

**Objections to the Nominations sent by Goa Kabaddi Association**

**(in short GKA) for the Electoral College of AKFI**

**ORDER**

Goa Kabaddi Association (GKA) is an affiliated body of AKFI and it sent two names of its authorised representatives for the “Electoral College” of AKFI constituted in September 2018 for the election of the Office Bearers of the AKFI. These two names are Ms. Rukmini D. Kamat, President and Mr. Nilesh R. Khandeparkar, General Secretary of the Association. Objections were invited from stakeholders against names of the “Electoral College”. In the case of GKA objections have been received from Mr. Mahabaleshwar Surlikar. Common written objections were also submitted by Dr. Shekhar Salkar and Mr. Suresh M. Kanolkar, received by post on 29.10.2018.

Objections filed by Mr. Mahabaleshwar Surlikar raised contention that Ms. Rukmini Kamat and Mr. Nilesh Khandeparkar were relying upon an interim order dated 23.02.2018 passed by Civil Judge Junior Division Panaji, Goa in a case no. RCS/15/2018/D but the order was under challenge in a revision petition pending in Hon’ble High Court of Goa. The Objector had taken that interim order in appeal before District Judge Goa but the said appeal was dismissed as barred by limitation and the court dismissed delay condonation application. When the interim order was under scrutiny in the

revision petition, Ms. Kamat and Mr. Khandeparkar could not be allowed to take benefit of the interim order.

It is contended that Ms. Rukmini Kamat ceased to be President of GKA as she had remained absent for 3 consecutive meetings of Goa Kabaddi Association. Those 3 consecutive meetings were dated 19.07.2017, 26.07.2017 and 06.08.2017. Absence of the President in those meetings was without permission or leave taken by the President. Accordingly a General Body Meeting was convened on 15.08.2017 wherein also Ms. Rukmini Kamat remained absent. A decision was taken to remove Ms. Kamat from the post and Mr. Ramesh Desai was elected / appointed as a President by Co-Option, supported by all the participating clubs in that Meeting. All that procedure and the proceedings were supported by the Bye-law 14 (iii) of the Rules of Goa Kabaddi Association which permitted filling up of "casual vacancies" on suggestion of any of the member. Appointment of Mr. Ramesh Desai as President was by Co-Option as per this Bye-Law. Removal of Ms. Rukmini Kamat, she being absent in 3 consecutive meetings, was by virtue of Bye-Law # 20 (i) of GKA. All these controversies were pending before High Court of Bombay Panaji Bench.

It is further contended that Mrs. Kamat and Mr. Khandeparkar were claiming to have got a vote of confidence in their favour in a General Body

Meeting held on 25.02.2018 at Azad Bhawan Porovorim Goa but then information revealed that no such meeting for vote of confidence took place because the space booked by GOA for said meeting was a room with a capacity of 4 persons. Status of Mrs. Rukmini Kamat as President GKA was also questioned on the plea that she had never been a Kabaddi player, in fact Association was being run by Datta Ram Kamat. In such circumstances Mrs. Kamat and Mr. Khandeparkar could not be permitted to represent GKA in the Elections of Office Bearers of AKFI.

Objections received from Mr. Suresh M. Kanolkar also raised a point that though Mrs. Rukmini Kamat with other Managing Committee Members was elected in the elections held on 02.10.2016 for the term 2016 to 2020, Mrs. Kamat ceased to be the President for remaining absent in 3 consecutive Managing Committee meetings. Decision was taken in terms of Bye-Law 14(III) of GKA. Managing Committee then elected Mr. Ramesh K Desai as President, Mr. Lavu J Kanekar as Joint Secretary by exercise of Co-Option. Decision of the Managing Committee was approved and confirmed by General Body Meeting which was attended by Deputy Director Mrs. Monica Dorado of Sports Authority of GOA. The said change in Office Bearers was communicated to AKFI but then counter claim was raised by Mrs. Kamat. Mrs. Kamat then held a General Body Meeting with additional 29 member

clubs apart from 38 authorised clubs / units. It was resolved in said General Body Meeting that elections be held a fresh and Mrs. Rukmini D Kamat organised election. Additional 29 units were also authorised to participate in the said election though they were not registered bodies, nor approved by Sports Authority of GOA.

Mrs. Kamat elected a new Managing Committee but it was not recognised by Sports Authority of GOA or GOA Olympic Association. On that occasion AKFI directed Mrs. Kamat and Mr. Mahabaleshwar Surlikar to issue a joint public notice in two daily news papers to convene a General Body Meeting of GKA. Honouring the directions of AKFI, Mrs. Kamat and Mr. Surlikar issued a public notice in two daily news papers and General Body Meeting of GKA was convened on 25.02.2018. It was strategy of Mrs. Rukmini to obtain signatures of Mr. Surlikar on the said notice which was used in the Civil Suit filed by Mr. Khandeparkar being Civil Suit No. RCS 15/2018/D. In fact General Body Meeting for 25.02.2018 could not be conducted for non availability of Hall at the venue. Mrs. Kamat tried to organise meeting in a small bed room. Club Members present for the said meeting held that meeting in the open space of the scheduled venue. It was unanimously resolved to dissolve the existing Managing Committee, an Ad-

