



IOA/EC Mtg. Notice/VI-3/2020-21/0536

30.08.2021

To,

IOC Member(s)
Executive Council Members
Indian Olympic Association

Dear colleagues,

Due to the pandemic of Covid 19 we have been unable to hold our Executive Council meeting in 2020. I have also received several requests from the members of the Executive Council of the IOA to call upon this meeting. Now that things are better and we are also done with the successful Tokyo Olympic Games and we are able to hold physical meetings, I am calling the 5th Executive Council meeting of the IOA to be held at IOA headquarters at Olympic Bhawan on 10th and 11th September 2021 at 11 AM.

The meeting on the 10th September 2021 is to be attended by the elected members of the IOA Executive Committee and the meeting on 11th September 2021 is to be attended by the Executive Committee members as well as by the Associate Members of the IOA EC.

Please find below the Agenda items for the 5th Executive Council meeting of the Indian Olympic Association to be held on the 10th September 2021 [Day – 1]:

1. President's Address.
2. Leave of absence, if any.
3. Confirmation of Minutes of the 4th Executive Council Meeting of IOA held on 23.11.2019.
4. Consideration and adoption of the 2020 Annual Report of the Secretary General, IOA.

INDIAN OLYMPIC ASSOCIATION

Olympic Bhawan, B-29, Qutub Institutional Area, New Delhi-110016, INDIA

T: +91 11 2685 2481, 83 | E: ioa@olympic.ind.in | W: www.olympic.ind.in

5. Consideration and passing of the unaudited draft Statement of Accounts for the financial year 2019-2020 ratification of non-budgeted expenditure during 2019-2020 and budget for the year 2021-22.
6. Appointment of Auditors and fixing their remuneration for the financial year 2021-2022.
7. Ratification of Opening of FCRA Account in the specified branch of State Bank of India (Main Branch, Sansad Marg, New Delhi) as per Foreign Contribution (Regulation) Amendment Act, 2020.
8. To fill up any vacancy in the Executive Council by co-option from amongst the remaining office bearers, members of the EC and members of the General Assembly.
9. To discuss the President, IOA letters dated 25.5.2020 addressed to all members of the Arbitration Commission for dissolving the Arbitration Commission which were subsequently withdrawn by the President IOA in Writ Petition No. 4171/2010 before the Hon'ble High Court of Delhi and also to discuss the legality of the letters dated 25.5.2020 under the Constitution of the IOA and whether the President IOA had any right to issue such letters to the Hon'ble Members of the Arbitration Commission. If not, then any Disciplinary Sanction is to be taken against the President under Article 23 of the Constitution of the IOA.
10. To discuss the President, IOA letters dated 23.5.2020 addressed to all members of the Ethics Commission for dissolving the Ethics Commission which were subsequently stayed by the Hon'ble High Court of Delhi in Writ Petition No. 3364/2010 and also to discuss the legality of the letters dated 19.5.2020 under the Constitution of the IOA and the Ethics Commission rules and whether the President IOA had any right to issue such letters to the Hon'ble Members of the Ethics Commission. If not, then any Disciplinary Sanction is to be taken against the President under Article 23 of the Constitution of the IOA.
11. To Discuss and clarify the rules of the Ethics Commission of the IOA, particularly rules of reference of Complaints to the Ethics Commission and if require make suitable amendments to the Rules of the Ethics Commission of the IOA similar to the Ethics Rules of the International Olympic Committee and the Olympic Charter.
12. To refer any complaint against any member of the IOA pending to the Ethics Commission of the IOA for further guidance in terms of Article 5.2.4, 11.1.7, 22.6, 23.6 and 23.7.1 of the IOA Constitution.

