

# Kerala Basketball Association vs Basketball Federation Of India & Ors on 10 February, 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) 1706/2023 & CM APPL. 6508-6510/2023

KERALA BASKETBALL ASSOCIATION

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Through: Mr. Rajiv Nayyar, Sr.  
Mr. Rishi Agrawala, M  
& Mr. Shravan Niranja

versus

BASKETBALL FEDERATION OF INDIA & ORS.

Through: Mr. Darpan KM, Mr. Ra  
& Mr. Siddhant Kr. Si  
for R-1.  
Mr. Anil Soni, CGSC w  
Devvrat Yadav, Advoca

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV  
ORDER

% 10.02.2023 CM APPL. 6509 & 6510/2023 (for exemption)

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

W.P.(C) 1706/2023 & CM APPL. 6508/2023

3. Heard Mr. Rajiv Nayyar, learned senior counsel assisted by Mr. Rishi Agrawala, Mr. Ankit Bauati & Mr. Shravan Niranja, Advocates appearing on behalf of the petitioner.

4. Notice.

5. Learned counsel Mr. Darpan KM and Mr. Anil Soni accept notice for respondent no.1 & 2 respectively.

6. Let notice be issued to the respondent no.3 on taking steps by the petitioner through all permissible modes. The petitioner is also granted liberty to serve by dasti. The requisites be filed during the course of the day.

7. Let the affidavit of dasti service on respondent no.3 be filed within two working days from today.

8. I have also heard learned counsel appearing on behalf of the petitioner and respondent no.1 on the question of interim relief.

9. Mr. Rajiv Nayyar, learned Senior Counsel while pointing out the impugned order dated 04.02.2023 states that the names sent by the petitioner-association to be their representatives have not been accepted by the respondent no.1 on the ground that they are not the elected members.

10. He does dispute the aforesaid fact. However, his submission is that the President and Secretary of the petitioner-association themselves want to participate as the representatives of the petitioner-association in the election to be held on 18.02.2023. He states that if the petitioner-association is not allowed to participate into the election, the State would remain unrepresented. He points out that the reason for denial to participate in the election, is technical in nature and to ensure that the election would be more participative and democratic, it would be under the fitness of thing, if the President and the Secretary of the petitioner-association themselves are allowed to participate in the said election on 18.02.2023.

11. Learned counsel appearing on behalf of respondent no.1 submits that the events calendar has already been declared and the petitioner-association once has chosen to sent the name of its representative who are found to be ineligible, the petitioner-association must suffer the consequences. According to him, once the process has commenced, there is no reason to allow any other representative than the one whose names were earlier sent to participate in the election. He points out that, if at this stage such an intervention is made, the same would tinker with the election process of the respondent no.1-association and the entire process will be vitiated and the process will never be completed. He however, states that he be granted time to file the reply to the petition. With respect to allowing the President and Secretary to be the representative of petitioner, he states that this can only be done if there is proper resolution of petitioner Executive Committee/ Body.

12. Let the reply be filed within a period of four weeks from today.

13. Having considered the submissions made by learned counsel for the parties, as an interim measure, this court finds it necessary to issue following directions:-

(i) Let the petitioner-association to conduct a meeting of its Executive Body during the course of the day and to submit the letter of authorization of its President and Secretary to participate in election dated 18.02.2023 to be held at Bangalore;

(ii) On submission of such a resolution along with covering letter to the respondent no.3, the respondent no.3 would allow the representative of the petitioner (President

and Secretary) to cast their votes and participate in the election dated 18.02.2023 subject to final outcome of the instant petition.

(iii) All rights and contentions are left open. If eventually, it is found that the petitioner is not entitled to cast votes, appropriate order would be passed.

14. List on 02.05.2023 with liberty to respondents to request for preponement of date in case so necessitated.

15. Order dasti.

PURUSHAINDRA KUMAR KAURAV, J FEBRUARY 10, 2023 nc