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

+ **CS(OS) 720/2025**

GAGANJEET BHULLAR & ORS.

.....Plaintiffs

Through: Mr. Mahesh Jethmalani, Mr. Chander M. Lall, Senior Advocates with Mr. Abhishek Singh, Mr. J. Amal Anand, Mr. Elvin Joshy, Ms. Shivani Kalra, Mr. K. V. Vibhu Prasad, Mr. Utkarsh Sahu, Mr. Ayush Soni, Ms. Annanya Mehan, Mr. Ankit Rana, Ms. Shipra Bali, Mr. Bharat Khurana and Mr. Sarthak Malhotra, Advocates.

versus

PROFESSIONAL GOLF TOUR OF INDIADefendant

Through: Mr. Rajiv Nayar, Senior Advocate with Mr. Gaurav M Liberhan, Mr. Jai Veer Shergil, Ms. Akriti Gupta, Mr. Arun Singh Rawat and Mr. Siddhant Jain, Advocates.

Mr. Darpan Wadhwa, Senior Advocate with Mr. Arsh, Advocate with Mr. Akshay Sharma, in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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13.10.2025

I.A. 25182/2025(u/O XXXIX Rules 1 and 2 CPC)

1. This application is filed on behalf of the Plaintiffs under Order XXXIX Rules 1 and 2 CPC seeking the following reliefs:-

- "1. Pass an ad-interim injunction restraining the Defendant Society, its office bearers, agents, and representatives from directly or indirectly giving effect to or enforcing Regulation 1.10 of the PGTI Handbook, including any prohibition, restriction, or disciplinary action against the Plaintiffs for participating in any non-PGTI tournament.
- II. Pass an ad-interim injunction restraining the Defendant Society, its office bearers, agents, and representatives from directly or indirectly giving effect to



- or enforcing Rule 24(17) and Rule 12(6) of MOA
- III. Pass an ad-interim direction permitting all Plaintiffs who have duly submitted their entries for participation in the DP World India Tournament (16th to 19th October 2025), in accordance with Regulation 1.5 of the PGTI Handbook, and who are otherwise eligible under the PGTI Order of Merit, to participate freely in the said tournament, without being obstructed or disqualified on account of the impugned and illegal "interim suspensions" imposed by the purported Disciplinary Action Committee.
 - IV. Pass an ad-interim Order staying the operation of Emails dated 20.09.2025 received from the Disciplinary Action Committee (DAC) imposing a illegal suspension upon the Plaintiffs
 - V. Pass an ad-interim injunction directing Defendant Society to send fresh list including name of Plaintiff No. 1, 2, 4 and 12 who have qualified in the Order of Merit and eligible to participate in DP World India Tour scheduled from 16th – 19th October 2025.
 - VI. Pass an ad-interim direction staying all proceedings initiated by the purported Disciplinary Action Committee (DAC) pursuant to the Emails dated 20.09.2025 issued to each of the Plaintiffs, and restraining the Defendant Society from taking any coercive steps, including but not limited to suspension, termination, etc.
 - VII. Any other relief that this Court may deem fit and proper while looking into the facts and circumstances of the case. ”

2. This suit is instituted by the Plaintiffs *inter alia* challenging Rule 24(17) of the Memorandum of Association (‘MOA’) of the Defendant Society which empowers the Governing Body to prohibit members from playing non-Professional Golf Tour of India (PGTI) events and to suspend/expel members who are in purported breach thereof; Rule 12(6) of the MOA which permits suspension/expulsion of members who litigate against the Defendant; and Regulation 1.10 of the Members Handbook & PGTI Rules & Regulations 2025 (Handbook) which bars participation in ‘conflicting events’ without prior approval. Plaintiffs also challenge interim suspension of their memberships by the Disciplinary Action Committee (DAC) on several grounds.

3. As per the averments in the plaint, Plaintiffs are professional golfers of repute and standing and are actively competing in PGTI and other National and International tours. Their credentials, achievements,



accomplishments, awards and accolades are detailed in the plaint. Defendant is a private and autonomous society registered under the Societies Registration Act, 1860 and was incorporated in September, 2006. Defendant is constituted and governed by its MOA and allied Rules and Regulations. The objective of the Defendant Society is to promote and protect the cause and best interests of Professional Golf in India.

