



2024:DHC:4144



\$~

\*

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

%

*Judgment Pronounced on: 21.05.2024*

+

**W.P.(C) 10342/2019 & CM APPL. 56636/2023**

RAJASTHAN EQUESTRAIN ASSOCIATION ..... Petitioner

versus

EQUESTRIAN FEDERATION OF INDIA  
AND ORS.

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. Rajiv Dutta, Sr. Advocate with Mr. Ashish Kothari, Mr. Devang Gautam, Ms. Neha Singh and Mr. Vishes Goel, Advocates.

For the Respondent : Mr. Jayant Mehta, Sr. Adv. with Mr. Kirtiman Singh and Ms. Manmeet Kaur Sareen, Advocates for R-1/EFI.

Mr. Ajay Dignpaul, Mr. Harish Vaidyanathan Shankar, Mr. Vineet Dhanda, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat, Mr. Alexander Mithai Paikaday, Mr. M. Sriram and Mr. Krishana V., Advs. for R-2/UOI.

Mr. Rahul Mehra, Sr. Adv. with Mr. Piyush Kumar, Mr. Vikash Singh, Mr. Sagar Chaurasia and Mr. R.A. Iyer, Advs. for Ld. Court Observer.

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**[Physical Court Hearing/ Hybrid Hearing]**



## JUDGMENT

### TARA VITASTA GANJU, J.:

#### TABLE OF CONTENTS

Brief Facts.....	3
Submissions.....	8
Analysis and Findings.....	16
Conclusion .....	37

#### CM Appl. 56636/2023 [*Application seeking interim relief*]

1. This is an Application filed by the Petitioner seeking the following prayers:

*“a. Stay the Operation of the Impugned Decision recorded under Agenda VI of the Minutes of the EGM meeting dated 17.09.2023 (Annexure-B) and restrain Col. Jaiveer and his associates to continue as the office bearers of the EFI during the pendency of the Writ Petition or till the time elections of the EFI are not conducted as per the Sports Code;*

*b. Pass Orders for the appointment of an administrator or an ad-hoc committee to manage the functioning of the EFI till fresh elections of the EFI are conducted in accordance with the Sports Code.*

*Or, in the alternative,*

*Direct EFI to reinstate the Executive Committee constituted pursuant to the EFI elections held in 2019 till fresh elections of the EFI are conducted in accordance with the Sports Code.”*

2. The Respondent No. 1/EFI held an Extra Ordinary General Meeting [hereinafter referred to as “EGM”] on 17.09.2023. The Agenda of the EGM was as follows:

S.No.	Agenda Points
Agenda I	Amendments in EFI Calendar
Agenda II	Asian Games :- Participation & Funding
Agenda III	Hiring of PR Agency



Agenda IV	Digitalization of old Records and creation of link on EFI website for Horse and Athlete Performance cards respectively.
Agenda V	Hiring of EFI certified dressage paperless judging software/solutions to be used in competition in India.
<b>Agenda VI</b>	<b>Status of cases pending before Hon'ble Delhi High Court and related issues.</b>

3. The present Application impugns the decision recorded in paragraph 9.1 of the Minutes of EGM under the heading Agenda VI, which sets forth that the existing office bearers shall continue till elections take place [despite the tenure of the office bearers coming to an end in September, 2023]. It is contended that no such decision was taken by the house during the EGM.

**Brief facts:**

4. The facts leading up to the present Application are necessary to set out:
- 4.1 The Petitioner who is a State Federation, has filed the present petition, *inter alia*, seeking a restraint on the holding of elections of the Executive Committee which were scheduled to be held on 29.09.2019 at the Annual General Meeting [hereinafter referred to as "AGM"]. The Petitioner had alleged that the Respondent No. 1/EFI is conducting elections in contravention of the National Sports Development Code, 2011 [hereinafter referred to as "Sports Code"], by extending voting rights to clubs and institutions.



2024:DHC:4144



- 4.2 By an order dated 26.09.2019, a Coordinate Bench of this Court permitted elections to be held at the said AGM subject to the terms and conditions as set forth in the order. The Executive Committee so elected, was permitted to assume charge, *albeit* on the terms and conditions as set out in the order dated 15.11.2019.
- 4.3 Thereafter, a Coordinate Bench of this Court in its order dated 11.04.2023 passed directions, including for a one time setting up of an electoral college for the elections of Respondent No. 1/EFI.
- 4.4 The Order dated 11.04.2023 was challenged by Respondent No. 1/EFI and stayed. A Division Bench of this Court by its order dated 30.05.2023, directed that elections shall be held after the issues in the present Petition and in the connected Petition i.e., W.P.(C) 5989/2022 are decided.
- 4.5 Subsequently, the Petitioner filed an interim Application, CM 33552/2023 seeking to restraint the Respondent No. 1/EFI from conducting an AGM on 09.07.2023 [hereinafter referred to as “AGM of 09.07.2023”] during the pendency of the present Petition.
- 4.6 A Coordinate Bench of this Court directed that the AGM be held as scheduled on 09.07.2023. However, the AGM of 09.07.2023 was made subject to the directions passed in the order which included that Agenda items (II), (III) and (IV) related to annual accounts, annual expenditure, etc. could be taken up and discussed. These Agenda items were also made subject to the final decision in this Petition. Some Agenda items were directed to be deferred, to await



the election of the Executive Committee. The Court appointed Observer was directed to chair the meeting.

- 4.7 The Petitioner thereafter filed an Application [CM Appl. 46400/2023] seeking that the operation of the Notice for Extraordinary General Meeting having Ref. No. 072/EFI/EOGA/2023 dated 26.08.2023 [hereinafter referred to as “EGM Notice”] issued by Respondent No. 1/EFI be stayed and to restrain the Respondents from conducting the EGM. It was contended that the Agenda items as set forth in paragraph 2 above are outside the domain of the General Assembly and that the EGM would be used to pass illegal resolutions.
- 4.8 In view of the fact that there were certain items necessary for discussion which could not be discussed in the AGM of 09.07.2023, including a PR Agency to be appointed to cover the activities of the Respondent No. 1/EFI for the 19<sup>th</sup> Asian Games, scheduled to be held from September 23 to October 08, 2023, this Court had permitted the EGM to be conducted, subject however, to the conditions as set forth in its order dated 15.09.2023.
- 4.9 This Court, by an Order dated 15.09.2023 [hereinafter referred to as “15.09.2023 Order”], directed that the EGM be conducted and appointed Hon’ble Mr. Justice Najmi Waziri, a former Judge of this Court to chair this meeting and Mr. S. Y. Quraishi, the Observer as appointed by a Coordinate Bench of this Court on 15.11.2019 [hereinafter referred to as “Observer”], was also requested to be



present. It was further directed that no items except as notified in the Agenda of the EGM Notice shall be taken up during the EGM.

