

**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 West Bengal Kabaddi Association (WBKA) led by President Mr. S.K Ajgar Ali and Secretary Mr. Kishore KR Patra. Bengal Amateur Kabaddi (BAKA1) Association led by President Mr. Samar Das and Secretary Mr. S.K Debnath

And

Bengal Amateur Kabaddi (BAKA) Association led by President Mr. Prabhat Paul and Secretary Mr. Shyamal Kumar Basu

ORDER

1. AKFI has received an application dated 07.12.2023 by email from Secretary of WBKA Mr. Kishore KR Patra seeking inclusion of their two names Mr. S.K Ajgar Ali and Mr. Kishore KR Patra in the 'Electoral College' of AKFI for the election of Office Bearers going to be held on 24.12.2023.
2. AKFI has also received an application dated 07.12.2023 by email from Secretary of BAKA1 Mr. S.K Debnath seeking inclusion of their two names Mr. S.K Debnath and Mr. S. Das in the 'Electoral College' of AKFI for the election of Office Bearers going to be held on 24.12.2023. BAKA1 has informed that Requisitioned General Meeting of BAKA was held at Kolkata on 29.10.2023 at 12:30 Hours in which the Office Bearers of BAKA were elected. The said letter bears the signature of outgoing General Secretary Mr. Shyamal Kumar Basu.
3. The application has been considered.
4. AKFI vide its email dated 09.12.2023 asked comments on the above application from the Secretary of BAKA Mr. Shyamal Kumar Basu and Mr. Shyamal Kumar Basu has informed AKFI vide his email dated 09.12.2023 that no such meeting of BAKA took place on 29.10.2023 and his signatures on the said papers of Minutes of Requisitioned General Meeting held at Kolkata on 29.10.2023 at 12:30 Hours are False and fabricated.
5. AKFI also did not receive any information of such meeting on 29.10.2023 prior to this application. The so-called new Office Bearers did not claim participation in 70th Senior National Kabaddi Championship being held at Roopnagar Punjab from 10.12.2023 to 13.12.2023. Teams have been sent by BAKA led by President Mr. Prabhat Paul and Secretary Mr. Shyamal Kumar Basu in the event.
6. WBKA on whose behalf the representation has been received is not an affiliated member of AKFI. Earlier also representations were received from WBKA for inclusion

of names of their representatives in the 'Electoral College' of AKFI for the election of Office Bearers going to be held on 15.02.2019 and 01.09.2019 in the AGM.

7. The said applications were also rejected vide order dated 23.01.2019 and 17.08.2019.

It was noted in the order dated 23.01.2019:

"On perusal of the objections and the documents on record it reveals that there are three associations presently in existence in West Bengal; one is the Affiliated unit that is AKFI West Bengal unit which has affiliation from the parent body AKFI. The other two associations claim themselves to be the genuine and original associations entitled to be represented in the "Electoral College" for holding elections of the Office Bearers of AKFI. It has come on record and is not disputed that BAKA which was earlier an affiliated unit of AKFI was disaffiliated. An ad-hoc Committee was formed in 2013 and a new Association AKFI West Bengal unit came into existence. Both BAKA and WBKA have challenged the disaffiliation / cancellation of their units by AKFI before the court of law. As mentioned above both the associations have filed Civil Suit before the City Civil Court, Calcutta and those suit are still pending. An application under Order 1, Rule 10 CPC has been filed and all the cases have been sent to one court for disposal. All these objections taken in the present proceedings have been taken in the civil suit cases and the matter is sub-judice before the court. In the Civil suits filed by both the associations no relief whatsoever has been granted against the affiliated unit to not to send the names of its representatives for election of the Office Bearers of AKFI. The pleas taken by the objectors are to be decided on merits by the Civil Court at Calcutta.

It has come on record that both the Office Bearers of AKFI West Bengal are in office since 2013. They have performed various activities relating to Kabaddi since then. Their election as Office Bearers has not yet been set aside by any court of law. AKFI West Bengal State Unit continues to be an affiliated unit of AKFI."