4. As noted above, multiple reliefs are sought by the Plaintiffs in the present application, however, at this stage the relief is restricted to grant of *ad interim* injunction directing the Defendant to send a fresh list of golf players including the names of Plaintiff Nos.1, 2, 4 and 12 for participation in DP World India Tour scheduled from 16th-19th October 2025.

5. Mr. Mahesh Jethmalani and Mr. Chander M. Lall, learned Senior Counsels for the Plaintiffs made the following submissions:-

(a) Owing to participation of the Plaintiffs in IGPL invitational 2025-Delhi NCR between 17th to 20th September, 2025, without obtaining prior permission and in conflict with Defendant's Chennai Open Event held between 16th to 19th September, 2025, notices of suspension of membership pending enquiry were issued to the Plaintiffs for *prima facie* breach of the code. The notices dated 20.09.2025, whereby disciplinary proceedings have been initiated and Plaintiffs were suspended, are wholly arbitrary and illegal inasmuch as there is no provision in the Handbook which empowers the Governing Body of the Defendant to suspend the membership and that too without giving opportunity of hearing.

(b) Suspension orders were issued only with an intent to prevent Plaintiffs No.1, 2, 4 and 12 from playing in the DP World India



Tournament and to make way for others such as one member of DAC and the other of the Governing Body. Regulation 1.3 of the Handbook classifies breaches into two categories i.e., Minor Breach and Serious Breach. In case of Minor Breach, penalty between Rs.1,000/- to Rs.25,000/- can be imposed by the CEO, Director of Operations or Tournament Director against which decision appeal lies to DAC. In case of Serious Breach, matter is required to be considered by DAC, on receipt of report from the Defendant accompanied by written statement of witnesses. Upon forming a *prima facie* view, DAC is required to forward to the concerned members details of the date, time and place of hearing within 28 days; nature of the breach alleged; and copies of report and written statements to be considered at the time of hearing. DAC has failed to follow the required procedure and this vitiates the interim suspension orders.

(c) Even on merits, the disciplinary action initiated against the Plaintiffs is untenable. Defendant has never in the past caused any hinderance in the way of its permitted members to freely participate in National or International tournaments right from its inception in the year 2006, even when such tournaments coincided with Defendant's events. In fact, even members of the Governing Body have been participating in tournaments outside PGTI, without any prior permission or sanction. Plaintiffs participated in the Trinity Golf Champions League at Pune from 01st to 06th September, 2025 though during the said period, Defendant was conducting the NexGen Patna Event from 02nd to 04th September,



2025, but there was no problem.

- (d) Plaintiffs have filed appeals before the Competent Authority against interim suspension notices and the same are pending till date. Regulation 1.3(e) provides that any aggrieved member may appeal to the Governing Body against any decision of DAC and in the event of any such appeal being filed, implementation of the decision of the Committee under Appeal shall be stayed until the appeal has been heard and therefore, upon filing of the appeals by the Plaintiffs, there is automatic stay on the illegal suspension orders and Plaintiffs remain eligible to be considered for entry in the DP World India Tournament scheduled from 16th to 19th October, 2025 and future tournaments.
- (e) The upcoming DP World India Tournament is a Co-Sanctioned Tournament, which as defined in the MOA means PGTI Tournament that is jointly sanctioned with a member of the International Federation of PGA Tours and any other Tournament as the Board may, from time to time advise and is held in accordance with the laid down eligibility criteria. Regulation 1.2 lays down the '*Starting Field*' of an event, which is usually 126, and is filled in accordance with a '*Category Order*' as outlined in the said Regulation in the Handbook. Regulation 1.2 provides an order which is to be mandatorily followed to fill the field in PGTI Tournaments and includes: Category 01-PGTI Order of Merit Champions (04); Category 02-PGTI Multiple Tournament Winners; Category 03-PGTI Tournament Winners and so on and so forth. Category-01 includes four names while Category-02



