



\$~68 to 73

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

+ W.P.(C) 4623/2024, CM APPL. 18991/2024, CM APPL. 23524/2024  
CM APPL. 23525/2024, CM APPL. 25825/2024, CM APPL.  
27061/2024, CM APPL. 29155/2024, CM APPL. 30800/2024, CM  
APPL. 31131/2024, CM APPL. 31146/2024, CM APPL. 31163/2024,  
CM APPL. 33513/2024, CM APPL. 33541/2024, CM APPL.  
33557/2024, CM APPL. 33567/2024, CM APPL. 33569/2024, CM  
APPL. 33587/2024, CM APPL. 33659/2024, CM APPL. 33920/2024  
CM APPL. 33921/2024 & REVIEW PET. 254/2024

RAHISUDDIN & ANR.

.....Petitioners

versus

SWIMMING FEDERATION OF INDIA AND ORS .....Respondents

With

W.P.(C) 11480/2024, W.P.(C) 13574/2024, W.P.(C) 13578/2024,  
W.P.(C) 13597/2024 & W.P.(C) 15582/2024

**For Petitioners:** Mr. S. Mukherjee, Mr. Yogendra Kumar,  
Advocates in item 68  
Mr. Rahul Kumar, Mr. Vishesh Kumar, Mr  
Shubham Sethi, Mr. Nitender Pal Singh,  
Advocates in Items No. 68, 69, 70, 71 & 72  
Mr. Kaushal Kait, Mr. Gaurav Dua, Mr. Daksh  
Gupta, Mr. Jatin Yadav, Advocates in Item no. 73

**For Respondents:** Mr. Avijit Singh, Advocate for R-1 & R-2 in Items  
No. 68, 69, 70, 71, 72  
Ms. Sunita Yadav, Mr. Abhigya Kushwan,  
Advocates for R-3 and R-4 in Item No. 68  
Mr. Ritul Tandon, Advocate for R-1 & 2 in Item  
No. 73  
Mr. Satish Kumar Paanchal, R-7 in person in Item  
69.

**W.P.(C) 4623/2024 & connected matters**

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**CORAM:  
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER  
11.11.2024**

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1. The Petitioners have filed the instant petitions, impugning order dated 15<sup>th</sup> March, 2024, issued by the Swimming Federation of India.<sup>1</sup> Through the said order, the SFI, invoking the provisions of Articles 22(q) and 22(r) of the constitution of the SFI, have appointed an ad-hoc committee to take charge of the affairs of the Delhi Swimming Association,<sup>2</sup> the recognised State Level Swimming Association for Delhi. The ad-hoc committee has also been directed to ensure conduct of free and fair elections as per the provisions of the constitution of the DSA as well as National Sports Development Code of India, 2011<sup>3</sup>.
2. The specific details of the Petitioners are as follows — the Petitioners in W.P.(C) 4623/2024 are two members of the DSA; the Petitioner in W.P.(C) 15582/2024 is a national swimming champion, who served as the erstwhile treasurer of the DSA; and the Petitioners in the other petitions claim to be District Swimming Associations for the State of Delhi.
3. Considering that the grievance of all the aforesaid Petitioners arises from the same impugned order and that the Petitioners have raised similar grounds of challenge, the petitions have been heard together and are being disposed of through a common order.
4. The Court has been informed that on an interim application filed by

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<sup>1</sup> “SFI”

<sup>2</sup> “DSA”

<sup>3</sup> “Sports Code”



the Petitioners in W.P.(C) 4623/2024, this Court on 07<sup>th</sup> May, 2024, recorded the statement made by the counsel representing SFI that “*during the pendency of the application/s filed by the petitioner seeking interim relief, the elections scheduled on 12.05.2024 shall be postponed*”. As a result of this statement, elections to the executive committee of the DSA are not being conducted, as all the parties are of the understanding that in terms of order dated 07<sup>th</sup> May, 2024, the leave of the Court is necessary for the conduct of the said elections.

5. Although the counsel for the Petitioners have urged that the appointment of the ad-hoc committee is contrary to the Sports Code as well as the constitution of the SFI, however, in order to expedite the resolution of the issue of elections, they submit that they would be satisfied in case the elections are held in a time-bound manner, after drawing up of the electoral roll in terms of the Sports Code. In light of the foregoing, counsel for the Petitioners request the Court to appoint a Returning Officer for the purpose of conducting the elections, who can also be mandated to examine and decide the dispute pertaining to electoral college.

6. Mr. Avijit Singh, counsel representing SFI, is also agreeable to the said suggestion.

7. Accordingly, in the interest of the sport of swimming and given that there is no dispute between the parties with respect to the applicability of the Sports Code to State Level Associations, the Court is of the opinion that the petition can be disposed of with the following directions:

(a) Hon’ble Mr. (Retd.) Justice Najmi Waziri, Former Judge of this Court, (Contact No. +91 98100-97311) is appointed as the Returning



Officer<sup>4</sup> for holding the elections to the executive committee of the DSA. The RO shall take all steps, as may be necessary to conduct the elections, in accordance with the Sports Code and the Constitution of the DSA in so far as it is not inconsistent with the Sports Code.

(b) The RO shall firstly draw up the electoral college for the said elections. Any complaints/objections of the Member Units of DSA for determining its electoral college, shall be resolved by the RO after the publication of electoral college and before calling for the nominations.

(c) All records sought by the RO for conducting free and fair election of the DSA shall be handed over to the RO by the DSA at the earliest, and any controversy regarding the same shall also be resolved by the RO, whose decision shall be final.

(d) The entire electoral process will be concluded within a period of three months from today.

(e) This court leaves it open to the RO to charge appropriate remuneration for his assistance as per his discretion, which shall be payable by the SFI without any delay.

(f) Till such time the elections are held, the ad-hoc committee appointed by the SFI shall continue to discharge their functions.

(g) It is clarified that the members of the ad-hoc committee shall conform with the mandate of age, stipulated in communication bearing No. F. No 8-17/2009-SP-III dated 01<sup>st</sup> May, 2010, issued by the Ministry of Youth Affairs and Sports, Government of India. It has been pointed out by the counsel for the Petitioners that the Chairman of the ad-hoc committee, Mr. Balraj Sharma, has crossed the age of 70 years. Accordingly, counsel

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<sup>4</sup> “RO”



representing SFI, assures that another member shall be appointed in his place within 2 weeks from today.

8. With the aforesaid directions, the present petitions are disposed of along with pending applications.

**SANJEEV NARULA, J**

**NOVEMBER 11, 2024/ab**