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

+ **W.P.(C) 6816/2019 (Disposed of case)**

AJEET NAGAR & ANR.

..... Petitioners

versus

UNION OF INDIA & ORS

..... Respondents

+ **W.P.(C) 12673/2021 (Disposed of case)**

UTTAM SINGH

..... Petitioners

versus

UNION OF INDIA THROUGH
SECRETARY & ORS

..... Respondents

Appearance:

Mr. D.K. Rustagi & Mr. J. Karan Malhotra, Advocates for Petitioners in
Item Nos. 1 & 2

Mr. Sudhir Naagar, Mr. Piyush Aggarwal, Mr. Yash Bhardwaj & Mr.
Arun Kr. Nagar, Advocates for respondents in Item Nos. 1 & 2.

Mr. Anil Soni, CGSC with Mr. Devvrat Yadav, Ms. Mahek Dhingra &
Ms. Prachi Singh, Advocates for UOI in Item Nos. 1 & 2.

Mr. R.A. Iyer, Advocate for Ld. Court Commissioner in Item No. 1.

Mr. Shobhit Jain, Advocate for applicants.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.05.2024

**CM APPL. 1025/2024 (Application on behalf of applicant seeking recall
of the order dated 04.12.2023) in W.P.(C) 6816/2019**

**CM APPL. 1017/2024 (Application on behalf of applicant seeking recall
of the order dated 04.12.2023) in W.P.(C) 12673/2021**

1. The writ petitions were disposed of by an order dated 04.12.2023,
which reads as follows:-

“1. These three writ petitions concern elections held in the year



2020- 21 through the Executive Committee of the Shooting Ball Federation of India [“SBFI”].

2. The petitioners have raised various grievances with regard to constitution of the electoral college for the elections held in the year 2020. Mr. D. K. Rustogi, learned counsel for the petitioner, states that elections have been held on the basis of provisional registrations illegally granted by the Union of India to various constituent units who were allowed to participate in the elections. He submits that the correct electoral college was formulated by Hon’ble Mr. Justice C.K. Mahajan, a former Judge of this Court in the year 2016, which ought to form the basis of the electoral role for subsequent elections.

3. However, it is not necessary to adjudicate upon these contentions, as in order to put an end to the controversy, Mr. Rustogi suggests that a fresh electoral college be prepared under the supervision of a retired Judge of this Court, and fresh elections be conducted.

4. Mr. Anil Soni, learned Central Government Standing Counsel for UOI, and Mr. Bhanu Sanoriya, learned counsel for the Federation, instructed by Mr. Ravindra Tomar, Secretary General of the Federation elected in the impugned election of 2020, submit that this course may be adopted. However, it is contended on behalf of the Federation that an important sporting event is to be organised in the first week of March 2024, and elections may be conducted after that date.

5. Having regard to these submissions, the writ petitions are disposed of with the consent of learned counsel for the parties with the following directions:

a. Hon’ble Mr. Justice Najmi Waziri, former Judge of this Court [Tel: 9810097311], is appointed as the Commissioner to conduct the next election to the Federation.

b. In order to constitute the electoral college for the election, the Federation is directed to place all relevant records before the learned Commissioner, in accordance with his directions. All concerned parties may place their relevant contentions in this regard before the learned Commissioner within a period of four weeks from today, and the learned Commissioner will hold such hearings/deliberations with the parties as he may consider appropriate before declaring the final electoral college.

c. The elections will be conducted under the supervision of the learned Commissioner in the month of April 2024. The provisions of the National Sports Development Code, 2011 will apply.

d. All parties assure the Court that they will cooperate with the learned Commissioner for this purpose.

6. Mr. Rustogi and Mr. Sanoria represents two rival factions of



the Federation. Each claim to be the genuine Federation. Mr. Rustagi is instructed by Mr. Uttam Singh, petitioner in W.P.(C) 12673/2021 and Mr. Sanoriya by Mr. Ravindra Tomar. Mr. Uttam Singh claims to have been elected as the Secretary General in the election held in 2021. Both learned counsel state upon instructions that their clients will share the remuneration of the learned Commissioner.

7. The remuneration of the learned Commissioner is fixed at ₹10,00,000/-, to be shared equally between the factions represented by Mr. Uttam Singh and Mr. Ravindra Tomar.

8. The petitions, alongwith pending applications, are disposed of with these directions.”

2. Three persons, being the President, Secretary General and Treasurer of the Federation have now filed these applications for recall of the said order on the ground that the President and Treasurer, who were all elected for the terms until October, 2024 were not heard.

3. The applicant No. 3 in both applications is Mr. Ravindra Tomar, Secretary General of the Federation. It is recorded in the order that he was personally present and gave his consent to the holding of the election. The filing of the present recall application by him is therefore an attempt to renege from the consent given before the Court. Mr. Shobhit Jain, learned counsel for the applicants, seeks permission to drop Mr. Ravindra Tomar from the array of applicants, which is permitted, subject to deposit of costs of ₹15,000/- by Mr. Ravindra Tomar with the Delhi High Court Legal Services Committee [UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSC Code-UCBA0001553] within two weeks from today.

4. As far as the question of holding elections is concerned, quite apart from the objections raised by other applicants, the learned Court Commissioner has filed a report dated 05.02.2024, in which it is stated



that the Constitution of the Federation is not in accordance with the Sports Code. The learned Court Commissioner has also given a detailed list of violations of the Sports Code. It is stated in the order that the elections cannot be held until the Constitution is suitably amended, in compliance with the Sports Code, as required by the order dated 04.12.2023.

5. Mr. Sudhir Naagar, learned counsel for the Federation states that the directions given in paragraph 5(b) of the order dated 04.12.2023 have already been complied with, and that the amendments of the Constitution of the Federation are in progress.

6. It is therefore clear that further directions will have to be given with regard to amendment of the Constitution and time for holding of elections.

7. The applications are therefore disposed of with the direction that order dated 04.12.2023 is modified to the extent that the directions for holding of the elections in April, 2024 is deleted, and the writ petitions are restored to their original number, so that further directions can be passed in this regard.

8. The Registry is directed to list the writ petitions before the Roster Bench on 27.05.2024.

9. The applicants in these applications may apply for impleadment in the petition with liberty for filing of the application, if they so wish.

CM APPL. 9673/2024 (Application on behalf of the petitioner for clarifying the order dated 04.12.2023) in W.P. (C) 12673/2021

Mr. D.K. Rustagi, learned counsel for the petitioner/applicant, states that he does not wish to press this application. The application is



dismissed as withdrawn.

W.P.(C) 6816/2019 & W.P.(C) 12673/2021

List before the Roster Bench on 27.05.2024, alongwith pending applications.

PRATEEK JALAN, J

MAY 10, 2024

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