4.10 With respect to Agenda VI it was specifically directed in the 15.09.2023 Order that in the event the learned Chairman of the meeting deems it expedient, Agenda VI, i.e., “*Status of cases pending before Hon’ble Delhi High Court and related issues*” can be taken up. The Respondent No. 1/EFI was also directed to file the minutes of the EGM within 10 days of the EGM.

4.11 It is apposite to set out the relevant extract of directions passed by the Court on 15.09.2023 which are below:

*“12. The EGM scheduled for 17.09.2023 shall be held as scheduled, in terms of the directions set forth below:*

*(i) Hon’ble Mr. Justice Najmi Waziri, a former Judge of this Court shall Chair the EGM.*

*(ii) Mr. S. Y. Quraishi, the Court Appointed Observer, shall be present for the meeting.*

*(iii) No items except as notified in the Agenda [reproduced in paragraph 1.1 above] may be taken up for consideration at the EGM, and subject to the conditions below:*

.....

*(viii) Agenda Items – VI: None of the requisitions received have raised any query with respect to pending Court cases. Information on pending cases and related issues can always be notified by circulation to the Members concerned. However, in the event, the Chairman of the meeting deems it expedient, Agenda (VI) can be taken up.*

*12.1 It is further directed that the minutes of EGM shall be drawn up and filed by Respondent No.1/EFI within 10 days of the EGM.*

*13. All resolutions passed at the EGM shall remain subject to the*



2024:DHC:4144



*outcome of the petition....”*

[Emphasis supplied]

5. The EGM was conducted as scheduled on 17.09.2023. Subsequently, the minutes of the EGM [hereinafter referred to as “EGM Minutes”] were drawn up and filed by Respondent No. 1/EFI before the Court. As stated above, paragraph 9.1 under EGM Minutes referring to Agenda VI of the EGM sets out a unanimous decision of the house that “*existing office bearers to continue till elections take place*”, which has been impugned by the Petitioner in this Application. Referring to the decision as record in Column 2 in paragraph 9.1 of the EGM Minutes, it is submitted by the Petitioner that these contents appear to be contrary to those as recorded in paragraph 9.16, which were the submissions of the learned Chairman at the EGM.
6. Notice in this Application was issued on 02.11.2023, this Court directed that all decisions taken by the Secretary General of the Respondent No. 1/EFI after 29.09.2023, shall be subject to the outcome of the present Petition. The Application was opposed by the Respondent No. 1/EFI contending that the EGM Minutes accurately reflect the proceedings of the EGM.
7. Learned Counsel appearing on behalf of the Observer [appointed by the Court on 15.11.2019] has contended that the submissions made in paragraph 9.16 of the EGM Minutes are an accurate reflection of the proceedings.



8. In view of the conflicting contentions of the parties, this Court by its order dated 08.12.2023 directed that the complete unedited video of the EGM be placed on record by the Respondent No. 1/EFI. Subsequently, by an Order dated 23.01.2024, the Respondent No. 1/EFI was directed to file an Affidavit placing on record a transcript of the discussions of Agenda VI along with the relevant time stamp for such discussion. The Affidavit was filed subsequently by Respondent No. 1/EFI.
9. There was a noticeable delay in production of both the video recording and the Transcript by Respondent No. 1/EFI. Subsequently Learned Counsel for the Petitioner, Respondent No. 1/EFI and the Observer concluded their arguments and all parties have filed their respective submissions in this regard as well. No arguments were addressed by Respondent Nos. 2 to 4.

**Submissions:**

10. Mr. Rajiv Dutta, learned Senior Counsel appearing on behalf of the Petitioner has made the following submissions:
  - 10.1 In the first instance there was no decision that the office bearers shall continue post September, 2023 was taken at the EGM held on 17.09.2023, and so far as Agenda VI is concerned, the learned Chairperson had said that a discussion in this regard would not be appropriate as the issue pertained to elections is *sub-judice* and is reflected from the blanks appearing in the columns for decision/direction of the house and action to be taken in the EGM





Minutes.

- 10.2 During the EGM, in the garb of raising queries pertaining to pending Court cases of Respondent No. 1/EFI, certain members of Respondent No. 1/EFI mischievously instigated a discussion with regard to the elections of Respondent No. 1/EFI and the tenure of the existing office bearers. However, the learned Chairman rightly pointed out that the issue of elections of Respondent No. 1/EFI is *sub-judice* and cannot be discussed. Thus, the learned Chairman did not permit any further discussion on the Agenda VI and that the Impugned Decision as reflected in paragraph 9.1 of the EGM Minutes was neither taken nor approved.
- 10.3 Respondent No. 1/EFI at present is functioning through its erstwhile General Secretary despite his tenure having come to an end on 29.09.2023. This is in contravention to the Sports Code and the same cannot be sustained.
- 10.4 No discussion was permitted by the learned Chairman of the meeting on the issue of elections and tenure of the existing members of the Executive Committee despite the same, the EGM Minutes records that the house unanimously approved that the existing office bearers to continue till elections take place in the best interest of the Federation, Athletes and all stakeholders.
- 10.5 Learned Senior Counsel further sought to rely upon the first draft of the EGM Minutes which were circulated, and paragraph 9.47 and paragraph 9.48 to state that earlier paragraph 9.48 of the EGM



2024:DHC:4144



Minutes correctly recorded what was said. However, this was removed by Secretary General of Respondent No. 1/EFI – Col. Jaiveer Singh, who was preparing EGM Minutes. Drawing an inference from email of the learned Chairman dated 25.09.2023 which reflected that the contents of Column 2 – where the decision on the Agenda is recorded, the EGM Minutes were required to be corrected in terms of the decision as contained in the last paragraph of the Agenda. The learned Chairman also requested that the corrections be made, however, this was not done. Thus, what was recorded in the EGM Minutes was unjust, illegal and without approval of the Chair.

