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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P. (C) 4601/2013****MAHIPAL SINGH & ORS**

..... Petitioners

Through:

None for the Petitioner

Mr. A. Ushi Reddy with Mr. Deepak Kumar Singh, Mr. Kuldeep Sharma, Ms. Divya Sharma and Mr. Sunny Kumar, Advocates for the Applicants.

Mr. A. Ushi Reddy, is also a Petitioner in person for C.M. APPL. No. 13469/2024

versus

**UNION OF INDIA & ORS**

..... Respondents

Through:

Mr. Dev P. Bhardwaj, CGSC for R-1/UOI.

Ms. Nandita Rao with Mr. Kunal Parkash and Mr. Amit Peswani, Advocates for R-3/AKFI.

Reserved on: 09<sup>th</sup> April, 2024Date of Decision: 07<sup>th</sup> May, 2024

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**CORAM:****HON'BLE ACTING CHIEF JUSTICE****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****J U D G M E N T****MANMEET PRITAM SINGH ARORA, J:****CM APPLs. 13172-73/2024, 13470/2024, 13505-13506/2024, 45374-45375/2023, 47891/2023 (for exemption)**

Allowed, subject to all just exceptions.

Accordingly, the present applications stand disposed of.



**C.M. APPL. Nos. 35834/2019, 35890/2019, 44933/2023, 45077/2023, 45083/2023, 45087/2023, 45173/2023, 45178/2023, 45366/2023, 47627/2023, 47630/2023, 47633/2023, 47652/2023, 47666/2023, 47677/2023, 47737/2023, 47776/2023, 56929/2023, 56934/2023, 56939/2023, 56947/2023, 56991/2023, 13171/2024, 13469/2024, 13504/2024**

1. The aforesaid applications have been filed in this disposed of writ petition seeking recall of the order dated 11<sup>th</sup> September, 2018.
2. The writ petition was allowed *vide* judgment dated 03<sup>rd</sup> August, 2018 and an Administrator was appointed to take over control of Amateur Kabaddi Federation of India ('AKFI') and administer all its affairs and ensure that the electoral college of AKFI is prepared and elections are held within three months. This Court further directed that the body elected shall carry out amendments to the Memorandum of Association ('MoA') i.e., the Constitution of AKFI, to bring it in conformity with the National Sports Development Code of India, 2011 ('NSCI'), in a time bound manner. The said order was confirmed by the Supreme Court in S.L.P.(C) No. 23830 of 2018 on 31<sup>st</sup> August, 2018. In continuation of the order dated 03<sup>rd</sup> August, 2018, this Court appointed<sup>1</sup> Justice (Retd.) S.P. Garg to discharge the duties of Administrator.
3. To give effect to the directions in the order dated 03<sup>rd</sup> August, 2018, the Administrator held elections on 15<sup>th</sup> February, 2019 (1<sup>st</sup> round) for constitution of an interim elected body, which was entrusted with the task of carrying out amendments to the MoA of the AKFI, so as to bring

<sup>1</sup> Vide order dated 11<sup>th</sup> September, 2018.



the same in conformity with NSCI. The elections were held and concluded and an interim elected body came into existence.

4. The interim elected body carried out amendments to the MoA in the year 2019<sup>2</sup>, which were however, not in conformity with the NSCI. The amended MoA was challenged before the learned Single Judge of this Court in W.P.(C) 8915 of 2019 and other connected matters. In view of the challenge to the amended MoA, pending its adjudication, the second round of elections scheduled on 01<sup>st</sup> September, 2019, were stayed vide interim order dated 27<sup>th</sup> August, 2019 in the said writ petitions. The challenge to the amended MoA was upheld by the learned Single Judge vide judgment dated 10<sup>th</sup> February, 2023. The Court struck down the impugned amendments in the amended MoA ('last approved MoA'), which were contrary to the NSCI and issued directions to the Administrator for holding fresh elections (2<sup>nd</sup> round) in a time bound manner as per the last approved MoA.

