFI. Even the stand of respondent no.1-UOI in its affidavit in W.P.(C) 8691/2020 is not specific to the extent of confirming the compliance of the directions passed by this court.

30. The Hon'ble Supreme Court in its order dated 17.07.2023 made it clear that the pendency of the said writ petition shall not stay any proceedings which may be pending before the High Court in relation to other sports federations.

31. It is, thus, seen that in the instant writ petition, this court has to adjudicate whether all the directions passed by this court in W.P.(C)195/2010 are applicable to respondent no.2-GFI. The second issue which requires to be adjudicated is whether the respondent no.2-GFI is at all in compliance with the mandate under the Sports Code in addition to the directions passed by the Division Bench in W.P.(C) 195/2010.

32. As of now, the order dated 01.09.2023 passed in W.P.(C) 8691/2020 unequivocally states that in respect of all future elections, the respondent no.1-UOI shall ensure strict compliance of the judgment delivered in W.P.(C) 195/2020. Therefore, in the absence of there being full satisfaction



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with respect to the compliance of those directions, this court is of the considered opinion that the petitioner is able to make a prima facie case in its favour that the respondent no.2-GFI is in non-compliance of the mandate of the order dated 16.08.2022 passed in W.P. (C) 195/2010.

33. As long as the interim order dated 01.09.2023 passed in W.P.(C) 8691/2020 is in operation, respondent no.2-GFI is bound by the same. Respondent no.2-GFI cannot expect any dilution of the order of the Division Bench in the instant writ petition.

34. If the order dated 01.09.2023 is to be understood in its right perspective, the same clarifies that the order dated 16.08.2022 passed in W.P.(C) 195/2010 has full application on all National Sports Federations. Unless the respondents satisfy that they are in full compliance of the Sports Code and the directions dated 16.08.2022 in W.P.(C) 195/2010, they cannot be allowed to conduct any fresh election contrary to the said binding orders.

35. Unless the matter is fully heard by this court, at this stage, there is a serious doubt about compliance of the mandate of the Sports Code and the directions passed in W.P.(C) 195/2010 dated 16.08.2022.

36. Accordingly, it is directed that there shall be a stay of the impugned notice dated 07.07.2022 regarding the election of the office bearers and members of the executive committee of respondent no. 2-GFI till the next date of hearing.”

10. Despite an LPA being filed against the order dated 27.09.2023, no interim stay has been granted by the Division Bench of this Court. Further, attention has been drawn on the order dated 01.02.2024 passed by a Division Bench of this Court in W.P.(C) 8691/2020 wherein the statement of Union of India has been specifically recorded to the effect that the directions contained in the judgment dated 16.08.2022 apply to all NSF's. Further, the said order/judgment also records that the pendency of the appeal before the Supreme Court shall not impact any proceeding/s which may be pending in relation to other sports federations. The relevant portion of the order dated 01.02.2024 is reproduced as under:-

“3. To be noted, this direction was issued to progress the directions contained in the judgment dated 16.08.2022 passed in W.P.(C) No.195/2010.

3.1 We have specifically asked Mr Anil Soni, learned CGSC, who represents the Union of India (UOI), as to whether according to UOI, the judgment dated 16.08.2022 is applicable to the National Sports Federation (NSF), apart from



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the Indian Olympic Association (IOA).

3.2 Mr Soni, in no uncertain terms, says that the directions contained in the judgment dated 16.08.2022 would apply to the NSF as well.

4. We tend to agree with Mr Soni. In our view, the judgment dated 16.08.2022 is a judgment in rem and therefore the directions contained therein will apply mutatis mutandis to the NSF, including the applicant/federation.

5. At this stage, Mr Barua says that since the judgment dated 16.08.2022 was stayed by the Supreme Court via order dated 18.08.2022, the directions contained therein cannot be progressed any further.

5.1 It is not disputed by Mr Barua or by Mr Soni that the Supreme Court via a subsequent order dated 17.07.2023 has, interalia, observed as follows:

“3. The pendency of these proceedings shall not stay any proceedings which may be pending before the High Courts in relation to other sports federations.”

6. Therefore, respectfully stated, our understanding is that the Supreme Court has permitted the continuation of proceedings in the pending writ petitions, including the above-captioned writ petition.

7. The other contention articulated by Mr Barua is that since the judgment dated 16.08.2022 was tendered keeping in mind the structure of the IOA, it cannot possibly apply to NSFs, including the applicant-federation.

8. As indicated hereinabove, the directions contained in the judgment can apply only mutatis mutandis. Thus, if any direction is peculiar to only the parties who stand arrayed in WP(c) 195/2020, in which the judgment dated 16.08.2022 was rendered, as and when such issue is brought to the notice of the Court, appropriate orders will be passed. Short of this, there will be strict compliance with the directions contained in the judgment dated 16.08.2022.”

11. Issue notice.

12. Learned counsel as aforesaid accepts notice on behalf of respondent no.1.

13. Issue notice to respondent no.2, through email. Let the Union of India also take steps to intimate respondent no.2 about the pendency of the present petition.

14. Mr. Anil Soni, learned CGSC for respondent no.1/UOI is directed to take specific instructions as to whether the Volleyball Federation of India is compliant with the directions contained in judgment dated 16.08.2022, read with the National Sports Development Code of India, 2011.

15. List on 15.02.2024.

FEBRUARY 14, 2024/AT

SACHIN DATTA, J



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