10.6 Lastly it was averred that from a perusal of the Transcript of Agenda No. VI filed by the Respondent No. 1/EFI, it is clearly seen that at no point was any decision taken regarding the extending of the tenure of the office bearers. In fact, the learned Chairman of the meeting clearly stated that the issue pertaining to the elections and the extension of tenure is pending adjudication and cannot be decided at this stage. The Petitioner relied on two extracts of the Transcript, which have been placed on record by the Respondent No. 1/EFI for Agenda No. VI from the start time of 1:42:40 to 2:04:37 [hereinafter referred to as the “Transcript”]. The relevant extract of the Transcript relied upon by the Petitioner is set out below:

*“The Chair- Issue about elections will take some time, then possibly have to take another round of decisions on this, a separate meeting is also desired as for EC to take a call on that, as*



*to when he want to it cannot be at a stage of hurry and that will take a full session possibly. Gentlemen from Haryana also speak, aur unke peechey se bhi bolna chahte the, toh aaj to ye masla ho nahi payega, is waqt nahi ho sakta hai isme bahut waqt lagega, sabki rai sunni padegi. Aur state federation nahi hai state association nahi hai so we have to look at that, not today. It wont be possible.” [around 01.45:10 onwards]*

xxx

xxx

xxx

*“The Chair- apki baat bilkul durust hai, [Inaudible] you are suffering because of the regular committee not being here but that decision really cannot be taken in a hurry today. I can’t decide it, I mean No body can decide that I am just charring this meeting, I am not the court you go to court to seek resolution of this problem, its not fair to put this in the meeting today, the decision would be taken by adhoc committee, woh nahi ho sakta na iske liye as the DB order says, judicial bench ke samne matter pending hai you go there. The court will give you solution. This meeting cant do that. We have limitations, apko limitations ko samajhna padega na. I cant look into it. Thank you for your assistance.” [around 02.02:00 onwards]”*

- 10.7 The extension of the tenure of the erstwhile office bearers of the Respondent No. 1/EFI was not approved by the learned Chairman and was in violation of the order dated 15.09.2023 passed by the Court. It was thus prayed that the functioning of the Respondent No. 1/EFI cannot be left to the erstwhile office bearers and an *ad-hoc* committee to manage the functioning of the Respondent No. 1/EFI be appointed until the elections of Respondent No. 1/EFI is conducted in accordance with the Sports Code.
11. Mr. Rahul Mehra, learned Senior Counsel appearing on behalf of the Observer appointed by a Coordinate Bench of this Court on 15.11.2019, on instructions, submitted that paragraph 9.16 of the EGM Minutes accurately reflect what was said by the Chair of the



meeting on that date. It was further contended that the request/suggestion for appointment of an Administrator in the interregnum period was suggested by the Observer in its report dated 09.02.2021 itself, so that the governance of the Respondent No. 1/EFI would continue smoothly. Reliance was placed on paragraph 8.3 of his report dated 15.11.2019 filed on 09.02.2021, which is reproduced below:

*“8.3 The above may be effected by an administrator to be appointed by this Hon'ble Court, who ought to be furnished access to all records of the Respondent No.1, and ought to take over administration of the Respondent No.1 in the interim.”*

- 11.1 Learned Senior Counsel further submitted that there is a compelling need of holding elections as the Respondent No. 1/EFI is working without an Executive Body. Further, that in various matters relating to the functioning of Sports Associations, Administrators/Returning Officers have been similarly appointed by Coordinate Benches of this Court. Reliance was placed on the judgments passed by the Division Bench of this Court in the matter of ***SP Singh Dhillon v. DCBA & Ors.***<sup>1</sup> and ***Delhi Rowing Association v. UOI***<sup>2</sup> and by a Coordinate Bench in ***Delhi Capital Badminton Association v. UOI & Ors.***<sup>3</sup>
12. Learned Senior Counsel Mr. Jayant Mehta and Learned Counsel Mr. Kirtiman Singh appearing on behalf of the Respondent No. 1/EFI have made the following submissions:

---

<sup>1</sup> Order dated 26.09.2023 in LPA No. 329/2021

<sup>2</sup> Order dated 23.02.2024 in W.P. (C) 2702/2024

<sup>3</sup> Neutral Citation: 2021:DHC:131



- 12.1 The locus of the Petitioner to interfere with the functioning of the Respondent No. 1/EFI was challenged by the Respondent No. 1/EFI. It was contended that the frequent filing of Applications by the Petitioner is leading to a delay in adjudication of the matter.
- 12.2 The applicability of the Sports Code, the validity of the Notification dated 01.02.2021 and the Exemption Letter dated 09.11.2021 are to be decided by the Court to enable elections to be held to the Executive Committee of the Respondent No. 1/EFI. However, since the matter is pending adjudication, in the interregnum period, it was necessary that the existing Executive Committee continue after the expiry of its tenure so that the Respondent No. 1/EFI continues to function. It was pending adjudication of the present Petition and with a view to maintain continuity, that the decision was taken.
- 12.3 The e-mails exchanged between the learned Chairman and the Respondent No. 1/EFI clearly show that the changes requested for by the learned Chairman were approved and it was only after a discussion with the learned Chairman, that the EGM Minutes were finalised and filed before this Court. In this regard, the Respondent No. 1/EFI relied on an e-mail exchange comprising of four e-mails, all dated, 25.09.2023 between 11:40am and 9:54pm on 25.09.2023 itself. The Respondent No. 1/EFI has filed a tabular representation in its Written Submissions which were filed after the conclusion of the hearing, which is reproduced below:

<i>DATE</i>	<i>PARTICULARS OF EMAIL WITH PAGE NUMBER</i>
-------------	----------------------------------------------



25.09.2023 [11:40 am]	<i>This email from the Answering Respondent to the Hon'ble Chairman contained the soft copy of the draft of the Minutes of the EGM where the discussion portion of Agenda VI starts from para 9.1 extending till para 9.48. Further, a perusal of the decision column shows that the decision of the members in respect of Agenda VI was mentioned in this draft.</i>
25.09.2023 [01:50 pm]	<i>After discussions with the Secretary General of the Answering Respondent between approximately 10:30/11:00 am – 2:00 pm, the Hon'ble Chairman finalized the minutes of the EGM and provided the same to the Secretary General of the Answering Respondent. A perusal of these Minutes, as shared by the Hon'ble Chairman, shows that the discussion on Agenda-VI commenced from para 9.1 and extended till para 9.16. This also contained the decision of the house in Agenda VI. Further, while giving a hard copy of the of the said Minutes of the EGM to the Answering Respondent, the Hon'ble Chairman also signed the Noting Sheet approving the said Minutes. The same is annexed. In addition thereto, the said Minutes were emailed to the Answering Respondent by the Hon'ble Chairman to the Answering Respondent vide email dated 25.09.2023 [01:50 pm].</i>
25.09.2023 [03:14 pm]	<i>The Hon'ble Chairman, after approving the EGM Minutes, wrote an email asking the Answering Respondent to make correction to the extent of shifting the following para from the discussion column to the decision column of the Minutes: "The Chair was of the view that since the details of the various cases were not readily available to all members, therefore, an informed discussion would not be feasible. The Chair was of the view that since these issues were sub judice, a discussion on the same would not be appropriate"</i>
25.09.2023 [6:00 pm]	<i>Subsequently, the Answering Respondent met the Hon'ble Chairman and, after mutual discussion, it was decided that the above observation would be retained in the discussion/point column.  Therefore, the Minutes that came to be final were those as shared by the Hon'ble Chairman on 25.09.2023 [01:50 pm], when he also signed the Noting Sheet. The same were eventually shared vide emails dated 25.09.2023 [09:52 pm and 9:54 pm]</i>