includes five and Plaintiffs No.2 and 12 are included in Category-02. Category-03 has a list of 18 names and Plaintiffs No.1, 4 and 16 are included at Serial Nos.11, 16 and 17. Clearly, the benchmark criteria of eligibility and selection laid down in Regulation 1.2 have been completely overlooked. If Defendant had followed the Category Order of Merit Champions, PGTI Multiple Tournament Winners, PGTI Tournament Winners, etc., no way Plaintiffs could have been excluded out of the list of 24 players sent for the upcoming event. In fact, if Defendant had followed the PGTI Rules and Regulations, Plaintiff No.1 would have been at Serial No.23; Plaintiff No.2 at Serial No.19; Plaintiff No.7 at Serial No.22; and Plaintiff No.12 at Serial No.8 in the Final List.

- (f) There is a deliberate attempt to oust Plaintiffs No.1, 2, 4 and 12 from the DP World India Tournament and this is evident from the fact that the final entry list published by PGTI on 05.10.2025 at 10.24 AM includes the current member of DAC at Serial No.19 and member of the Governing Body at Serial No.23. DAC is responsible for issuing suspension orders against the said Plaintiffs and there is thus no doubt that vested interests are involved in the final selection of the players, overlooking merits of the players.
- (g) Defendant has placed reliance on the minutes of meeting held on 30.09.2025 to justify that list of 24 players has been formulated on the basis of playing merit and performance consistency, however, no such meeting was actually convened and the minutes are forged and fabricated, drawn up as an afterthought to cover up the illegal action of arbitrarily picking and choosing the players. Even



assuming that the minutes are not forged, it can be seen that the Category Order mandated under Regulation 1.2 has been given a go-bye and there is no consideration of the factors enumerated therein. The decision of finalizing the list of 24 players is vitiated by *mala fide*, arbitrariness and violating the applicable regulations.

(h) The *mala fides* of the Defendant is also evident from the fact that when this application was taken up for hearing by the Court on 10.10.2025, Court was informed that all 24 players have been finalized and since no slots are vacant, there was no scope of intervention to include the Plaintiffs. However, it transpires that the list only included 23 players. This was a clear attempt to mislead the Court and obstruct the grant of interim order to include Plaintiffs in the final entry list.

6. Reply to the application has been filed by the Defendant but the same is not on record. Considering the urgency to take up this application, copy of the reply handed over in Court is taken on record with a direction to the Defendant to ensure that the original reply shall be brought on record during the course of the day. Placing reliance on the averments in the reply as also documents filed along with it, Mr. Rajiv Nayar, made the following submissions:-

(a) Plaintiffs were well aware when the suit was filed that list of 24 players as requisitioned by DP World was finalized on 04.10.2025 and sent to DP World and the Entry List was updated on 05.10.2025 at 10.24 A.M. It was equally known to the Plaintiffs that the interim order sought by them, if granted, would entail



exclusion of some players from the said list and thus they were necessary parties to the suit. Even then, the selected players have not been impleaded and the suit is bad for non-joinder of necessary parties. Plaint also deserves to be rejected on account of existence of arbitration clause under Rule 24(7) of the PGTI Rules and Regulations, 2025.

- (b) Plaintiffs have no legal or vested right to be compulsorily nominated to play a Tournament organized by DP World. In terms of the contract of the Defendant with DP World, Defendant was required to send only 24 names and last date of entries was 25.09.2025. Selection Committee convened its meeting on 30.09.2025 and basis factors including but not limited to playing merit, performance consistency as also commitment to professional development, names of the players were recommended for entry to the Tournament scheduled from 16th to 19th October, 2025. *Albeit* the Handbook contains the Starting Field which includes Category Order for finalizing eligibility, the Committee while considering the said criteria has also kept in mind the four-day format of the DP World Tournament and the recent performance of the players. The allegation that no meeting was convened on 30.09.2025 and that the minutes of meeting are fabricated, is wholly misconceived and without any factual basis.
- (c) The final list of 24 players sent by the Defendant has been confirmed by DP World and players have reported for the tournament after completion of all requisite formalities and modalities and therefore at this stage, any intervention by the



Court for including the Plaintiffs or excluding the players in the final list will be detrimental to the sport, the selected players and public interest. The selection has been fair and transparent and it is settled that the Court cannot substitute its views for those of a Selection Committee, unless the decision making process is arbitrary, which the Plaintiffs have been unable to demonstrate in this case. The balance of convenience does not lie in favour of the Plaintiffs and in the entire pleadings, both in the suit and in the present application, no case is made out that irreparable harm will be caused to the Plaintiffs if the interim relief sought is not granted.