It was noted in the order dated 17.08.2019:

"6. Since 'BAKA' led by Mr. Prabhat Paul and Shyamal Kumar Basu and 'WBKA' led by Aiqar Ali and Biswanath Ghosh are not the affiliated Units / Members of AKFI, names sent by them of Mr. Prabhat Paul and Mr. Shyamal Kumar Basu and Mr. Biswanath Chakraborty and Mr. Hiran Kanti Sinha respectively to attend the Annual General Body Meeting of AKFI on 01.09.2019 at New Delhi cannot be accepted. Accordingly, the names sent by 'BAKA' and 'WBKA' are rejected."

8. In present circumstances the legal position of BAKA has changed as per the judgement of the Hon'ble City Civil Court at Calcutta Before the Ld. 8th Bench pronounced on 29.08.2022. The order is as follows:

"That the present suit Title Suit No. 2064 of 2011 is decreed Ex- parte in part against all the Defendants with an Order of declaration that showcause notice dated 10.12.2011 and Order of suspension dated 09.01.2022 is bad in law and inoperative with a consequential effect upon the decision of disaffiliation as made through the notice dated 30.02.2013 under Reference No. 2012/25/264 issued from Amateur Kabaddi Federation of India being the part of Exhibit (18) be treated as inoperative in the eye of law. Furthermore, the Defendant are hereby restrained preventing the Plaintiff to be present as a State Body in various level of Kabaddi Competitions organised by the Defendant No. 1 at National Level as on this date on wards and shall not be disturbed to participate through their State players in any future competition at National of subsequent meets and events organised by the Defendant No.1."

9. Amateur Kabaddi Federation of India West Bengal State Unit (AKFIWBSU) Filed FAT 265/2022 and Hon'ble Calcutta High Court vide its order dated 09.11.2022 ordered that:

"In those circumstances, we are of the view that the suit should be decided afresh by making the appellant a party. We order accordingly.

We set aside the impugned decree.

The entire suit (Title Suit No. 2064 of 2011) is remanded to the learned court below. The appellant shall immediately be impleaded as a party defendant. By appropriate directions the learned court below shall allow them to file their written statement, discover documents and adduce evidence both oral and documentary. However, the records say that the appellant did make an application for addition as a party, which was dismissed by the learned court below. They do not appear to have taken any steps against this dismissal order. In that view of the matter, we would only observe and direct that although the decree is set aside, as an interim measure, we would allow the Bengal Amateur Kabaddi Association till the suit is disposed of to participate in the forthcoming tournaments in the 48th Junior National Kabaddi Championship – Boys at Muni Li Reti – Rishikesh Uttarakhand from 17th to 20th November, 2022 and 32nd Sub-Junior National Championship – Boys & Girls at Bokaro Steel City (Jharkhand) from 27th to 30th December, 2022."


10. BAKA filed SLP No. 3375/2023 before the Hon'ble Supreme Court of India and the Hon'ble supreme court vide order dated 21.02.2023 ordered as follows:

"In the meanwhile, the operation and effect of the impugned order dated 09.11.2022, shall remain stayed."

11. The matter has been decided by the Hon'ble Supreme Court of India on 05.12.2023. Copy of the order is not filed by any of the party. Counsel of AKFI has informed that the matter is disposed in terms of setting aside the order of Hon'ble Calcutta High Court and remit back the matter to Calcutta High Court to decide appeal on merits.
12. In above terms the legal position is that BAKA is the affiliated member unit of AKFI as on date.
13. Hence the names sent by WBKA and BAKA1 can't be considered and are rejected. The names Mr. Manoj Kumar Das and Mr. Pradip Haldar are accepted to be included in the 'Electoral College' for the election of Office Bearers of AKFI on 24th December 2023.

All applications stand disposed in above terms.

Copy of the order be sent by email to all concerned.


Administrator / President
Amateur Kabaddi Federation of India
New Delhi
10.12.2023