2024:DHC:4144



	<i>with the Hon'ble Chairman and Ld. Observer. The same were filed by the Answering Respondent before this Hon'ble Court.</i>
--	-------------------------------------------------------------------------------------------------------------------------------

- 12.4 While referring to the e-mail dated 25.09.2023, it was contended that the correction was *qua* the last para of the decision on Agenda VI, which was duly added in paragraph 9.16 of the minutes of the EGM, therefore there is no inconsistency with the minutes and the chain of emails between the officials of the Respondent No. 1/EFI and the Chair shows that the necessary approval of the Chair and the Observer was taken before the minutes of the EGM, being approved. Reliance was also placed on the Noting Sheet dated 22.09.2023, which reflects both the signatures of both the learned Chairman and the Observer.
- 12.5 The principles *qua* appointment of an Administrator are well settled. No case has been made out for an appointment of an *ad-hoc* committee or Administrator. The Respondent No. 1/EFI (erstwhile Executive Committee) is functioning in an efficient manner and the same is highlighted from the accolades won by the equestrian team in the recently held 19<sup>th</sup> Asian Games.
- 12.6 The Written Submissions filed by the Respondent No. 1/EFI also state that the relief sought by the Petitioner is akin to asking for a mandatory injunction, which cannot be granted by this Court while relying on the judgment in *Dorab Cawasji Warden v. Coomi Sorab*



*Warden*<sup>4</sup>. Further, that the reliefs in this Application are directly contrary to the relief that the Petitioner had sought for in its earlier Application, i.e., CM APPL.46400/2023 and hence cannot be granted.

- 12.7 Although, it was not brought to the notice of this Court during arguments, the Respondent No. 1/EFI has in its Written Submissions sought to rely upon a letter dated 22.02.2024 received from the Asian Equestrian Federation (hereinafter referred to as “AEF”). It is contended that the AEF has sent a letter emphasizing the necessity of promptly constituting a democratically elected body. AEF outlined potential adverse effects if not complied, including the suspension of EFI, which could lead to restrictions on participation in international events.
13. In Rejoinder, the learned Senior Counsel appearing on behalf of the Petitioner has drawn the attention of the Court to the Transcript of EGM of Respondent No. 1/EFI dated 17.09.2023 with a timestamp for Agenda VI, to state that the Chair was also disapproving about the discussions on the Impugned Decision, thus, clearly indicating that the Impugned Decision is illegal and bad in law.

### **Analysis and Findings:**

14. The dispute between the Parties emanates from the Impugned decision as reflected in the EGM Minutes, that the existing office bearers whose term expired on 29.09.2023, shall continue to hold

---

<sup>4</sup> (1990) 2 SCC 117





their posts till the time the elections are conducted. The Division Bench of this Court by its order dated 30.05.2023, had directed that elections shall be held after the issues in the present Petition and in the connected Petition i.e., W.P.(C) 5989/2022 are decided. These Petitions are presently pending adjudication with the Roster Bench of this Court. This Court is informed that final arguments have yet to commence.

15. The Petitioner had in its Application earlier filed to restrain the EGM (CM APPL. 46400/2023) expressed an apprehension that the EGM as proposed, would be misused to pass illegal resolutions like for administration and running of the EFI till the formal elections do not take place and to cover-up illegalities in administration and running of the Respondent No. 1/EFI. Allegations of mismanagement of funds were also made. It is apposite to extract paragraphs 14 and 15 of CM APPL. 46400/2023 in this regard:

**“14. The Petitioner apprehends that the proposed EGM would be misused to pass illegal resolutions like constitution of an ad hoc Executive Committee for running EFI till formal elections takes place (since Col. Jaiveer's term of 4 years is expiring in September, 2023), termination of membership of certain members of EFI who have opposed Col. Jaiveer's illegal activities and approval of funds/expenditure with the motive to cover up the illegalities and mismanagement of Funds committed by Col. Jaiveer. In this regard, it is submitted that as per Article 12 (2) of the EFI Statutes which mandates that only the business specified in the requisitions received from various members can be discussed in an EGM and no other agenda can be discussed.**

**15. As mentioned in the preceding paras of this Application the posts of the President and Vice President are lying vacant, Col**



**Jaiveer/EFI will try to use the upcoming EGM as a platform to constitute an Ad Hoc Executive for administration and running of the EFI till the formal elections does not take place in accordance with the order passed by this Hon'ble Court. It is pertinent to mention herein that if the Ad Hoc Executive Committee is constituted in the upcoming EGM then it will lead to a disastrous situation as the members of this Ad Hoc Executive Committee will be handpicked by the ASC/Col. Jaiveer in order to ensure that the control of the EFI remains with Col. Jaiveer and ASC directly or indirectly. Further, if the said Ad Hoc Executive Committee is constituted then the membership of certain members of EFI will be terminated as they do not support Col. Jaiveer in his illegal and arbitrary activities. This so-called Ad Hoc Executive Committee will also ensure that the EFI continues to mismanage the funds in order to benefit certain people in power.”**

[Emphasis supplied]

- 15.1 In the alternative, it was also prayed that the General Secretary of the Respondent No. 1/EFI be restricted from passing any resolutions which did not form part of the Agenda items. As noted above, the Application was disposed of by the 15.09.2023 Order, with the directions that any discussion on items of Agenda VI can only be taken if the learned Chairman permits. It was further directed that no items except as notified and set forth in the Agenda shall be discussed. The Agenda as reproduced in paragraph 2 of this Judgment shows that there was no Agenda item on the extension of the tenure of the office bearers elected in 2019, on the Agenda of the EGM.
16. A review of the EGM Minutes under Agenda VI shows that in the Column 2 of the Agenda appearing next to the paragraph 9.1 it states



that “*existing office bearers to continue till elections take place*”, as against a decision that the last paragraph, i.e., paragraph 9.16 of the EGM Minutes, where the issue regarding as to how the Respondent No. 1/EFI would function, since the tenure of the office bearers has expired, was raised. The EGM Minutes also contain the contention of the learned Chairman that a discussion on this issue would take some time and cannot be done at “*this stage in a hurry*”. Thus, a contradiction was present between paragraph 9.1 and 9.16 of the EGM Minutes.