5. In compliance with the aforesaid directions issued by the learned Single Judge vide judgment dated 10<sup>th</sup> February, 2023, the Administrator issued a fresh election notice dated 14<sup>th</sup> April, 2023, for the second round. The Returning Officer ('RO') issued a notification dated 22<sup>nd</sup> April, 2023 for election of the office bearers of AKFI to be held on 07<sup>th</sup> May, 2023. This election notification dated 22<sup>nd</sup> April, 2023 has been challenged before a learned Single Judge of this Court in W.P.(C) 5803 of 2023 and in connected matters on the grounds that the electoral college consists of ineligible candidates. The election notification dated 22<sup>nd</sup> April, 2023, was stayed by the learned Single Judge vide interim

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<sup>2</sup> On 10<sup>th</sup> March, 2019, 05<sup>th</sup> May, 2019 and 18<sup>th</sup> June, 2019.



order dated 04<sup>th</sup> May, 2023. The said interim order was thereafter vacated by the learned Single Judge by a detailed order dated 24<sup>th</sup> July, 2023, wherein the Court observed that the claims of ineligibility raised by the petitioners therein against the members of the electoral college were not supported by any concrete evidence. The learned Single Judge granted liberty to the RO to issue a fresh election notification and conduct the elections in accordance with the decisions passed by this Court in the case of *Rahul Mehra v. Union of India (Rahul Mehra II)*<sup>3</sup>, and in *K.P. Rao v. Union of India & Ors*<sup>4</sup>. However, it was clarified that the result of the election shall remain subject to the outcome of the said writ petitions.

6. In pursuance to the liberty granted in W.P.(C) 5803 of 2023 and connected matters, Ms. Nandita Rao, learned counsel for the Administrator stated that at the Annual General Meeting ('AGM') of the AKFI on 24<sup>th</sup> December, 2023, the elections were unanimously held and an elected body is in place. She stated that an application has been filed<sup>5</sup> by the Administrator before the learned Single Judge in W.P.(C) 5803 of 2023 seeking direction of the Court for handing over charge of the AKFI to the newly elected body; and the same is pending consideration before the learned Single Judge. She stated that if permitted by the learned Single Judge, the Administrator will handover the control and charge of the affairs of AKFI to the elected body. She stated that the learned Single Judge is in seisin of the matter and vide order dated 07<sup>th</sup> March, 2024 has sought to ascertain the stand of Union of India vis-à-vis the compliance

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<sup>3</sup> 2017 SCC OnLine Del 11391.

<sup>4</sup> 2023:DHC:000974.

<sup>5</sup> On 18<sup>th</sup> January, 2024.



of the NSCI by the State/UT federations affiliated to AKFI.

6.1 She stated that the twenty-one Applicant federations before this Court who have filed the aforesaid applications are not affiliated to AKFI. She stated that these are parallel bodies in the States and are not members of AKFI. She stated that in fact, Mr. A. Ushi Reddy has allegedly held elections of AKFI, at a Special General Body Meeting held on 10<sup>th</sup> December, 2023 under the aegis of Justice (Retd.) D.S.R. Verma, Allahabad High Court and is illegally holding himself out to be the General Secretary of AKFI. She relied upon a letter dated 06<sup>th</sup> March, 2024 (sic) and e-mail dated 08<sup>th</sup> March, 2024 written by Justice (Retd.) D.S.R. Verma to the Administrator i.e., Justice (Retd.) S.P. Garg stating that he was misled into conducting the elections on 10<sup>th</sup> December, 2023 by Mr. A. Ushi Reddy. She stated that in this correspondence Justice (Retd.) D.S.R. Verma acknowledges that the elections held by him on 10<sup>th</sup> December, 2023 are irregular. She stated that in this correspondence Justice (Retd.) D.S.R. Verma has highlighted that the illegal body of AKFI which Mr. A. Ushi Reddy represents is misleading young athletes and collecting funds from them under the banner of AKFI.

6.2 She stated that CM APPL. 13469 of 2024 purportedly filed on behalf of AKFI by Mr. A. Ushi Reddy as the General Secretary of AKFI is a fraud on this Court as AKFI continues to be represented through the Administrator i.e., Justice (Retd.) S.P. Garg and Mr. A. Ushi Reddy is not a valid member or office bearer.

