

\$~1 (Special Bench)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 195/2010, C.M. Nos.374/2010, 972/2010, 2134/2011, 5253/2012, 16396/2012, 18747/2012, 19681/2012, 2218/2013, 12612/2013, 17149/2013, 1114/2014, 25922/2016, 5931/2017, 13610/2017, 44608/2017, 36560/2018, 40205/2018, 54625/2019, 915/2020, 4947/2020, 14064/2020, 14067/2020 & 17630/2020

RAHUL MEHRA

..... Petitioner

In person.

versus

UNION OF INDIA AND ORS.

.... Respondents

Through: Mr. K.M Natraj, ASG with Mr. Anil Soni, Standing Counsel for UOI.

Mr. Hemant Phalpher and Ms. Sapna Chauhan, Advocates for IOA.

Mr. Anuj Tyagi, Advocate for the petitioner in Cont. Cas (C) No.328/2020, a disposed of connected case.

Ms. Shyel Trehan and Ms. Bhagya K. Yadav, Advocates for Dr. Narinder Dhruv Batra, President of IOA.

Mr. Premtosh Mishra and Ms. Yojna Goyal, Advocates for R-8.

Mr. Ranjit Balasaheb Raut, Advocate for intervener in C.M. No.18163/2020

Mr. Aseem Mehrotra, Advocate for the applicant in C.M. No.14064/2020.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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07.08.2020

HEARD THROUGH VIDEO CONFERENCING

CM No. 18164/2020 (exemption)

Allowed, subject to all just exceptions.

CM No.18163/2020 (by Indian Bodybuilders and Fitness Federation for intervention)

1. This application has been moved by the Indian Bodybuilders and Fitness Federation praying *inter alia* for intervention in the present petition.
2. Mr.Ranjit Balasaheb Raut, learned counsel for the applicant states that in view of the application moved by the respondent No.1/MYSA praying *inter alia* for consent to grant provisional annual recognition to certain National Sports Federations (NSFs), the applicant seeks impleadment to oppose the said proposal.
3. We see no reason to implead the applicant only on this ground. This court is still seized of CM No.14056/2020 and no orders have been passed on the said application. In the event the applicant has a grievance against the decision taken by the respondent No.1/MYSA, it is well entitled to seek independent legal recourse.
4. The relief prayed for in the application is declined and the same is dismissed.

CM No.17629/2020 (by respondent No.1/MYSA for modification of the order dated 07.02.2020)

1. This application has been moved by the respondent No.1/MYSA for modification of the order dated 07.02.2020, whereunder one of the directions issued was "*...that both, IOA and MYAS will, hereafter while seeking to take any decision in relation to the NSFs, inform the court in advance.*" The basis of filing the application as stated in para 26, is that "*the*

respondent No.1/MYSA believes that the said direction has been made inadvertently without hearing the respondent No.1."

2. We may note that pursuant to the aforesaid order being passed, the matter was listed on five dates but no steps were taken by the respondent No.1/MYSA to seek modification of the said order. Rather, the respondent No.1/MYSA had moved an application (CM APPL. 11037/2020) for seeking certain directions. When the said application was listed on 24.06.2020, this court had noticed that despite the order dated 07.02.2020, respondent No.1/MYSA had on its own proceeded to provisionally renew the annual recognition in respect of 54 Federations for the year 2020, till 30.09.2020. When confronted with the directions contained in the order dated 07.02.2020, Mr. Anil Soni, learned CGSC appearing for the respondent No.1/MYSA had conceded that the said order had not been complied with and had requested for permission to withdraw the decision taken as also to withdraw the captioned application while reserving the right of the Ministry to file a fresh application.

3. It was in the above background that the respondent No.1/MYSA subsequently moved an application (CM No.14056/2020) praying *inter alia* for consent to grant provisional annual recognition to NSFs. Notice was issued in the said application on 03.07.2020 and by now, pleadings are complete. In the meantime, the present application has been moved for deletion of the name of respondent No.1 from para 6 of the order dated 07.02.2020.

4. The submission made by Mr.K.M.Natraj, learned ASG appearing on behalf of the respondent No.1/MYSA that the Ministry was under a *bonafide* impression that the said direction issued on 07.02.2020 did not apply to it, is

untenable. In view of the fact that the respondent No.1/MYSA was duly represented through Mr. Anil Soni, learned CGSC on 07.02.2020 and all subsequent dates thereafter, it does not lie in the mouth of the respondent No.1/MYSA to state that the directions issued on 07.02.2020, were without affording it a hearing. Respondent No.1/MYSA also seems to have overlooked the fact that it had subsequently moved this court for seeking consent in compliance of the order dated 07.02.2020.

5. Even otherwise, we are of the opinion that under the garb of the present application, the respondent No.1/MYSA is seeking review of the order dated 07.02.2020 and that too, after waiting for six months, which is impermissible. On merits also, we do not see any error in the said order for acceding to the prayer made in the application. If the respondent No.1/MYSA had a grievance against the order dated 07.02.2020, it was for it to seek appropriate legal recourse against the same.

6. The application is dismissed as meritless.

CM No.14056/2020 (by the respondent No.1/MYSA for consent)

1. This is an application moved by the respondent No.1/MYSA for seeking consent to grant annual recognition, provisionally to the NSFs.

2. Though pleadings in the application are complete, as rejoinder to the reply filed to the application by the petitioner, was filed by the applicant only yesterday, Mr.K.M.Natraj, learned ASG states on instructions that the said rejoinder does not deal with each of the 57 NSFs and the Ministry may be granted more time to file a detailed affidavit in respect of each of the NSF's separately indicating *inter alia*, as to whether they are compliant with the National Sports Code and if not, state the anomalies and the action proposed to be taken by the Ministry in respect of the said NSF's. Needful

shall be done within 2 weeks with a copy to the petitioner.

3. List on 21.08.2020, the date already fixed.

HIMA KOHLI, J

NAJMI WAZIRI, J

AUGUST 07, 2020

nb/tr/rkb