17. An examination of the EGM Minutes under Agenda VI begins at Paragraph 9.1 of the EGM Minutes reflecting a discussion about Ministry of Youth Affairs and Sports (MYAS). A discussion on the guidelines of the Sports Code and the Petitioner’s Writ Petition which has resulted in a delay to hold elections which appears in paragraph 9.2. Permission of the Chair was, thereafter, taken to inform the house about the Court matter related to elections. An updated list of legal matters was also flashed on the screen at this point (paragraph 9.3). A discussion on conflict of interest of the Vice President, Finance was brought out by a member while some other members mentioned that the elections require a relook in paragraphs 9.4 and 9.6. After some further discussions on the attendance of Clubs, institution members and members attending the meeting was also raised. Various other issues were raised and discussed.
- 17.1 Column 2 of Agenda VI of the EGM Minutes reflects the decision/direction of the house which is the decision impugned



before the Court. The only place where such decision is reflected is in Columns 2 and 3 at paragraph 9.1 of the EGM Minutes. For ease of reference, the entire discussion on Agenda VI– paragraph 9.1 to 9.16 is reproduced below:

<i>Points</i>	<i>Decision/direction of house</i>	<i>Action to be taken by</i>
<p><b><u>AGENDA-VI</u></b></p> <p>9.1 Lt Gen MKS Yadav with the permission of the chair brought to the notice of the house a few important aspects. He said that till 2020 the Federation was functioning smoothly, there are about 12 state association who do not follow MYAS guidelines on the sports code themselves, none of them have 50% District Association their state, in the District they do not have any equestrian activity, maybe about 10% at the moment in a state. As on date MYAS has given an exemption to Federation. In 2019 Rajasthan Equestrian Association (REA) filed a Writ Petition against EFI, who themselves are defaulter, this has resulted in delay to hold election till date.</p> <p>9.2 He further informed the house that the last election were held in 2019 and as on date only three members are left and one has turned rouge. While addressing the Chair he said he would have noticed that everybody over here has their own agenda, people</p>	<p><b><u>The house unanimously approved that the existing office bearers to continue till elections take place in the best interest of the Federation, Athletes and all stakeholders. This decision shall also prevent derecognition of EFI by FEI.</u></b></p>	<p>VP (Finance)/ Secretary General</p>



*have forgotten what is good for the sport. There are so many Court cases, there are only three members Secretary General, Vice President (Finance), and Member of EC running the Federation. There is an internal dispute and thus Col SS Ahlawat stands today on that side of the petitioner in the Court. It is just politics and everybody wants his share. He requested the Chair to permit the Secretary General to inform the house about the Court matter related to elections. This will help everyone to know what is happening and when will elections take place so that Federation functions smoothly.*

*9.3 The Secretary General with the permission of the Chair replying to the query raised by Lt Gen MKS Yadav informed the house that the REA has filed a Writ Petition in 2019 which is still underway in Hon'ble Delhi High Court. In 2021 the EFI was given few exemptions from sport code and in 2022 the Federation amended their status. Thus, as on date the Federation is in line with the sports code. The REA filled a Writ Petition against the MYAS pertaining to exemption clause introduced on 01 Feb 2021 by MYAS in sports code and EFI's exemption of 09 Nov 2021. He further stated that in July 2022 in the same matter the Federation*



*had filled an applications in Hon'ble Delhi High Court informing them that tenure of EC (less three member) & Selection Committee (SC) has ended and there is an urgent need to hold elections. An order on 11 April 2023 was passed by Hon'ble Delhi High Court. However, there were a few modifications required since the election order was not practical and the Federation went into appeal. The Division Bench stayed the elections and directed the Single Judge to decide the exemption Writ Petition as early as possible. The next date of hearing of the said Writ Petition is 09 Oct 2023. Also, the Division Bench felt that we have already carried out amendments in our statutes which are in line with sport code. Hence, if the exemption granted to EFI is upheld, the Federation can hold elections immediately as per it's current statutes. An updated list of legal matter was flashed on the screen (copy attached as Appendix-U).*

*9.4 Mr Sandeep Sharma said that since you are asking about Court case, there was a judgement order of 07 Mar 2023 by Hon'ble Justice G Kant wherein he had declared that the Vice President (Finance) has a conflict of interest.*



9.5 *The Secretary General replied that the said order was stayed as an interim on 13 April 2023 and same was made absolute on 07 July 2023 by the Division Bench order of Hon'ble Delhi High Court.*

9.6 *Mr Ram Sharma said that we need to relook at the elections or else it will be like Taekwondo Federation which is led by a biggest fraud.*

9.7 *The Chair intervened and directed Mr Ram Sharma not to make such remarks.*

9.8 *Mr Ram Sharma said he has the record.*

9.9 *The Chair said that he has not seen the record.*

9.10 *Mr Salman Sayeed said that our sport is dominated by Army and it is very good since we cannot do without army's help. He referred to Lt Gen MKS Yadav's statement against the State Association and raised the query that the minimum quorum is not complete today.*

9.11 *The Secretary General clarified that a quorum of 50 members is required to hold an EOGM which has been met.*

9.12 *The Chair informed the house that he has been handed*



over a slip of attendance, anyone having a doubt can see it. He further confirmed that there are more than 50 members present today.

9.13 The Chair clarified to him that these are the voting members of EFI.

9.14 Mr Salman Sayeed asked the Chair if he has seen the list.

9.15 The Chair handed over the entire file containing the Authority Letters of members present in the EGM for him to peruse and verify. Some concerns were expressed apropos the participation and presence of Clubs/Institutional Members and other Members.

9.16 **Some members wondered how the EFI would function, after the tenure of the present EC expired.** The Chair in his opinion felt that the issue pertaining to elections will take some time, there has to be another rounds we have to listen to everyone, we cannot do it at this stage in hurry, it's not possible. **The Chair was of the view that since details of the various cases were not readily available to all members, therefore, an informed discussion would not be feasible. The Chair was of the**





2024:DHC:4144



<p><u><i>view that since these issues were subjudice, a discussion on the same would not be appropriate.</i></u></p>		
----------------------------------------------------------------------------------------------------------------------	--	--

[Emphasis supplied]

18. As discussed above and pursuant to orders passed by this Court, the Respondent No. 1/EFI has placed on record on affidavit, a pen drive containing the video recording of the EGM conducted on 17.09.2023. Although, the recording is over two hours long, the discussion on Agenda No. VI starts at 1:42:40 (time-stamp) of the recording and ends with the learned Chairman thanking everybody for their assistance at the closure of the meeting, at 2:04:37 (time-stamp).
19. In its Reply to the present Application, the Respondent No. 1/EFI placed on record the entire e-mail chain *qua* approval of the EGM Minutes between the learned Chairman and the Secretary General of the Respondent No. 1/EFI, which as per the records, commenced on 21.09.2023 at around 6pm and continued almost till 10pm on 25.09.2023. In an e-mail dated 25.09.2023 sent by the learned Chairman at 3.14pm to the Respondent No. 1/EFI, it is stated that there is a typographical error in the contents of Column 2. It also states that the error needs to be corrected so that it is in terms of the decision of the learned Chairman as is reflected in paragraph 9.16 of the EGM Minutes. It is apposite to refer to the contents of this e-mail as sent by the learned Chairman, which is set forth below:

“ .....