7. In reply, Mr. A. Ushi Reddy who represents all the Applicants and himself in CM APPL. 13469 of 2024 stated that the present applications have been filed seeking recall of the appointment of the Administrator



i.e., Justice (Retd.) S.P. Garg, made vide order dated 11<sup>th</sup> September, 2018. He stated that the Applicants are dissatisfied with the actions of the Administrator who has failed to comply with the directions issued by this Court by its initial judgment dated 03<sup>rd</sup> August, 2018 and has inefficiently administered the affairs of AKFI.

7.1 He stated that the Applicant Associations before this Court are State level Associations and are willing to amend their constitution i.e., MoA to bring it in conformity with the NSCI.

7.2 He stated that in terms of the liberty granted by the learned Single Judge on 24<sup>th</sup> July, 2023, in W.P.(C) 5803 of 2023 and connected matters, the elections of AKFI have been held on 10<sup>th</sup> December, 2023 under the supervision of Justice (Retd.) D.S.R. Verma in compliance with the directions issued by this Court in judgments dated 03<sup>rd</sup> August, 2018<sup>6</sup> and 10<sup>th</sup> February, 2023<sup>7</sup>. He stated that the elections held on 10<sup>th</sup> December, 2023, be considered as the first round and the Applicants are willing to hold a second round of election after this Court recalls its order dated 11<sup>th</sup> September, 2018.

7.3 He fairly stated that the election on 10<sup>th</sup> December, 2023, has not been held under the aegis of the Administrator Justice (Retd.) S.P. Garg or with his consent. He admitted that the election has been held unilaterally and the Applicant Associations are not recognised as affiliated units of AKFI by the Administrator.

7.4 He stated that he is not aware about the correspondence addressed by Justice (Retd.) D.S.R. Verma to the Administrator Justice (Retd.) S.P.

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<sup>6</sup> In W.P.(C) 4613 of 2015

<sup>7</sup> In W.P.(C) 8915 of 2019 and other connected matters.



Garg in March, 2024 (a copy whereof has been handed over to him during the course of hearing). He stated that however, Justice (Retd.) D.S.R. Verma was completely aware about the appointment of the Administrator by this Court vide order dated 11<sup>th</sup> September, 2018.

8. Mr. Bharadwaj, learned standing counsel for Union of India ('UOI') stated that an application<sup>8</sup> seeking direction to the Administrator to handover the affairs of AKFI to a democratically elected executive committee, is pending before the learned Single Judge in W.P.(C) 5803 of 2023 and connected matters. He stated that as per UOI the AKFI should be run and managed by its elected body.

9. We have heard the learned counsel for the parties, perused the record and the correspondence addressed by Justice (Retd.) D.S.R. Verma to the Administrator Justice (Retd.) S.P. Garg in March, 2024, handed over during the course of hearing.

10. A perusal of CM APPL. 13469 of 2024 and the annexures thereto shows that Mr. A. Ushi Reddy approached Justice (Retd.) D.S.R. Verma, Judge, Allahabad High Court to conduct elections of AKFI as its RO and the said assignment was accepted by Justice (Retd.) D.S.R. Verma vide letter dated 12<sup>th</sup> November, 2023<sup>9</sup>.

10.1 A list of electoral college dated 18<sup>th</sup> November, 2023 published by Justice (Retd.) D.S.R. Verma has been placed on record as Annexure A-4<sup>10</sup> which comprises of the non-affiliated State units. The declaration of results of the election conducted by Justice (Retd.) D.S.R. Verma on 10<sup>th</sup>

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<sup>8</sup> CM APPL. 59612 of 2023

<sup>9</sup> Annexure A-8 to CM APPL. 13469 of 2024.

<sup>10</sup> In CM APPL. 13469 of 2024



December, 2023 has been placed on record as Annexure A-3<sup>11</sup>.

10.2 Mr. A. Ushi Reddy's action of convening a meeting on 10<sup>th</sup> December, 2023, for holding elections of AKFI under the aegis of Justice (Retd.) D.S.R. Verma is ex-facie fraudulent. AKFI is under the management and control of Justice (Retd.) S.P. Garg since 11<sup>th</sup> September, 2018 to the personal knowledge of Mr. A. Ushi Reddy and all the parties/persons, which participated in these fraudulent elections allegedly held on 10<sup>th</sup> December, 2023. We are alarmed to note that the documents filed at Annexures A-3 and A-4 are on the letterhead of AKFI, which is a gross misrepresentation to the public at large. The Applicants herein and Justice (Retd.) D.S.R. Verma had no lawful authority to use the letter head of AKFI.