(d) Plaintiffs wrongly contend that Defendant is not empowered to suspend a member of the Defendant Society inasmuch as Rule 10 of PGTI Rules and Regulations, 2025 empowers the Defendant to suspend the member with immediate effect on grounds mentioned therein and call for a general meeting of the Association to consider the matter. Notices of suspension were rightly issued on 20.09.2025 on receipt of a report from the Tournament Director, PGTI that Plaintiffs had participated in IGPL Invitational, 2025, contrary to Regulation 1.10 pertaining to conflicting events since Plaintiffs did not obtain the mandatory release from the CEO, Director-Operations before participating in this conflicting event. Plaintiffs were called for personal hearing before the DAC to present their case and no infirmity can be found with the procedure adopted.

7. Learned Senior Counsels for the Plaintiffs denied the existence of



arbitration clause and vehemently contested that the players included in the Final List for the upcoming Tournament were necessary or proper parties. It was urged that it is not necessary for the Plaintiffs to implead the selected players as this would be an unending exercise given the number of aspiring players and moreover, the relief is essentially against the Defendant and Plaintiffs have no cause of grievance against the selected players.

8. Heard learned Senior Counsels for the parties and examined their rival submissions.

9. As noted above, multiple interim reliefs are sought by the Plaintiffs in the present application, however, at this stage, the relief was restricted to a the interim suspension and direction to the Defendant to include Plaintiffs No.1, 2, 4 and 12 in the final Entry List of players for participation in DP World India Tournament scheduled from 16th to 19th October, 2025. In a nutshell, case of the Plaintiffs is that they have been wrongfully suspended and consequentially prevented from participating in the Tournament and this exercise by the Defendant is actuated by malice, which is evident from the fact that the eligibility criteria enumerated as Starting Fields in Regulation 1.2 has been totally overlooked and one member of the DAC and the other of the Governing Body has been selected to participate, indicating malice in excluding Plaintiffs No.1, 2, 4 and 12, who have been professional Golfers for the past several years with exceptional merit and skill and have to their credit many accomplishments and awards leading to an illustrious career. Defendant, on the other hand, does not deny the professional calibre and accomplishments of the Plaintiffs, but argues that the Selection Committee has recommended names for inclusion in the Final List based on requisition of 24 players by DP World, taking into account all relevant factors, criteria



and benchmark of selection as also the four-day format of the game and recent performances. Minutes of meeting of the Selection Committee have been placed on record to buttress the submission.

10. It is settled that the Courts cannot substitute the decision taken by a Selection Authority and the scope of jurisdiction is limited to examining the decision making process to see if it suffers from arbitrariness, perversity, malice, etc. Minutes of meeting dated 30.09.2025 reflect that 24 playing spots were allocated to PGTI members by DP World Tour for participation in the DP World India Championship, 2025. PGTI Governing Body mandated the Selection Committee to identify the most deserving players based on playing merit, performance consistency and commitment to professional development. Following this path, the Committee proceeded to select the players keeping in backdrop the ethos that the selection should uphold sporting excellence and ensure that India is represented by its most capable and deserving professionals. The minutes *prima facie* reflect that the Committee reviewed the recent performance data of leading Indian professionals, taking into account Order of Merit standings on PGTI 25 season; scoring averages and top 10 finishes; consistency of participation in official PGTI events, which have four-day formats and have halfway cut. As can be seen from the minutes, after deliberations, Committee re-affirmed the following guiding criteria for allocating the 24 PGTI spots:-

- Merit-Based Selection – Primary consideration will be based on current Order of Merit standings, adjusted for consistency and competitiveness.
- Playing Ability & Form – Recent results and demonstrated form in 4-day stroke play events will be key metrics.