**Hoc Committee comprising Mr. Lavu J Kanekar as President and Mr. Shashikant Samant as Secretary was appointed to conduct elections.**

**Ad-hoc Committee issued a notice in daily news paper "Gomantak" dated 04.03.2018 publishing the election program. Said notice was served to the original 38 clubs as well to the subsequently added 29 clubs as per the order of the Hon'ble Court.**

**Mr. Amresh Krishna Korgaonkar filed a civil suit No. 1/2018 in Civil Court at Bicholim and notice was issued and served to the President of the Ad-hoc Committee and interim order was issued to include Mr. Korgaonkar in the list of voters. Another Civil Suit No. 3/2018 was filed by Mr. Vishnudas D Parab with 66 clubs / units and interim relief was passed in Plaintiffs' favour allowing them to participate in said election. Election was held as per schedule and 13 members of Managing Committee were elected wherein Dr. Shekhar Salkar was elected as President and Mr. Suresh M Kanolkar as General Secretary besides other Office Bearers named in the list.**

**It is stated that final order was passed in those Civil Suits No. 1/2018/A and No. 3/2018/A confirming the results of elections. The order not being challenged by any member or by any club attained finality. Thereby Mrs. Rukmini D Kamat Mr. Khandeparkar or to say Mr. Ramesh K Desai and Mr. Surlikar could not claim to be Office Bearers of GKA.**

Association filed its response which was submitted by Mr. Nilesh R. Khandeparkar. It is stated that election of Office Bearers of GKA are held for a term of 4 years. Ms. Rukmini D Kamat and Mr. Mahabaleshwar Surlikar were elected as President and General Secretary in the elections held on 02.10.2016. Mr. Surlikar then started acting against the interest of the Association and various complaints were received against him, a special General Body Meeting was called on 20.08.2017 in accordance with Rule 28 read with Rule 30 governing GKA. General Body in said meeting decided to dissolve the existing executive Committee and hold fresh election. Minutes of the Special General Body Meeting held on 20.08.2017 were annexed.

General Body also appointed a 3 Member Committee to conduct elections for Executive Committee and also decided to hold elections on 17.09.2017.

Election was held on 17.09.2017 wherein Ms. Rukmini D Kamat and Mr. Nilesh Khandeparkar were declared elected to the post of President and General Secretary respectively. Election result was conveyed to AKFI, Sports Authority of Goa as well Goa Olympic Association. Mr. Surlikar however continued to represent himself as General Secretary of GKA and claimed to have held another election wherein another Executive Committee was elected. In terms of a confusing situation, AKFI verbally directed GKA to hold

a special General Body Meeting and asked Ms. Kamat and Mr. Surlikar to seek confidence of the General Body and to seek clarification as to which Executive Committee was duly elected.

Mr. Khandeparkar was compelled to file a Civil suit no. 15/2018/D against GKA and Mr. Surlikar. By interim order dated 23.02.2018 Mr. Surlikar was restrained from representing and acting as Secretary GKA.

As per directions from AKFI, Special General Body was held on 25.02.2018. Observers Mr. S.S Lakkad and Mr. Vishwas More appointed by AKFI were present in that meeting. General Body unanimously supported and approved Ms. Kamat as President. Said decision was communicated to Sports Authority of Goa by letter dated 28.02.2018 as well to AKFI by letter dated 13.03.2018. Goa Olympic Association by letter dated 18.06.2018 has approved and confirmed Ms. Rukmini Kamat as President and Mr. Khandeparkar as General Secretary of GKA.

It is further submitted that letter showing Dr. Shekhar Salkar as President and Mr. Suresh Kanolkar as General Secretary is a fraudulent one, without any sanctity or authority. With these submissions Association requested for dismissal of the Objections.

There are two versions regarding elected body of the Association existing. Undisputed fact is that Ms. Rukmini Kamat and Objector Mr.

**Mahabalashwar Surlikar were elected as President and Secretary of the State Association in the election held in the year 2016. Controversy raised is that whereas Mr. Surlikar contents that since Ms. Rukmini Kamat remained absent for three consecutive meeting of Goa Kabaddi Association, a General Body Meeting was convened on 15.08.2017 and a decision was taken to remove Ms. Rukmini Kamat from the post and Mr. Ramesh Desai was elected President by co-option and all that exercise was carried out within the rules and bye-laws of Goa Kabaddi Association.**

**This contention of the Objector has been examined by learned Civil Judge in the suit no. 15/2018/D. While issuing interim injunction order in favour of plaintiff Mr. Nilesh Ramnath Khandeparkar in the said suit, Court examined the legality and validity of the point raised by Mr. Surlikar as defendant no. 2 in the suit, who is the present objector, that Ms. Rukmini Kamat was removed in the General Body Meeting of 15.02.2017 as per Rule 28 read with 32 (2) of bye-laws of GKA. Repelling the contention of Mr. Surlikar it has been observed in the order that Rule 28 of GKA gave power to the Secretary to call a special General Body Meeting, following upon resolution of the Committee. For the General Body Meeting of 15.08.2017 no such resolution of the Committee was produced and thus prima-facie meeting held on 15.08.2017 was in contravention of Rule 28. Learned Civil**