10.3 Further, a perusal of the documents filed at Annexures A-10 and A-11 show publicising of holding of alleged Kabaddi events/championships for the calendar year 2023-2024 on the letterhead of AKFI by an individual holding himself out to be the President of AKFI. This action by the said individual is a fraudulent representation to the general public and a misrepresentation as regards his authority and status.

10.4 The conduct of Mr. A. Ushi Reddy and the individuals whose name find mention in Annexure A-3 as the alleged office bearers of AKFI for the period 2023-2027 is a fraud on the general public and this Court. So also, the individuals and the Associations whose names find mention at Annexure A-4 were all aware about the judgments dated 03<sup>rd</sup> August, 2018, 10<sup>th</sup> February, 2023 and 24<sup>th</sup> July, 2023. They were

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<sup>11</sup> In CM APPL. 13469 of 2024





consequently, aware that the authority to hold elections of AKFI was vested by this Court in the Administrator Justice (Retd.) S.P. Garg and the RO appointed by him. The conduct of Mr. A. Ushi Reddy in appointing Justice (Retd.) D.S.R. Verma and holding elections on 10<sup>th</sup> December, 2023 is a clear attempt to overreach the orders of this Court passed in the present writ petition and subsequent thereto.

10.5 The election of the AKFI could have been conducted only under the supervision of Administrator i.e., Justice (Retd.) S.P. Garg; and not unilaterally, as done at the behest of Mr. A. Ushi Reddy under the aegis of Justice (Retd.) D.S.R. Verma. The said elections allegedly held on 10<sup>th</sup> December, 2023, are a fraud on the Court, general public and more specifically, the athletes who play Kabaddi. We, therefore, have no hesitation in holding that the purported results of the alleged elections held on 10<sup>th</sup> December, 2023 by Justice (Retd.) D.S.R. Verma are void, non-est and illegal.

10.6 The Applicants have placed on record Annexure A-10<sup>12</sup> which is on the letterhead of AKFI and enlists the calendar of alleged events/championships proposed to be held during the calendar year 2023-24 by this illegally elected individual. The Applicants' attempt at holding the said events by using the name of AKFI is intended to mislead the unwary athletes who would believe that they are participating in recognised and/or qualifying events. The Applicants are thus, acting against the interest of the athletes.

10.7 Accordingly, in view of the aforesaid findings, we hereby direct the Administrator to file a criminal complaint against the individuals

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<sup>12</sup> CM APPL. 13469/2024



whose names find mention in Annexure-3 and Annexure-4 to CM APPL. 13469 of 2024 for their fraudulent conduct in misrepresenting themselves as the members and office bearers of AKFI. We also grant liberty to the Administrator to file an appropriate complaint before the concerned State Bar Council against the aforesaid conduct of Mr. A. Ushi Reddy in conspiring to overreach the orders of the Court.

11. The Applicant Associations are not recognised members of AKFI and in this regard by detailed orders their representations asserting membership have been dismissed by the Administrator during the first round of elections held on 15<sup>th</sup> February, 2019. The claim of membership by these Associations was also rejected by the Administrator in the second round when the elections were initially scheduled for 01<sup>st</sup> September, 2019 and thereafter, scheduled on 07<sup>th</sup> May, 2023. Illustratively, the Applicant in CM APPL. No. 44933 of 2023 holds itself out to be Telangana Kabaddi Association; its claims were rejected by the Administrator vide orders dated 18<sup>th</sup> January, 2019, 17<sup>th</sup> August, 2019 and 23<sup>rd</sup> April, 2023. The Administrator had received competing claims from two factions, both claiming themselves to represent Telangana Kabaddi Association; however, the Administrator after perusing the record rejected the claim of the faction representing the Applicant Association in CM APPL. 44933 of 2023.

