

# **Pondicherry Basketball Association vs Union Of India, & Ors on 30 May, 2023**

**Author: Purushaindra Kumar Kaurav**

**Bench: Purushaindra Kumar Kaurav**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P.(C) 1731/2023  
PONDICHERRY BASKETBALL ASSOCIATION

UNION OF INDIA, & ORS.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

% 30.05.2023

1. The matter has already been disposed of vide judgment dated 02.05.2023 and is now taken up on CM APPL. 30070/2023.

2. Heard learned counsel appearing on behalf of the petitioner.

3. Issue notice.

4. Learned counsel appearing on behalf of respondent nos.1 and 2, accepts notice.

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5. Learned counsel appearing on behalf of the petitioner states that this court in terms of judgment dated 02.05.2023 vide paragraph no.100 has issued various directions, inter alia, appointing the Former Judge of the High Court of Karnataka as an Administrator. It has also been directed that the Administrator shall decide whether the present Returning Officer (RO) should continue to conduct the election or has to be replaced by another RO and the liberty was also granted to the Administrator to appoint another RO as he may deem appropriate and to take all steps as may be necessary to conduct the elections of Basketball Federation of India (BFI) in accordance with the Sports Code and Model Election Guidelines (MEG).

6. According to learned counsel appearing on behalf of the petitioner, the Administrator has taken over the charge of BFI, however, on account of non co-operation by the Former President and Secretary General, the Administrator is unable to perform the function as has been indicated vide judgment dated 02.05.2023. She submits that there are various bank accounts in the name of BFI and only in few accounts, the relevant documents, like, the account number, cheque book etc. have been handed over to the petitioner by the Former President, K. Govindraj. She complains that the documents lying at different offices have also not been supplied. According to her, it is not only the elections of BFI are to be conducted but at the same time all ongoing and future sports activities are to be regulated.

7. According to her, even till date, the record with respect to the election which was conducted by the earlier RO has not been provided to the Administrator. According to her, the non co-operation by the Former This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 08/10/2023 at 04:14:12 President and the Secretary General is resulting in non conduction of timely election and halting smooth functioning of BFI.

8. Dr.Menaka Guruswamy, learned senior counsel appearing on behalf of Former President and Secretary General on advance instructions states that there is no reason for any non co-operation as alleged by the petitioner. She unequivocally states that the Former President and the Secretary General have fully co-operated with the administrator to ensure that the timely elections are conducted and general activities of BFI are carried out as per schedule.

9. She also states on instructions that some of the bank accounts and the relevant documents thereto have already been handed over through courier. She further states that in any case, there is no reason not to hand over the remaining record or the bank details etc. which are lying with the Former President.

10. The statement made by learned senior counsel appearing on behalf of respondent nos.1 and 2 is taken on record.

11. However, in order to ensure that the timely election is conducted and general sports activities are carried out as per Sports Code, this court, at this stage, finds it appropriate to issue following

directions:-

(i) Let an immediate communication be made to the RO by Mr.Malleshappa, Former District Judge, if not already made calling upon him to furnish/ hand over the entire original record with respect to conduction of election to learned Administrator. Let the entire record be handed over to the learned Administrator within a period of two days from the date of receipt of the communication or copy of this order, whichever is This is a digitally signed order.

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(ii) The Former President and Secretary General are also directed to ensure that the entire record with respect to BFI including the bank details, cheque book, pass book etc. be provided to the Administrator within two working days from today.

(iii) The Former President and Secretary General are also directed to provide the official email ID and the password to the Administrator to ensure smooth functioning of BFI.

12. Needless to state that if the Administrator requires any assistance, the same would be rendered by all concerns without any failure. Any disobedience would be considered appropriately.

13. In the meantime, The Former President and Secretary General are also at liberty to file their responses to CM APPL. 30070/2023.

14. List this matter on 01.06.2023 for compliance.

15. Let a compliance affidavit be filed by the next date of hearing.

16. Copy of this order be given dasti under signatures of the Court Master.

PURUSHAINDR KUMAR KAURAV, J MAY 30, 2023 nc This is a digitally signed order.

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