

**In the office of Amateur Kabaddi Federation of India (AKFI)
E-386 Basement Greater Kailash Part 1 New Delhi – 110 048**

In the matter of names of Representatives of Haryana Kabaddi Association (HKA)
and
Amateur Kabaddi Association of Haryana (AKAH)

ORDER

The Hon'ble Delhi High Court vide its order dated 10th February 2023 in WP(C) 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021 has directed the Administrator to conduct Election of Amateur Kabaddi Federation of India (AKFI).

"62. Since the AKFI continues to be under the control of the Administrator and elections of the Executive Committee of AKFI have to be held, the petitions are disposed of in the following terms:

(i) the 'age and tenure restriction' on the members of the Governing Body imposed by the National Sports Development Code of India 2011 applies not only to the Amateur Kabaddi Federation of India but also to all its constituents at the State and District Level; and

(ii) the amendments carried out to Clause 15.10 and Clause 30 of the AKFI Constitution are quashed. The Original Clause 15.10 and Clause 30, extracted hereinabove, are restored; and

(iii) all the State and District Associations and bodies, if they want to continue to be members of the AKFI have to amend their Memorandum of Associations/Constitutions and bring them in conformity with the Sports Code particularly in respect of the Age and Tenure restrictions imposed by the Sports Code; and

(iv) if, the District Associations/bodies and/or State Association refuse or fail to comply with the 'age and tenure restriction' imposed by the Sports Code, they would be liable for action which may entail disaffiliation and/or removal as a recognized District and State constituent of the AKFI; and

(v) the representatives of the State Associations to the National Federation have to be compliant of the 'age and tenure restriction' imposed by the Sports Code and likewise the representatives of the District Associations/bodies to the State Association have to be compliant of the 'age and tenure restriction' imposed by the Sports Code; and

(vi) if the representatives of the State Associations to the National Federation and the representatives of the District Associations/bodies to the State Association are not compliant of the 'age and tenure restriction' imposed by the Sports Code, then they shall not constitute the electoral

college and shall be disqualified from contesting for any post of the executive committee and also from casting their vote for such an election; and

(vii) the State Associations and the District Associations, after the expiry of the term of the existing Executive Committee, shall hold fresh elections strictly in accordance with the 'age and tenure restriction' imposed by the Sports Code; and

(viii) the election notification dated 07.08.2019 for elections to the AKFI and the notification of the electoral college of AKFI issued by the Administrator are quashed; and

(ix) the Administrator shall prepare and notify the schedule for the holding of the elections of the office bearers of AKFI in accordance with these directions, which should not be later than 3 months from the date of this order; and

(x) the President and Secretary of the affiliated Member unit should attend the General Body Meeting of AKFI, however if the President and Secretary of an affiliated member are unable to attend or are not compliant of the 'age and tenure restriction' imposed by the Sports Code, they may nominate, in accordance with the Constitution of AKFI, a person who is compliant. If there is a dispute on the nomination, then the nomination by the President shall prevail."

AKFI has received representation cum request by email dated 25th March 2023 from HKA seeking voting rights in the election of AKFI. Copy of the representation was sent to Amateur Kabaddi Association Haryana (AKAH) and their reply was received. The hearing was fixed on 31.03.2023 at 04.30 pm in the office of AKFI, but the applicant did not join the hearing. Mr. Ravi Bhojak Advocate appeared for Amateur Kabaddi Association Haryana and was heard. An email dated 31.03.2023 was received from Haryana Kabaddi Association (HKA) seeking opportunity to be heard. In the interest of justice hearing was fixed on 10.04.2023 at 6 pm through virtual mode. Information and link was sent to both the parties. The hearing took place on 10.04.2023 at 06.00 pm.

Present

1. Mr. P. Piyush Advocate, Mr. Chiranjeev Chauhan Advocate with Mr. Karambir Dalal on behalf of HKA.
2. Mr. Ravi Bhojak Advocate on behalf of AKAH

Ld. Counsel for HKA urged that the names sent by the association be included in the Electoral College to take part in the Election of AKFI. He further stated that this Authority had appointed arbitrator to adjudicate the dispute between the two associations namely Haryana

Kabaddi Association and Amateur Kabaddi Association Haryana. The matter is pending before the Hon'ble High Court of Punjab and Haryana where day to day hearing is going on. AKHA has challenged the appointment of Arbitrator by this Authority. Since the matter is sub-judice, HKA be permitted to send its authorised representatives for participation in the Election of AKFI.

Ld. Counsel Mr. Ravi Bhojak urged that AKHA is a duly affiliated unit of AKFI since 2nd January 2018, it has organised various championships assigned to it by AKFI. It has conducted its election on 4th December 2020. HKA has no locus to send its representatives for participation in the Election of AKFI.

I have considered the submissions of both the parties and have examined the documents on record. It is not in dispute that AKAH is an affiliated unit of AKFI. It has participated in the first round of election of AKFI held on 15.02.2019. At that time also HKA had filed objections which were dismissed by order dated 25th January 2019.

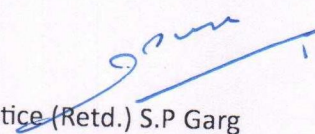
The appointment of Arbitrator has been challenged by AKAH before Hon'ble High Court of Punjab and Haryana. Hon'ble Court has granted stay on the order appointing the arbitrator.

Till date HKA has not been recognised as affiliated unit of AKFI and thus can't be permitted to send its authorised representatives for participation in the election of AKFI. There can't be two associations at a time in the State. The authorised representative of AKAH are eligible to participate in the election of AKFI.

Since the matter regarding appointment of arbitrator is sub-judice before the Hon'ble High Court of Punjab and Haryana, this order shall be subject to the outcome or directions in the said writ petition.

The Representation filed by the HKA is dismissed.

Scanned copy of the order be sent to both the parties by email today itself.


Justice (Retd.) S.P. Garg
Administrator / President
Amateur Kabaddi Federation of India
New Delhi
12.04.2023