11.1. In fact, this Applicant i.e., Telangana Kabaddi Association filed writ petition<sup>13</sup> before High Court of Telangana for consideration of its application by AKFI/Administrator for its recognition filed earlier on 11<sup>th</sup> July, 2018, which writ petition was dismissed by the High Court vide

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<sup>13</sup> Writ Petition No. 29212 of 2018.



order dated 15<sup>th</sup> March, 2019 and confirmed in the writ appeal<sup>14</sup> vide order dated 17<sup>th</sup> June, 2019. The said order dated 11<sup>th</sup> July, 2018 has been upheld until Supreme Court<sup>15</sup>. These orders of the High Court have not been disclosed in the application. The Applicant is, therefore, also guilty of suppression of material facts.

12. Similarly, the claims of other Applicant Associations, who are claiming to be a State Association and an affiliated member of AKFI, after verification, have been rejected by the Administrator during the first round of elections held on 15<sup>th</sup> February, 2019. The Administrator after verification held that a State Association already stands affiliated for the respective State/UT and the Applicants herein were not found to be affiliated with AKFI. The list of verified affiliated State/UT Associations was filed by the Administrator before the learned Single Judge in W.P.(C) 8915/2019 and other connected matters. Pertinently, no document evidencing grant of affiliation in AKFI to these Applicant/Associations prior to 11<sup>th</sup> September, 2018, has been placed on record. This is significant in view of the fact that as per the miscellaneous clause no. 32.2 of MoA and Constitution of AKFI, only one Sports Association is permitted in one State/UT. The relevant clause reads as under:

*“32.2 Only one Sports Association is permitted in one State/U.T. It implies, therefore, that in the field of kabaddi, it will be ‘One State, One Unit’”*

13. The orders of the Administrator rejecting the claims of these unaffiliated Applicant Associations have attained finality and have not been assailed. Further, the present applications filed by these unaffiliated

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<sup>14</sup> Writ Appeal No. 389-390 of 2019.

<sup>15</sup> Vide order dated 10<sup>th</sup> January, 2020, in SLP (C) 20634-65 of 2019.



Applicant Associations holding out as a constituent of AKFI is gross misrepresentation to the general public and to this Court. These Applicant Associations are illegally continuing to hold themselves out to be affiliated State Associations of AKFI. It is hereby directed that the Applicant Associations, who have been found by the Administrator to not be the affiliated unit with AKFI are all restrained forthwith from holding themselves out to be the respective affiliated State Associations/UT of AKFI and in any manner holding out that they are associated with AKFI whether on their stationery or in their correspondence.

14. These Associations, therefore, have no locus standi to file these applications. The present applications are therefore, without any merit and are hereby dismissed with costs of Rs. 10,000/- each to be paid by the unaffiliated Applicant Association for having participated in the illegal and void elections conducted on 10<sup>th</sup> December, 2023 and fraudulently held out to the general public that they are constituent member of AKFI. The cost will be paid within four weeks to AKFI which is under the management and control of the Administrator Justice (Retd.) S.P. Garg.

15. With respect to the UOI's submission for handing over the affairs of AKFI to the elected body, we note that the issue is sub-judice before the learned Single Judge in CM APPL. 59612 of 2023 in W.P.(C) 5803 of 2023 and connected matters. In our considered opinion, the District Level Associations and State Federations are all bound by the NSCI, even in the absence of amendment to their constitutions, and a direction to this effect by the learned Single Judge will suffice to address the issues



raised in the order dated 07<sup>th</sup> March, 2024. In view of the fact, that an elected body is already in place in pursuance to the AGM held on 24<sup>th</sup> December, 2023 and an application by the Administrator seeking permission to handover the control is also pending before the said Court, we request the learned Single Judge to hear and decide the said application(s) of UOI and the Administrator expeditiously and preferably within four weeks.

16. We may also observe that the facts noted by us in paragraphs 2 to 6 of this order show that appropriate steps have been taken by the Administrator for complying with the directions contained in the judgment dated 03<sup>rd</sup> August, 2018, however, the same have been a subject matter of challenge in subsequent litigations, leading to delay. The application of the Administrator seeking permission to handover the control is already sub judice in W.P.(C) 5803 of 2023 and connected matters. We therefore find no ground for recalling the order dated 11<sup>th</sup> September, 2018 and all the pending applications stand dismissed.

**MANMEET PRITAM SINGH ARORA, J**

**ACTING CHIEF JUSTICE**

**MAY 07, 2024/msh/aa/sk**