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

+ W.P.(C) 863/2021 & CM APPL. 2275/2021 (Interim relief)

MUKUL KUMAR

..... Petitioner

Through : Ms. Sangeeta Mahajan, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr.Anil Soni, CGSC for UOI/R1.
Mr.Sachin Chopra, Advocate for R-2.
Mr.Siddharth Dave, Senior Advocate
along with Mr.Utkarsh Sharma,
Advocate for R-3.
Ms.Ishita Farasiya, Advocate for R-4.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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09.08.2021

1. The present petition, filed by the officer bearers of District Kho-Kho Association, Bijnor and District Kho-Kho Association, Muradabad assails the letter dated 30th January, 2020 issued by respondent no.2 - whereunder the respondent no.2 had appointed an interim committee for management of the affairs of the Uttar Pradesh Kho-Kho Association (UPKKA) of which, both petitioner associations claim to be members of.
2. On the last date, after considering the submissions of the parties that in any event, during the pendency of this petition, the tenure of the executive body of UPKKA stood expired on 29th July, 2021; this Court had put to the parties as to whether, without getting into the question as to whether the respondent no.2's action in appointing an interim

committee was justified, they would be agreeable for election of a new executive body of the UPKKA under a Court-appointed Returning Officer. Both parties had prayed for time.

3. Today, counsel appearing for all the parties state in unison that fresh elections be directed to be held under the supervision of a retired Judge of the Allahabad High Court, preferably based at Lucknow.
4. In the light of the aforesaid stand taken by the parties, I do not deem it necessary to decide the question whether the respondent no.2's action in appointing an interim committee to look after the affairs of UPKKA by superseding the executive committee was justified.
5. Learned counsel for the petitioners, however, submits that in the facts of the present case - where the action of the respondent no.2 is under challenge, it is the said respondent *i.e.*, the Kho-Kho Federation of India, which should bear the expenses for the election, but since the said respondent has taken a stand before this Court that it does not bear the expenses for elections to the executive committee of any State Association, the petitioner no.1/Secretary of the District Kho-Kho Association, Bijnor, in order to bring a quietus to this matter, states that the said association is willing to bear the expenses of the elections and pay the amount as maybe directed to the Returning Officer. He, however, submits that the District Kho-Kho Association, Bijnor would be collecting contributions from willing member associations of the UPKKA.
6. The petition is, accordingly, disposed of by appointing Justice D.P. Singh, former Judge of the Allahabad High Court, Mobile No. (+91 8005498811) as Returning Officer for conducting the elections to the

executive body of the UPKKA. Since the parties are at a slight divergence on the aspect of the electoral college for the said elections, the Returning Officer to call for the list of the members forming the electoral college - both from U.P. Kho-Kho Olympics Association as also *qua* the U.P. Government's Sports Council and thereafter, finalize the electoral college after considering the objections of all aggrieved parties, including the Kho-Kho Federation of India *i.e.* respondent no.2 before this Court.

7. Since learned counsel for the parties are agreeable that two observers - one from respondent no.2 and one from U.P. Kho-Kho Olympics Association be associated with the elections, the learned Returning Officer is requested to appoint two observers by directing the aforesaid two bodies to send one nominee each. It is expected that upon receiving a communication from the Returning Officer, both bodies will forthwith furnish names of their nominees.
8. The Returning Officer will be paid a sum of Rs.3 lakh for conducting of elections. The Returning Officer is requested to endeavour to complete the election process within a period of 10 weeks from today. It will be open for the Returning Officer to seek assistance from any party or association, as deemed appropriate.
9. It is made clear that merely because the petitioner no.1 has undertaken upon himself to bear the amount towards expenses for the election after making collections of contributions, it will not create any special right in his favour and it will open for the Returning Officer to determine whether the petitioner no.1's association - District Kho-Kho Association, Bijnor, forms part of the electoral college, by following the process as noted hereinabove.

10.The petition is, accordingly, disposed of in the above terms.

11.Needless to state that in view of the directions being passed, this Court has not expressed any opinion on the rival contentions of the parties.

12.A copy of this order be sent to the learned Returning Officer.

REKHA PALLI, J

AUGUST 9, 2021/j