13. To discuss the President, IOA letter no. IOA/President/ Camp/ 2020/007 dated 26.05.2020 for attempting to change the legal procedure of the IOA for appointment of lawyers for cases and also attempting to change the financial procedure of the IOA to clear bills of the lawyers of the IOA and also to discuss the legality of the letter dated 26.05.2020 under Article 31.3 and other provisions of the Constitution of the IOA and also if it is in contravention of the Powers given to the Secretary under the Constitution of the IOA. If not, then for directions/ clarifications to be given to the President or the Secretary General as to who will be appointing lawyers/ filing vakalatnama/ affidavit etc. for the smooth functioning of the IOA before all Courts.
14. To discuss if Taekwondo India has complied with all provisions of the Constitution of IOA and place the matter before the General Body of the IOA for decision whether to grant full membership with voting rights or remain as an associate member of the IOA.
15. To Discuss the membership status of Associate Members of the IOA like Equestrian Federation of India, Indian Golf Union and Yachting Association of India if they are in compliant of the IOA Bye Laws and if their membership status should be changed back from Associate Membership to full membership with voting right.
16. To review applications and Grant Affiliation/ Memberships to NSF's duly affiliated with the International Federations whose sports are included in the Olympic Games in terms of the Olympic Charter and the IOA Constitution.
17. To Call for a Special General Meeting of the IOA for specific agendas to be decided by the EC Members.
18. To appoint a Returning Officer for the pending elections of Pondicherry Olympic Association in terms of the judgement of the Arbitration Commission of the IOA in Arbitration Case No 2/2018.
19. To fix time, date and venue of the next AGM of the IOA for conduct of the election of the Executive Council of the IOA for the year 2021 - 2025 and also appoint one member independent Election Commissioner/ Returning Officer in terms of Bye Law 12.7 of the IOA Constitution who shall conduct, monitor and supervise the election process.
20. To discuss all pending Legal Cases.

21. To Discuss the Letter from All India Tennis Association regarding amendment/ removal of Article 11.1.3 of constitution of the IOA.

22. Any other matter with the permission of the Chair


Since there are several agenda items proposed which require voting and due to requests of several members of the EC, the voting of decision would be done by way of a secret ballot and the counting of the voting would be done by the staff of IOA as decided by the members. I have also received request to include several agenda items by EC members which are also included in the agenda.

Agenda items for the 5th Executive Council meeting of the Indian Olympic Association to be held on the 11th September 2021 [Day - 2]:

23. To discuss 2022 Commonwealth Shooting and Archery Championship.
24. For appointment for Chef De Mission for the mega events of 2021
25. To discuss the XXXII Olympic Games Tokyo2020, held from 23 July to 8 August, 2021 and the report of the Chef De Mission.
26. To discuss 6th Asian Beach Games, Sanya China (2nd to 10th April,2021).
27. To discuss 6th Asian indoor and Martial Arts Games, Bangkok-Pattaya (21st to 30th May,2021).
28. To discuss 3rd Asian Youth Games, Shantou, China (20 to 28 November,2021).
29. To discuss IOA Athletes Commission and Athletes Declaration.
30. Anti-doping and NOC Policy implementing WADA 2021 Code Article2.11.
31. To discuss 36th National Games to be held in Goa and other National Games
32. Any other item to be discussed with the permission of the Chair.

Kindly send your confirmations for the attendance of the meeting so that necessary arrangements can be made by the IOA and for any clarification or query please feel free to contact me at any time.

Thanking You and Regards


Rajeev Mehta
Secretary General
Indian Olympic Association

Encl: Documents mentioned in the Agenda items for discussions

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0134

25th May 2020

To,

Justice (Retd.) Mr. Madan Mohan Ghildiyal

(By email: madanmohanghildiyal498@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Chairman of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0137

25th May 2020

To,

Justice (Retd.) Mr. J. C. S. Rawat

(By email: justicerawat@yahoo.com)

Sub: Arbitration Commission of Indian Olympic Association

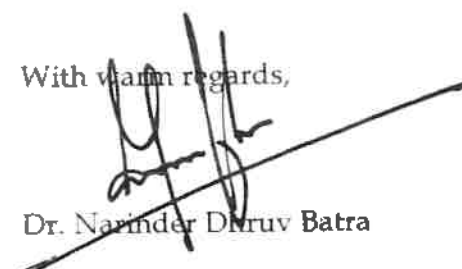
Dear Sir,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0136

25th May 2020

To,

Justice (Retd.) Mr. Kailash Gambhir

(By email: kailashgambhir1953@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0140

25th May 2020

To,

Justice (Retd.) Mr. R. S. Sodhi

(By email: sodhirupinder.office@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 10.05.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0135

25th May 2020

To,

Justice (Retd.) Ms. Aruna Suresh

(By email: justicearunasuresh@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association

Dear Ma'am,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/ 2020/0145

25th May 2020

To,

Mr. D. C. Misra (Retd. IPS)

(By email: durgamisra.sre@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0143

25th May 2020

To,

Mr. P. K. Tripathi (Retd. IAS)

(By email: pkumartripathi@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0142

25th May 2020

To,

Mr. Vishwapati Trivedi, (Retd. IAS)

(By email: drv.trivedi@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association


Dear Sir,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI - 13 - Arbitration Commission/2020/0141

25th May 2020

To,

Mr. L. P. Nathani , (Ex. Advocate General)

(By email: naithani.a@gmail.com)

Sub: Arbitration Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018 regarding your nomination to IOA Arbitration Commission, we will now be reconstituting the commission for the period 2020-2021, on behalf of the Indian Olympic Association we would like to thank you for all your efforts as Member of IOA Arbitration Commission.

