

Rahul Mehra vs Union Of India & Ors on 18 September, 2020

Author: Hima Kohli

Bench: Hima Kohli, Najmi Waziri

\$~2

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 195/2010

RAHUL MEHRA

..... Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.K.M.Nataraj, ASG with Mr.Anil Soni and Mr.Devesh Dubey, Advocates for R1/UOI.

Mr.Sanjib K.Mohanty, Advocate for R2 and R3. Mr.D.N.Goburdhun and Mr.Hemant Phalpher, Advocates for R4/Indian Olympic Association. Mr.Kunal Kohli and Ms.Arushi Chhabra, Advocates for RO.

Ms.Premtosh Mishra and Ms.Yojna Goyal, Advocates for R8.

Ms.Shyel Trehan with Ms.Bhagya K.Yadav and Mr.Tarun Agarwal, Advocates for Dr.Narinder Dhruv Batra, President of IOA.

Mr.Parth Goswami and Ms.Daisy Roy, Advocates for Archery Association of India.

Mr.Ashish Batra, Advocate for applicant in CM No. 23074/2020.

Mr.Kunal Kohli, Advocate for RO.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI HON'BLE MR. JUSTICE NAJMI WAZIRI
O R D E R % 18.09.2020 HEARD THROUGH VIDEO CONFERENCING.

CM Nos.14067/2020, 19981/2020 and 23075/2020 (Exemption) Allowed, subject to all just exceptions.

W.P.(C) 195/2010, CM Nos.374/2010 (interim directions), 972/2010 (interim directions), 2134/2011 (interim directions), 5253/2012 (for compliance), 16396/2012 (interim directions) , 18747/2012 (u/S 151 CPC), 19681/2012 (interim directions), 2218/2013 (for modification), 12612/2013 (interim directions), 17149/2013 (early

hearing), 1114/2014 (for modification), 25922/2016 (early hearing), 5931/2017 (interim directions), 13610/2017 (interim directions), 44608/2017 (interim directions), 36560/2018 (early disposal), 40205/2018 (early hearing), 54625/2019 (directions), 915/2020 (early hearing), 4947/2020 (early hearing), 14056/2020 (for consent), 14064/2020 (for intervention), 19980/2020 (for permission to place on record certain documents) and 23074/2020 (for directions)

1. Mr. Kunal Kohli, the learned counsel for the Returning Officer (RO) submits that the election process has been completed in respect of the Archery Association of India, the results have been declared and the newly elected Executive Body has taken over. Mr. Parth Goswami, the learned counsel for AAI, states that indeed, it is so. The learned counsel for the RO seeks time to file some documents in terms of the order dated 20.12.2019.

He is permitted to do so. The RO is discharged. His assistance is acknowledged.

2. The Court Master has received and mailed a copy of the order dated 17.09.2020 passed by the Supreme Court in SLP No.10503-10505 of 2020 filed by the UOI against the orders dated 07.02.2020 passed in CM No.4947/2020, dated 24.06.2020 passed in CM No.11037/2020 and dated 07.08.2020 passed in CM No. 17629/2020 in the present petition, the operative paras whereof read as follows:

"Since the proceedings before the High Court are pending, it is not appropriate for this court to enter into the merits of the challenge which has been addressed before the High Court by the first respondent. However, we need to make it clear that the order of the High Court dated 7 February 2020 required the Union Government to apprise the High Court in advance in regard to a decision that may be taken in regard to the grant of provisional recognition to National Sports Federations. Para 6 of the order dated 7 February 2020 does not embody the requirement of taking the consent of the High Court. Perhaps this aspect has missed the attention of the High Court in the subsequent order dated 24 June 2020. It erroneously read the requirement of obtaining its consent in the earlier order.

Once a decision is taken by the appropriate authority, which is apprised to the High Court, any person aggrieved by the decision, would be at liberty to pursue the remedies available. Since the writ petition is pending before the High Court since 2010, we request the High Court to take it up for expeditious disposal so that the controversy can be settled. There is a tendency for PILs, 10 like rolling stones to gather moss with the lapse of time.

Subject to the aforesaid clarification and with the above request to the High Court, the Special Leave Petitions are disposed of."

3. Mr. Nataraj, learned ASG appearing for the UOI states on instructions from Mr. Anil Soni, Central Government Standing Counsel that so far, no decision has been taken by the appropriate authority regarding grant of provisional recognition to the National Sports Federations and as and when decisions are taken in this regard, the same will be apprised to this Court. It is submitted that in this background, the application moved by the UOI for seeking permission to place on record through sealed cover, the status of compliance with the National Sports Development Code of India, 2011 and the proposed action of the respondent No.1/UOI in respect of 57 NSFs, is not being pressed (C.M. No.19980/2020). The said application is accordingly disposed-off as not pressed.

4. Mr. Mehra, the petitioner states that the writ petition itself be taken up for a decision along with the related pending applications which arise from the reliefs prayed for in the petition.

5. The aforesaid submission is endorsed by Mr. Nataraj, learned ASG who states that even the respondent No.1/UOI wants the petition to be heard and disposed-off.

6. We have been informed by Mr. Mehra that he had filed a 14 page brief note on 14.02.2019, at pages 5514-5527 of Volume 20 with copies furnished to learned counsel for the respondents and that the said note would suffice. The files received from the Registry in PDF format do not contain that note. The petitioner states that he shall also be re-filing the documents placed from pages 4277 to 4290 of Volume 18 of the paper book. The petitioner is directed to re-file the said Note and the aforesaid documents, in a PDF format within one week. Incidentally, the files of the present petition are running into 22 volumes, spreading to over 7300 pages. To cut short the controversy and to ensure that this court does not need to keep juggling between several volumes during the hearing, the petitioner and learned counsel for respondent No.1/UOI, shall prepare a brief convenience file not only containing the relevant documents, but also the relevant orders passed from time to time. Copies shall be exchanged within four weeks.

7. List on 06.11.2020 along with WP(C) No.11362/2015.

HIMA KOHLI, J NAJMI WAZIRI, J SEPTEMBER 18, 2020 tr