**judge further observed that notice dated 11.01.2018 to convene a Special General Body Meeting on 25.02.2018 was signed by Mr. Surlikar besides by President Ms. Rukmini Kamat. That way conduct of Mr. Surlikar prima-facie was such that on one occasion he stated that Ms. Rukmini Kamat had ceased to be a Member of State Association and at the same time he signed notice dated 11.01.2018 along with Ms. Rukmini Kamat as the President of the Association.**

**When the contention now raised by objector stands examined by court, even at interim injunction stage, and even if Mr. Surlikar had taken the matter to Hon'ble High Court in a revision petition, after dismissal of appeal by the District Judge, the prima-facie view observed by the court is to be given a recognition.**

**The contention from the Association that Mr. Surlikar having been elected as Secretary of the Association in 2016 along with Ms. Rukmani Kamat as the President and then in the year 2017 Mr. Surlikar started functioning against the interest of the Association which compelled body to convene a Special General Body Meeting which was in fact convened on 20.08.2017 in exercise of Rule 28 read with 30 and certain decisions were taken, has been approved and upheld by Civil Judge in the above referred interim injunction order 23.02.2018. Learned Judge made his observations on**

this point as well on another point of locus of the plaintiff Mr. Khandeparkar and it is relevant to reproduce the said observation at Para 14:

“The first contention of learned advocate for defend no. 2 is that the plaintiff has no locus standi to file the present suit as he is not other Member of the defend no. 1 Association. According to defendant no. 2, the plaintiff was never granted Membership of defendant no. 1 Association. The nomination papers filed by the plaintiff for the post of General Secretary show that he is affiliated to A-1 Altinno Youth and Cultural Club. The election report prima-facie speaks that the plaintiff has been appointed as the General Secretary of defendant no.1 Association in the election on 17.09.2017 for the period from 2017-2021. The said fact that plaintiff as appointed General Secretary of defendant no.1 has remained unchallenged (emphasis supplied). There is nothing on record to show that the election held on 17.09.2017 thereby electing the plaintiff as General Secretary of the defendant Association is set aside”.

It is thus clear that contentions raised by plaintiff and supported by the defendant Association have been found prima-facie acceptable.

The Association while submitting its response sought to support its version from the documents like General Body Meeting convened on 20.08.2017 was in the attendance of 41 affiliated units and all

representatives of these units put their signatures for their presence and all the agenda for the meeting were discussed and minutes were recorded. Next document is the election programme dated 22.08.2017 drawn by Ms. Divisha Satoskar, acting General Secretary and ex-officio of GKA. This programme for holding elections on 17.09.2017 provided all details for nominations, its filing, scrutiny, withdrawal and finally publication of list of eligible candidates. The election report is also annexed which has been recorded by Chairman Election Committee, Goa Kabaddi Association. Goa Olympic Association has recognised election of Shrimati Rukmini D. Kamat as President and Mr. Nilesh Khandeparkar as Secretary vide its letter dated 18.06.2018. Similar recognition has been given by AKFI by its letter dated 13.03.2018.

Confidence Motion taken up in the Special Annual General Body Meeting dated 25.02.2018 shows that 35 affiliated unit of the Association participated in the event. It is recorded that President Ms. Rukmani D. Kamat explained reasons behind organising the Special General Body Meeting. Mr. S.S Lakkad an observer from AKFI and other observer Mr. Vishwas More from AKFI were present in this meeting and vote of confidence in favour of Ms. Rukmini D. Kamat as President and Mr. Nilesh Khandeparkar as Secretary of

the Association was passed and the same was conveyed to Sports Authority of Goa by a letter dated 28.02.2018.

While inviting names of representatives from affiliated State / UT Kabaddi Associations, each Association was asked to provide its status explaining as to when last election of its Office Bearers were held, when and for how many terms its Office Bearers were holding the post, age of the Office Bearers and if any court case was pending involving Association. Said information was called to examine as to what extent the State Associations were in compliance with Sports Code.

Goa Kabaddi Association provided the said information that the President and the General Secretary were in their first term in the post. Age of the President Ms. Rukmini D. Kamat is 43 years as her date of birth is 11.06.1975. Age of the General Secretary Mr. Nilesh R. Khandeparkar is about 45 years as his date of birth is 24.01.1973. Treasurer Mr. Virendra Parwar is about 45 years as his date of birth is 15.01.1973. Prima-facie the Office Bearers are holding post which is in consonance with Sport Code Guidelines. Other requirements of Sports Code if were needed to be incorporated in the rules governing GKA, the same shall be incorporated by the Association before holding elections of its Office Bearers in the next term.

**As such names received from GKA for “Electoral College” are accepted for the limited purposes for the first round of elections of AKFI in terms of judgement of Hon’ble Delhi High Court.**

**Objections are disposed off accordingly. Copy of the order be sent by e-mail to both the parties for compliance and be put on the website of AKFI.**

**25.01.2019**

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**Administrator**

**AKFI**