Should you desire to continue contributing to the IOA, please do inform your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

\$~4 (appellate side)

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

Decided on 7th August, 2020

+ W.P.(C) 4171/2020

D.C. MISHRA

..... Petitioner

Through: Mr. Parag P. Tripathi, Sr. Advocate
with Mr. Ankur Chawla, Ms. Meera
Menon, Ms. Sanam Tripathi and Mr.
Jayant Mohan, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Jasmeet Singh, CGSC with Mr.
Srivats Kaushal, Adv. for respondent
no. 1
Mr. Aditya Singh, Adv. for IOA
Mr. Dayan Krishnan, Sr. Advocate
with Mr. Aditya Singh, Adv. for
respondent no. 2
Ms. Shyel Trehan and Ms. Bhagya K.
Yadav, Adv. for respondent no. 3

CORAM:

HON'BLE MR. JUSTICE C .HARI SHANKAR

ORDER (ORAL)

%

07.08.2020

(Video-Conferencing)

C .HARI SHANKAR, J.

W.P.(C) 4171/2020

1. At the outset of the hearing, Ms. Shyel Trehan, learned counsel appearing for the Respondent No. 3, submits, on instructions, that the

Signature Not Verified

Digitally Signed By: SUNIL
SINGH NEGI

Signing Date: 10/08/2020
21:27:39

W.P.(C) 4171/2020

Page 1 of 2

impugned letters, dated 25th May, 2020, are being withdrawn by her client, as he intends to place the matter before the Executive Council.

2. Without expressing any opinion, as to whether this would be the proper course of action to be followed, and in view of the submission of Ms. Trehan that the impugned letters, dated 25th May, 2020, are being withdrawn, the grievance, in this petition, does not survive for adjudication.

3. Accordingly, this writ petition stands disposed of, reserving liberty to the respondents to act in accordance with law.

4. Should the petitioner continue to be aggrieved by any act on the part of the respondents, needless to say, the rights to take recourse to judicial remedies shall remain open.

5. The writ petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AUGUST 07, 2020

r.bararia

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0128

19th May 2020

To
Mr. Shiva Keshavan
Member, Athlete Commission
Indian Olympic Association

(By email: shivakeshavan7@gmail.com)

Sub: Ethics Commission of Indian Olympic Association

Dear Mr. Keshavan,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, your term has come to an end and we would like to thank you for all your efforts as Member of IOA Ethics Commission.

We look forward to your continued contribution in the other committees/commissions of IOA.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0122

19th May 2020

To

Mr. Uma Kant Uniyal
Former Advocate General
Uttarakhand State

(By email: ukuniyal@gmail.com)

Sub: Ethics Commission of Indian Olympic Association


Dear Sir,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, we would like to thank you for all your efforts as Member of IOA Ethics Commission.

Your term has come to an end and should you desire to continue contributing to the IOA, please do express your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0123

19th May 2020

To
Mr. Deepak Jyoti Ghildiyal, IPS (Retd.)

(By email: ghildiyaldj@gmail.com)

Sub: Ethics Commission of Indian Olympic Association

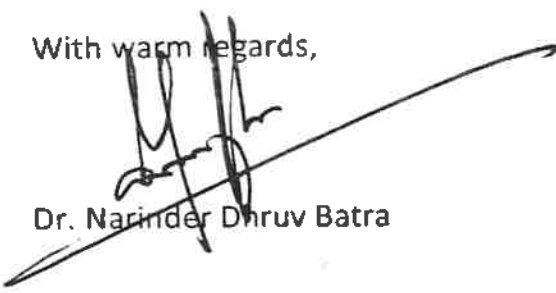
Dear Sir,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, we would like to thank you for all your efforts as Member of IOA Ethics Commission.

Your term has come to an end and should you desire to continue contributing to the IOA, please do express your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0126

19th May 2020

To
Mr. Anil Khanna
Senior Vice President
Indian Olympic Association

(By email: khannaanil53@gmail.com)

Sub: Ethics Commission of Indian Olympic Association

Dear Mr. Khanna,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, your term has come to an end and we would like to thank you for all your efforts as Member of IOA Ethics Commission.

