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

+ W.P.(C) 7540/2020 and C.M. Nos. 25110/2020 & 9902/2021

PREM NATH VASISTHA

..... Petitioner

Through: Mr. Rohit Gandhi, Mr. Adhish Srivastava, Mr. Kartik Jain, Mr. Hargun Singh Kalra, Ms. Akshita Nigam and Mr. Sandhiya Kumar, Advocates.

Versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Chetan Sharma, ASG with Mr. Amit Gupta, Advocate for Respondent/ UOI.  
Mr. Anupam Srivastava and Mr. Dairya Gupta, Advocate for Respondent/ GNCTD.  
Mr. Gaurav M. Liberhan and Mr. Arun Singh Rawat, Advocates for Respondent No. 4.

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

**ORDER**  
**13.07.2023**

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1. The instant writ petition has been filed challenging the manner in which new memberships are granted to the Delhi Golf Club Limited (DGC)/



Respondent No.4. The Petitioners have also challenged the creation of a category of “Senior Dependents” and the special privileges and reservation granted to them.

2. Learned Counsel for the Petitioner asserts that the Government of India has allocated 179 acres of land to the Delhi Golf Club (DGC) for the promotion of the sport of Golf. It is emphasized that the DGC is a non-profit Company registered under the Companies Act, 1956, and has evolved into an exclusive club with 900 members who fall under the 'A' category membership of the DGC. The counsel further explains that the DGC classifies its members into three categories: A, B, and C. Category A members, referred to as permanent members, enjoy full privileges, while Category B members, known as mid-week members, have similar privileges to Category A members, except voting rights, playing rights and the right to propose/second applicants for membership to the DGC. New members admitted to the club are initially categorized under Category C. Moreover, the DGC extends the utilization of its facilities to the children of Category A, B, and C members who are registered with the club. These children are considered as "dependents" from the ages of 8 to 22 and are subsequently designated as "Senior Dependents" upon reaching their 22nd birthday.

3. According to the Articles of Association of the DGC, the club is permitted to admit a maximum of 900 members as Category A members and a maximum of 1,200 Category B members, who are elected from the existing Category C members. Furthermore, the club can admit a maximum of 900 Category C members at any given time. The petitioner highlights that the Articles of Association specify a total membership capacity of 3,000 members. Out of this total, 2,100 slots are reserved for various classes, while



only 900 slots are available to the general public under Category C. Within these 900 slots in Category C, 450 slots (50%) are reserved for senior dependents, 180 slots (20%) are reserved for Government Officers, and 270 slots (30%) are reserved for individuals in the Indian business/general category.

4. The petitioner raises a concern regarding the inability of a golfer, who is neither a dependent nor a senior dependent as per the Articles of Association, to have an opportunity to become a member of the DGC. According to the petitioner, if such a golfer applies for membership under the general category, their turn to be admitted as a member of the DGC would arise after a waiting period of approximately 30 to 40 years due to the reservation policy implemented by the club. In contrast, the petitioner argues that Senior Dependents not only have a 50% reservation for DGC membership but can also enjoy the club's facilities while waiting for their admission. This privilege is granted to them by virtue of being Senior Dependents of existing Category A, B, or C members. The petitioner further contends that the DGC's practice of granting membership through reservation to Senior Dependents favours pre-existing members, resulting in the club becoming exclusive for this particular group. To support this claim, the petitioner highlights a case in which 11 members of the same family other instances where the DGC has granted membership to Senior Dependents through the reservation policy.

5. Learned Counsel for the petitioner has vehemently argued that once the Government of India has granted lease to the DGC without charging the market rate, the facilities at the Delhi Golf Club should be accessible to non-dependent individuals on an equal basis. They assert that the lease



agreement between the DGC and the government explicitly states that the leased land is intended exclusively for activities related to promoting the sport of golf, and the reservation policy undermines this objective. According to the petitioner, the DGC's current membership practices are exclusionary and do not align with the purpose for which the government land was leased to the club. They contend that the utilization of government land by the DGC is not conducive to the growth and promotion of golf in India, but rather hinders it. As a result, the petitioner argues that these practices are contrary to the law.

6. Unfortunately, there is no counter-affidavit on behalf of Union of India in the matter even though notice was issued by this Court on 02.02.2021. Mr. Chetan Sharma, Ld. ASG who is present in Court is requested to render his assistance in the matter. He assures that the counter-affidavit will be filed positively within four weeks. The Union of India shall also clear its stand in respect of memberships as well as in respect of status of the land and the object for which the land has been allotted. Let a detailed counter-affidavit be filed by the Union of India positively within four weeks' commencing from today.

7. Although, we have to hear the petition finally, but on *prima facie* basis we find that petitioner's contention holds merit based on several reasons. Firstly, the lease agreement between the DGC and the Government of India clearly states that the land is allocated for the exclusive purpose of promoting the sport of golf. By implementing a reservation policy that restricts access to membership based on dependency status, the DGC deviates from the intended objective of utilizing the government land for the growth and promotion of the sport. This contradicts the terms of the lease



agreement and raises concerns about the proper utilization of the land for its designated purpose.

8. Secondly, the reservation policy adopted by the DGC creates an exclusionary membership structure that favours existing members and their dependents. This exclusivity prevents non-dependent individuals, who may be passionate golfers and willing to contribute to the development of the sport, from accessing the facilities and becoming members of the club. This discriminatory practice goes against the principles of equal opportunity and fair access to public amenities, particularly when the government land has been leased at a nominal rate or without charging market value. By granting membership primarily through reservations for senior dependents and existing members, the club fails to actively encourage the growth and involvement of new members who are not directly connected to existing members. This inhibits the potential expansion of the golfing community and hampers the overall development of the sport.

9. Since substantial allegations have been levelled against grant of memberships, the President of the Delhi Golf Club is directed to file a detailed affidavit furnishing all minute details in respect of memberships granted for the last 10 years, and the affidavit shall also include the number of applications pending and the period of their pendency.

10. List on 17.08.2023.

**SATISH CHANDRA SHARMA, CJ**

**SANJEEV NARULA, J**

**JULY 13, 2023/aks**