- Any recent injury that a player has suffered that could affect his playing ability.

11. On examining the decision making process undertaken by the Selection Committee, I am of the *prima facie* view that relevant factors/criteria have been taken into consideration while finalizing the Entry List of 24 players. In the absence of cogent material on record, at this stage, I am unable to conclude even *prima facie* that the decision is legally flawed, perverse or arbitrary or based on extraneous considerations. Committee has taken into consideration merit based criteria including consistent performances of the players in the zone of consideration keeping in backdrop the four-day format of the Tournament in question. The balance of convenience also does not lie in favour of the Plaintiffs. The event is scheduled to commence from 16th October, 2025 and players have already reported for the Tournament. Any intervention by this Court at this stage by passing a direction to include the four Plaintiffs in the Final List would entail exclusion of four players already selected and this will be detrimental to the interest of those players, who have not been impleaded in the suit by the Plaintiffs for reasons best known to them, despite being aware of the Final List and being conscious of the fact that any interim order passed by this Court may have an impact on the players included in the list for playing the Tournament. It would be a travesty of justice to exclude any player from the Final List in his absence and without hearing him. Change in the final list will adversely impact the tournament and consequently, public interest .

12. There is no material at this stage for this Court to conclude even *prima facie* that one member of the DAC and the other of the Governing Body has been included in the Final List, illegally or arbitrarily or that this



was the reason to exclude the Plaintiffs, as alleged by the Plaintiffs and this will be a matter of trial. Insofar as the allegation that Defendant had wrongly informed the Court on 10.10.2025 that all 24 players had been selected whereas only 23 had been selected is concerned, Mr. Nayar has drawn the attention of the Court to the list dated 04.10.2025 and explained that no attempt was made to misguide the Court as the list shown to the Court clearly reflected that the 24th slot was reserved for Winner of the Bengaluru Open, 2025 since at that stage, the Tournament was on-going and the result was declared only post 3.00 pm. DP World was also informed of this position that the slot had been kept reserved and the list was affirmed after acknowledgement of this fact. Therefore, there is no merit in this allegation.

13. It is trite that grant of *ad interim* injunction is governed by trinity principles i.e. *prima facie* case, balance of convenience and irreparable harm and injury. Plaintiffs are unable to make out a *prima facie* case for interfering in the final Entry List comprising of 24 players, selected by the Selection Committee. Balance of convenience does not lie in favour of the Plaintiffs for the aforesaid reasons. Mr. Lall, learned Senior Counsel had urged that if Plaintiffs No.1, 2, 4 and 12 are not permitted to participate the DP World Tournament, irreparable harm and injury will be caused since this is a prestigious Tournament and opportunities of this nature are not frequently available to sports persons. Indisputably, unless a party satisfies all the three ingredients, *ad interim* injunction cannot be granted and therefore, in the absence of establishing a *prima facie* case and balance of convenience, no *ad interim* injunction can be granted in favour of Plaintiffs No.1, 2, 4 and 12 directing the Defendant to include them in the list for the upcoming tournament.



14. At this stage, learned Senior Counsels for the Plaintiffs submit that Regulation 1.3(e) provides a right to a member to appeal to the Governing Body against any decision of the DAC and further provides that in the event of any such appeal being made, implementation of the decision of the Committee shall be stayed until the appeal has been heard and therefore, pending the decision on the appeals filed by the Plaintiffs, the suspension order cannot operate. Court finds merit in this submission. It is accordingly held that the interim suspension orders passed against the Plaintiffs shall be treated as stayed by virtue of Regulation 1.3(e) till the decision on the appeals. No further order is required to be passed at this stage.

15. List the application on 06.11.2025, for consideration of the remaining interim reliefs sought by the Plaintiffs.

16. It is made clear that the observations in this order are only *prima facie* and will not come in the way of adjudication of this application for the remaining reliefs or final adjudication of the suit.

JYOTI SINGH, J

OCTOBER 13, 2025
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