*As intimated to you on the phone, a couple of minutes ago, there*



**is a typographical error in the contents of Column 2 of Agenda No. VI sent to you a little while ago. It would need to be corrected so that it reads in terms of the decision contained in the last paragraph of said Agenda i.e.:**

*“The Chair was of the view that since details of the various cases were not readily available to the members , therefore, an informed discussion would not be feasible. **The Chair was of the view that since these issues were subjudice, a discussion on the same would not be appropriate”***

**Please make the relevant correction.”**

[Emphasis supplied]

- 19.1 The communication continues through the day on 25.09.2023, with the learned Chairman. Finally, as late as 09.52pm, these minutes are forwarded to the learned Chairman stating these to be the final approved minutes. No written communication from the learned Chairman on a date after 25.09.2023 has been placed on record by the Respondent No. 1/EFI.
- 19.2 Although, the e-mails at 9.52pm and 9.54pm sent by the Respondent No. 1/EFI through its Secretary General were filed along with the Reply dated 16.11.2023, their attachments were not placed on record. Instead, a certified extract of the minutes has only been filed as Annexure R-2 Colly to CM APPL. 9699/2024 by Respondent No. 1/EFI only on 13.02.2024.
20. Respondent No. 1/EFI has averred that paragraph 9.16 was corrected in terms of the aforesaid e-mail. However, a reading of minutes under Agenda VI shows that the minutes appearing in Column 2 are in contradiction with the minutes appearing in the rest of paragraph



9, especially paragraph 9.16.

21. As stated above, quite clearly the learned Chairman had asked for deletion of the contents of Column 2 as it contains typographical error. The e-mail also sets out that it would need to be corrected so that it reads in consonance with last paragraph, i.e., paragraph 9.16, wherein the learned Chairman has specifically set forth that no discussion should be held with regard to this issue and that the party should approach the Court for the same.
22. Since the video recording was over two hours long, this Court by its order dated 23.01.2024, had also directed the Respondent No. 1/EFI to place on record a Transcript of the video recording with respect to the discussions as held on Agenda VI during the EGM. The Respondent No. 1/EFI has placed on record the Transcript of the EGM Minutes in relation to Agenda VI through an Affidavit dated 13.02.2024 of Col. Jaiveer Singh.
  - 22.1 The Transcript of the EGM Minutes as placed on record, reflects some discussions amongst various members including on who runs the office of the Federation till the elections are held. The Transcript reflects various different individuals setting forth their thoughts on the functioning of the Respondent No. 1/EFI. A review of the last few paragraphs of the Transcript show that the learned Chairman had pointed out that the issue of the functioning of the office of the Respondent No. 1/EFI could not be decided in the EGM and that the members should go to the Court to seek a resolution of the problem.



2024:DHC:4144



It was clarified by the learned Chairman that a decision could not be taken in this meeting (EGM) and only a judicial decision in the matter could resolve the same.

- 22.2 A review of the Transcript thus shows that there was no decision taken much less a unanimous one, that the functioning of the Respondent No. 1/EFI would continue with the committee members as appointed pursuant to elections of 2019. Although, it is apparent that there were some discussions held on the continuation of the functioning of the Respondent No. 1/EFI, there was clearly no unanimous decision that was recorded by the Chair, as has been contended by the Respondent No. 1/EFI.
23. The Respondent No. 1/EFI, also placed on record a noting sheet of the EGM Minutes for the approval and signatures of the Committee, the learned Observer and the learned Chairman. The date as appearing on the noting sheet has been filled by hand and reads “22 Sep 2023”. In addition to the signatures of the learned Chairman and learned Observer, the noting sheet is signed by the Vice President (Finance) as well as, Secretary of the Respondent No. 1/EFI.
- 23.1 The contentions of the Respondent No. 1/EFI that the learned Chairman and Observer had approved these EGM Minutes as his signature is appended on the noting sheet, is thus misconceived. The Noting Sheet clearly sets out a date of 22.09.2023 while the e-mail communication placed on record by the Respondent No. 1/EFI is of 25.09.2023 at 3.14pm sets out the e-mail of learned Chairman that



there are typographical errors in the contents of Column 2 of Agenda VI which need to be corrected. Thus, the EGM Minutes could not have been finalised on 22.09.2023 as is contended by the Respondent No. 1/EFI.

24. In view of the rival submissions addressed by the parties, this Court deemed it appropriate to examine the video recording alongside the Transcript as filed by the Respondent No. 1/EFI with respect to the Agenda VI. The recording was examined by the Court and a comparison was made with the Transcript of the recording as placed by the Respondent No. 1/EFI. The recording reflects a concern raised as to who would rule the office of the Federation till the elections were held. It also shows that the Chair has responded by stating that the Federation must go to the Court for this. This response of the learned Chairman to the query, however, is absent from the Transcript. In fact, the recording shows that the learned Chairman has stated that, '*you must go to Court as this matter is pending before the Court*', on more than one occasion, which has also been omitted in the Transcript.

24.1 This Court is appalled to find that the Transcript placed on record with the Affidavit of the Secretary General of Respondent No. 1/EFI, does not match with the video recording as filed by the Respondent No. 1/EFI. The corrected Transcript of the recording filed by Respondent No. 1/EFI completed with the missing contentions of the learned Chairman are extracted in boldface capital letters and underlined, with a time stamp from 02:00:00 to 02:04:33



2024:DHC:4144



is set out below:

*“UNKNOWN: who runs/rules the office from here of federation till the elections.*

**THE CHAIR: GO TO THE COURT, I CAN'T ASSIST YOU IN THIS [02:00:32]**

**Maj Gen Sameer Lanba** – Sir my request is the teams are already approved for the Asian games, there is tremendous work still pending from now till the time team comes back all this [inaudible/unclear] issue, my request is till the elections takes place, the same must continue otherwise everything will be closed down . [02:00:34] - [02:00:52]

**Lt Col KDS Malik** – Sir as an athlete I have a request if this committee moves out so what is our future, we have invested 15 years of our life in this and suddenly because of some infighting the committee disappears. What will happen to the sport, what will happen to the Asian games team whose going to be there. Who will look after the sports which is to be run in this season sir. You cannot just say sir being such an important member sitting as sir aap humee beech mee haath chodd ke , every body will say ki court, sir everybody is in court. What is our fault sir ,hum kya karenge sir [02:01:39]

**Lt Col Ashish Malik** – Sir court me jaa rahe hai sir, ghumaa firaake na sir ladai who certain chairs of power ki chal rahi hai sir , but as an athlete humara fault to bata do sir, sir today you're sitting here, if they go our sports goes down sir , sir we got the event 10 days from now [Inaudible] what do we do sir as an athlete sir. Sir sport is because of us athlete sir, sir you ask any athlete sir We want to play.

