

A ALL INDIA FOOTBALL FEDERATION

v.

RAHUL MEHRA & ORS

(Special Leave Petition (Civil) Nos. 30748-30749 of 2017)

B MAY 18, 2022

**[DR DHANANJAYA Y CHANDRACHUD, SURYA KANT
AND PAMIDIGHANTAM SRI NARASIMHA, JJ.]**

All India Football Federation – Committee of Administrators – This Court by an interim order, constituted a Committee of Administrators (CoA) for formulating the Constitution of the federation; ensuring constitution of Executive Committee and for holding elections – CoA placed a draft constitution for inviting any suggestion or objection – All the objections to be placed before the Court – Two member CoA, which was earlier appointed by the Court to prepare constitution and hold elections was reconstituted with three members – Now the CoA to assist the Court and provide its inputs in the course of the proceedings so as to facilitate adoption of the Constitution – The CoA to prepare the electoral roll/college for the purpose of conducting the elections to the Executive Committee in accordance with the provisions of the Constitution, as proposed – The CoA to make all appropriate arrangements, for the governance of the Federation, until elections are held – The CoA to assist the Court and carry out the day to day governance of the Federation – The CoA to issue appropriate directions in regard to the operation of accounts, funds and payment of expenses incurred for the functioning of the Federation – Matter listed for hearing of objections.

EXTRA ORDINARY APPELLATE JURISDICTION: Special Leave Petition (Civil) Nos. 30748-30749 of 2017.

G From the Judgment and Order dated 31.10.2017 of the High Court of Delhi at New Delhi in CM No. 46919 of 2016 and CM No.19815 of 2012 in W.P. (C) No.195 of 2010.

Shyam Divan, Siddharth Bhatnagar, Sr. Advs., Premtosh Mishra, Debmalya Banerjee, Kartik Bhatnagar, Anmol, Nicholas Choudhary,

H

Shreesh Chadha, Adith for M/s Karanjawala & Co., Advs. for the Appellant. A

Rahul Mehta, Chaitanya Gosain, Parshant Bhushan, Kotla Harshavardhan, Kshitij Maheshwari, N. Sai Vinod, Ms. Swarupama Chaturvedi, Kanu Agarwal, Apoorv Kurup, Amrish Kumar, Hemant Phalpher, Nar Hari Singh, Dr. Amaresh Kumar, Shuvodeep Roy, Anshuman Amaresh, Gaurav Kumar, Nagarkatti Kartik Uday, Advs. for the Respondents. B

The following Order of the Court was passed:

ORDER

1. Application for intervention¹ is allowed. C

2. By an interim order dated 10 November 2017, a Committee of Administrators² (also described as Ombudsmen), was constituted for (i) formulating the Constitution of the All India Football Federation³ in consonance with the National Sports Code and the Model Guidelines; (ii) ensuring the constitution of the Executive Committee and for holding elections. D

3. The CoA has sought the permission of the Court to submit its report. Mr Samar Bansal, counsel appearing on behalf of CoA submits that before the report was finalized, the CoA circulated the draft report to the constituent units to elicit responses. The report has been finalized after taking into consideration the responses which were received. E

4. The CoA, acting under the authority assigned to it by this Court in terms of the above order has sought the permission to place the Constitution for further consideration. The request of the CoA is allowed. F

5. The proposed Constitution of the All India Football Federation which has been directed to be presented to court in a sealed cover in the earlier interim order shall be circulated to all the parties. Any objection or suggestion to the Constitution, as proposed, shall be filed only before this Court on or before 30 June 2022. Any party desirous of obtaining a copy of the proposed Constitution would be at liberty to email its request to Mr Samar Bansal, counsel appearing on behalf of CoA. Mr Bansal will circulate the proposed Constitution to the parties and to any other G

¹ IA 52826 of 2022

² “CoA”

³ “Federation” H

A constituent unit. Thereafter, all objections and suggestions shall also be emailed to Mr Bansal who shall collate the objections for the purpose of rendering facilitative assistance to this Court. Counsel is requested to prepare a tabulated statement of:

(i) The parties submitting suggestions/objections:

B (ii) The nature of the suggestions/objections; and

(iii) The inputs of the CoA on the proposed suggestions/objections.

6. This exercise shall be carried out by the CoA on or before 15 July 2022 and a tabulated statement shall be placed on the record. The tabulated statement shall also be circulated to all the parties so as to apprise them of the position.

7. The elections of the Executive Committee which were held on 21 December 2016 were set aside by the judgment of the Division Bench of the High Court of Delhi dated 31 October 2017. During the pendency of these proceedings, by the interim order dated 10 November 2017, the operation of the judgment of the High Court was stayed, including the directions which were issued in paragraph 22 of the judgment. The normal tenure of the elected body would, in any event, have come to an end on 20 December 2020. The consequence of the order of stay is that despite the expiry of its four year term, the Executive Committee has continued to govern the affairs of the Federation. This state of affairs is not in the interest of the proper governance of the Federation. Hence, the two member CoA which was appointed by the order of this Court dated 10 November 2017 with a specific mandate to prepare the Constitution and hold elections to the Executive Committee, is reconstituted to consist of the following members:

(i) Mr Justice Anil R Dave, former Judge of the Supreme Court;

(ii) Dr S Y Qureshi, former Chief Election Commissioner; and

(iii) Mr Bhaskar Ganguly, former captain of the Indian Football Team.

8. The CoA shall take charge of the affairs of the Federation and shall carry out the following functions:

(i) The CoA shall assist this Court and provide its inputs in the course of the present proceedings so as to facilitate the

H

adoption of the Constitution after the objections/suggestions are considered; A

(ii) The CoA shall prepare the electoral roll/college for the purpose of conducting the elections to the Executive Committee in accordance with the provisions of the Constitution, as proposed, subject to such further directions as may be issued by this Court after hearing the parties; B

(iii) The CoA shall carry out the day to day governance of the Federation; C

(iv) In discharging its task in terms of (iii) above, the CoA would be at liberty to take the assistance of the erstwhile Committee of the Federation which has continued till the date of this order in order to facilitate decisions being taken, *inter alia*, on the holding of tournaments, selection of players and all other matters necessary for the proper governance of the Federation; D

(v) The erstwhile Committee which shall forthwith hand over the charge to the CoA; and

(vi) The CoA would be at liberty to make all appropriate arrangements, for the governance of the Federation, until elections are held. E

9. The present direction is a temporary arrangement in order to facilitate the holding of elections and the handing over of the affairs to a democratically elected body in terms of the Constitution which will be adopted.

10. It is expected that the process of conducting the elections should be completed expeditiously after the Constitution is finalized. F

11. The CoA is requested to submit its report to this Court proposing the honorarium payable to the three members, together with reimbursement of incidental expenditure that may be incurred for the purpose of the functioning of the CoA. The CoA would be at liberty to take the assistance of or to consult the erstwhile Committee for such purposes as is necessary to ensure the smooth functioning of the affairs of the Federation until elections are held. The erstwhile Committee shall cooperate in all respects with the CoA. The CoA shall be at liberty to G

H

- A issue appropriate directions in regard to the operation of accounts, funds and payment of expenses incurred for the functioning of the Federation.

12. The petition shall be posted for hearing of objections on 21 July 2022.

Ankit Gyan

Directions issued.