**Maj Gen Sameer Lanba said** – Sir humari request ye hai ki koi toh federation me rehna chahiye jab tak final election nahi hote.

**UNKNOWN – SIR NATIONAL CALENDAR BHI HAI. [02:02:28]**

**The Chair** – Sir national calendar bhi hai,

**Maj Gen Sameer Lanba said** – kaise chalega koi hoga hi nahi federation me toh?



**The Chair** – apki baat bilkul durust hai , [Inaudible] you are suffering because of the regular committee not being here but that decision really cannot be taken in a hurry today. I can't decide it, I mean No body can decide that I am just chairing this meeting, I am not the court you go to court to seek resolution of this problem, its not fair to put this in the meeting today, the decision would be taken by adhoc committee, woh nahi ho sakta na iske liye as the DB order **SAYS YOU HAVE TO GO TO DB,** judicial bench ke samne matter pending hai you go there. The court will give you solution. This meeting cant do that. We have limitations, apko limitations ko samajhna padega na. **THE MATTERS ARE PENDING ELSE WHERE.** I cant look into it. Thank you for your assistance.

**Dr Amit Chetri** – Sir regarding this election and reelection, sir actually now sir only atheletes are not involved in this game sir, horses and animals are also involved sir, this is my heartly submission to you sir please do something very early because if riders are remove from the team sir then horses will be left alone sir for example we belong to CAPA sir it will very difficult for horses to survive without rider.

**The Chair**– One sentence to be made in the minutes, what is your name?

**Dr. Amit Chetri** – Dr. Amit Chetri

**The Chair** – Based on the suggestion of Dr. Amit Chetri I suggested that in the interest of the players and equines, it should be kept in mind so the solutions comes at the earliest and a regular **committee is appointed and the court will take a call on this.** **Thank you for your assistance [02:04:33].**”

[Emphasis supplied]

24.2 This is also made clear from another extract of the Transcript filed, in which the learned Chairman is seen to be saying that this issue cannot be discussed in view of the orders of the Court. The relevant extract of the Transcript with a time stamp at 1:52:33 is reproduced below:

“.....Maj Gen Sammer Lanba – Sir meri request hai, sir election we must have at the earliest, that is first issue sir, second issue consist



2024:DHC:4144



*an election house sir []there has to be somebody who runs this federation in the interim period from today. Sir, my request is elections must take place at the earliest but if elections take place from today, whenever they take place, this body which is doing sir it is phenomenal job all teams have gone all competition taking place from now also from now also, **so my request is sir take this body till the elections take place, must continue the aah.. whatever appointment they've made...***

**The chair – I can't decide on that... [1:53:40]**

[Emphasis supplied]

- 24.3 The contention of the Respondent No. 1/EFI that the pending adjudication of the present Petition, in the interregnum period, it was necessary that the existing executive committee continue after the expiry of its tenure was that the Respondent No. 1/EFI continues to function, was a unanimous decision of the house, is clearly belied by the above extracts.
25. From a review of the aforesaid “correct” Transcript (as reproduced in Paragraph 24.1 above), it is clear that the no decision, as is recorded in paragraph 9.1 of the EGM Minutes - that pending the elections of the Respondent No. 1/EFI, the existing office bearers continued to function till elections take place. The decision was not taken, nor there was any consensus amongst its members present at the EGM. The EGM Minutes reflecting such decision are clearly incorrect.
26. This Court is unable to countenance the fact that the Respondent No. 1/EFI has contended that the learned Chairman has approved of this decision by, in the first instance, placing on record the email communications exchanged between the learned Chairman and the





Secretary General of the Respondent No. 1/EFI and subsequently placing an incorrect Transcript with manipulated omissions on record.

- 26.1 In addition, a discussion on extension of tenure of existing officer bearers was clearly not part of the EGM Agenda. The 15.09.2023 Order circumscribed the EGM to discussions as set forth on the Agenda, unless approved by the learned Chairman. The “*correct*” Transcript does not show any approval of the learned Chairman. This discussion/decision was clearly in violation of the 15.09.2023 Order.
27. In these circumstances, concededly there was no unanimous decision of the house in the EGM to extend the tenure of the office bearers elected in 2019. It is, thus, apparent that the Respondent No. 1/EFI is functioning without a legitimate official body.
- 27.1 This Court is also cognizant of the fact that, in terms of Annexure III of the Sports Code, if there are serious irregularities in the functioning of a National Sports Federation, there is a danger that their recognition may get suspended – a situation which is required to be avoided and which is not in the interest of either the sport or the sportsperson.
28. The charter of the Respondent No. 1/EFI states that its mission is to achieve high standards of equestrianism in the country and to produce top-class athletes in the country at an international level. An institution which is, myriad with *inter se* disputes between its



members cannot do so.

28.1 The Observer as appointed by a Coordinate Bench of this Court has filed two reports before the Court dated 15.11.2019 and 17.08.2022, wherein it has been highlighted that there is a conscious and concerted effort to prevent him from gaining access to the records of Respondent No.1/EFI. The Observer has also highlighted that there are numerous instances of maladministration in the Federation and that the administration is being carried out in a non-transparent manner. The relevant extract of the report dated 15.11.2019 (filed before the Court on 09.02.2021) is reproduced below:

*"7.3. It is pertinent to point out herein that the undersigned routinely has difficulties gaining access to the records of the Respondent No. 1, due to a conscious and concerted efforts by the Respondent No. 1. As an observer, it was contemplated that the undersigned will be attending all meetings of the Executive Committee, where decisions will be taken. However, this too has been circumvented by the Respondent No. 1, by not holding an Executive Committee meeting since February, 2020.*

8. *The undersigned is of the view that there are numerous instances of maladministration in the Respondent No. 1 Federation as highlighted above. With the limited role as an observer, the undersigned is not in a position to ensure that the present administration duly protects the interests of the sport, the sportspersons, as well as the States and Union Territories Associations adequately. It is submitted that a systematic reformation process may be considered wherein:*

8.1. *The Respondent No.1 amends its Statutes to bring it in compliance with the Sports Code.*

8.2. *The Respondent No.1 thereafter holds fresh elections in terms of the amended Statutes and the Sports Code including the Model Elections Guidelines issued therein.*

8.3. *The above may be effected by an administrator to be*



*appointed by this Hon'ble Court, who ought to be furnished access to all records of the Respondent No.1, and ought to take over administration of the Respondent No.1 in the interim...."*

[Emphasis supplied]

28.2 In his report dated 17.08.2022, the Observer has stated that requirements of the Sports Code are not being complied with by the Respondent No. 1/EFI, and no mechanism for such compliance is being reported to the Observer.

29. This Court is of the considered view that the prevailing circumstances exist necessitating the appointment of an administrative committee for Respondent No. 1/EFI, as an interim arrangement, and that there is an urgent and immediate need to protect the interest of the equestrian sports to avoid further deterioration in its affairs, and to safeguard the larger public interest underlying the sport as well as the sportspersons dependent upon it.

29.1 This Court is supported in its view by judgment passed by a Division Bench of this Court in ***SP Singh Dhillon v. DCBA & Ors.***<sup>5</sup>, which appointed a retired judge of the Allahabad High Court to act as an administrator. The Court had observed that there exists a serious dispute with respect to the authority of various office bearers and that there was serious deterioration in the affairs of the Delhi Capital Badminton Association thus, clearly warranting the appointment of an administrator. The relevant extract reads as follows:

---

<sup>5</sup> LPA 329/2021 dated 26.09.2023



“4. From the rival submissions which were addressed before us, we further note that there exists a serious dispute with respect to the authority of various office bearers and the same having today descended to even instructions being withdrawn from counsel appearing for it. In order to avoid a further deterioration in the affairs of the DCBA and to safeguard the larger public interest underlying the sport as well as the sportspersons dependent upon it, we are constrained to observe that the circumstances clearly warrant the appointment of an Administrator.

7. We, accordingly, appoint Justice Pankaj Naqvi, a retired Judge of the Allahabad High Court to act as the Administrator of the DCBA. The contact details of Justice Naqvi are set out hereinbelow:

....

8. The Administrator shall consequently be entitled to take over the day-to-day affairs and administration of the DCBA, subject to further orders being passed by this Court. All elected members, officers and employees of the DCBA are hereby directed to extend all cooperation to the Administrator appointed by this Court.

9. We request the Administrator to review the affairs of the DCBA and submit a detailed report identifying issues of priority and which would necessarily include a review of the constitution of the DCBA at the very outset and the amendments, if any, which are liable to be incorporated in order to bring it in line with the Code and the directions issued in *Rahul Mehra*.”

[Emphasis supplied]

29.2 A Coordinate Bench of this Court in the case of *Ms. Manika Batra v. Table Tennis Federation of India through the President & Ors.*<sup>6</sup> after noting down irregularities being committed in the functioning of the Table Tennis Federation of India had similarly passed directions for appointment of an Administration Committee to discharge functions of the Federation.

29.3 In a batch of Petitions, the lead being *Haryana State Judo*

---

<sup>6</sup> Order dated 17.10.2022 in W.P.(C) 10590/2021



*Association v. Judo Federation of India & Ors.*<sup>7</sup>, a Coordinate Bench of this Court on finding that the term of the executive body has come to an end, and that there are irregularities in compliances with the National Sports Code, has passed a similar order for the appointment of an administrator of the Judo Federation of India.

### **Conclusion**

30. Ordinarily, a Writ Court will not interfere in the Administration of a National Sports Federation, however, where there is clear impropriety and the administration is being carried on in an arbitrary or capricious or perverse manner, such a situation once brought to the notice of the Court, cannot be ignored either.
- 30.1 Pending the conduct of elections, the Respondent No. 1/EFI cannot be left without any office bearers. However, in view of what has been discussed above, this Court cannot in good conscience leave the functioning of the Respondent No. 1/EFI solely in the hands of those office bearer(s) whose tenure has expired and who are acting in an capricious manner and in violation of the directives of the Court.
- 30.2 Accordingly, the interest of the justice would be served if an *ad-hoc* Administrative Committee [hereinafter referred to as “AAC”] is appointed to supervise the administration of the Respondent No. 1/EFI. To maintain continuity, the Observer previously appointed shall continue as a member of the AAC.

---

<sup>7</sup> Order dated 02.06.2022 in W.P.(C) 3088/2022



30.3 The following directions are being issued as an interim measure to facilitate the smooth functioning of the AAC:

- (i) An AAC is constituted comprising of the following members:
  - (a) **Chairperson** : Justice Najmi Waziri (Retired), a former Judge of this Court [Email ID: <najmiwaziri.arb@gmail.com>; Mobile No. 9810097311];
  - (b) **Observer/Member** : Dr. S.Y. Quraishi, Former Chief Election Commissioner of India [Email ID: <syquraishi@gmail.com>; Mobile No. 9810928844; and
  - (c) **Member** : Ms. Rohini Musa, Advocate [Email ID: <rohini.musa@gmail.com>; Mobile No. 9810604096].
- (ii) The AAC shall take over charge of day-to-day administration and functioning of the Respondent No.1/EFI.
- (iii) Upon the AAC assuming charge, the existing office bearers of Respondent No. 1/EFI shall no longer be entitled to discharge any function of the Respondent No.1/EFI, but will render all requisite assistance to the AAC as and when requested by the said Committee.
- (iv) The AAC will have the power to issue all appropriate directions as may be necessary for the day to day functioning of Respondent No. 1/EFI under the signatures of the Chairperson. The AAC shall be authorised to make appropriate arrangements for the governance of Respondent No. 1/EFI until the elections are held. The decision of the



2024:DHC:4144



learned Chairman shall be final and binding on the Respondent No. 1/EFI.

- (v) A Report shall be submitted to the AAC setting out all decisions that have been taken by the Respondent No. 1/EFI during the period from 29.09.2023 till date by the erstwhile Secretary General of Respondent No. 1/EFI, within ten days from the date of receipt of this order.
  - (vi) The AAC shall file its Report within six weeks and thereafter, as directed by the Court.
  - (vii) This interim arrangement shall continue until further orders of the Court.
- 30.4 The Registry is directed to convey the contents of this order to the learned Chairman as well as to the members of the AAC.
31. The parties shall appear before the learned Chairperson of the AAC at the earliest, at a time as per his convenience.
32. The learned Chairperson will be paid a sum of Rs. 5 lacs per month as an honorarium, besides secretarial expenses. The members shall be paid a fee of Rs. 1 lakh per month.
33. We also accord liberty to the learned Chairperson to approach the Court, through the Advocate appointed, for such further directions as may be warranted from time to time.
34. The present Application is disposed of in terms of the foregoing



2024:DHC:4144



directions.

35. Needless to state, this order will not, in any manner, have any bearing on the merits of the rights and contentions of the Respondent No. 1/EFI and the Petitioner in the present Petition, which are still being considered by a Coordinate Bench of this Court.
36. Parties will act based on the digitally signed copy of the order.

**(TARA VITASTA GANJU)  
JUDGE**

**MAY 21, 2024/r/SA**