We look forward to your continued contribution in the other committees/commissions of IOA.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0125

19th May 2020

To
Mr. Sudhanshu Mittal
Vice President
Indian Olympic Association

(By email: mail@sudhanshumittal.com)

Sub: Ethics Commission of Indian Olympic Association

Dear Mr. Mittal,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, your term has come to an end and we would like to thank you for all your efforts as Member of IOA Ethics Commission.

We look forward to your continued contribution in the other committees/commissions of IOA.

With warm regards,



Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0124

19th May 2020

To
Mr. Vijay Kumar, IPS

(By email: vijaysunitv30@gmail.com)

Sub: Ethics Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, Your term has come to an end and we would like to thank you for all your efforts as Member of IOA Ethics Commission.

We look forward to your continued contribution in the Security Commission of IOA.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0122

19th May 2020

To
Mr. Uma Kant Uniyal
Former Advocate General
Uttarakhand State

(By email: ukuniyal@gmail.com)

Sub: Ethics Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, we would like to thank you for all your efforts as Member of IOA Ethics Commission.

Your term has come to an end and should you desire to continue contributing to the IOA, please do express your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,



Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0123

19th May 2020

To
Mr. Deepak Jyoti Ghildiyal, IPS (Retd.)

(By email: ghildiyaldj@gmail.com)

Sub: Ethics Commission of Indian Olympic Association


Dear Sir,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, we would like to thank you for all your efforts as Member of IOA Ethics Commission.

Your term has come to an end and should you desire to continue contributing to the IOA, please do express your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0120

19th May 2020

To
Justice (Retd.) V K Gupta

(By email: justicevkgupta@gmail.com)

Sub: Ethics Commission of Indian Olympic Association

Dear Sir,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, we would like to thank you for all your efforts as Chairman of IOA Ethics Commission.

Your term has come to an end and should you desire to continue contributing to the IOA, please do express your willingness to the undersigned for his consideration.

We wish you the very best for all your future endeavours.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

IOA/Section VI – 18 - Ethics Commission/2020/0127

19th May 2020

To
Dr. Sudershan Pathak

(By email: drsudershanpathak@yahoo.co.in)

Sub: Ethics Commission of Indian Olympic Association

Dear Dr. Pathak,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, your term has come to an end and we would like to thank you for all your efforts as Member of IOA Ethics Commission.

We look forward to your continued contribution in the other committees/commissions of IOA.

With warm regards,


Dr. Narinder Dhruv Batra

Copy to:

1. Secretary General, IOA

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3364/2020 and CM Nos.11911/2020, 11912/2020,
11913/2020 .

SUDHANSHU MITTAL ... Petitioner
Through: Mr. Shyam Divan, Sr. Adv.
with Mr. Ankur Chawla, Ms.
Meenakshi Chatterjee, Mr.
Jayant Mohan and Ms. Sanam
Tripathi, Advs.

versus

UNION OF INDIA AND ANR. ... Respondents
Through: Mr. Vikas Mahajan, CGSC for
Respondent No.1/Union of
India
Ms. Mrinalini Sen Gupta and
Ms. Nihaarika Jauhari, Advs.
for the Respondent No.2
Mr. Siddharth Luthra, Sr. Adv.
with Mr. Chetan Anand and Mr.
Akash Srivastava, Advs. for the
Respondent No.3
Mr. Dayan Krishnan, Sr. Adv.
with Mr. Aditya Singh, Adv. for
the Indian Olympic
Association/Respondent No.3.
Ms. Shyel Trehan and Ms.
Bhagya K. Yadav, Advs. for the
Respondent No.4

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

% **ORDER**
12.06.2020

This matter has been taken up for hearing by video- conferencing.

CM No.11913/2020 (exemption from notarised affidavit)

1. This application seeks exemption from filing a notarised copy of the affidavit and vakalatnama. In view of the administrative order dated 4th April, 2020, passed by this Court, the application is allowed subject to the petitioner filing a notarised copy of vakalatnama and affidavit within one week of resumption of normal court work.
2. The application is allowed and disposed of in the above terms.

CM No.11912/2020 (exemption)

1. This application seeks exemption from filing certified copies of the annexures. In view of the administrative order dated 4th April, 2020, passed by this Court, the application is allowed subject to the petitioner filing certified copies of the annexures within one week of resumption of normal court work.
2. The application is allowed in the above terms.

W.P. (C) 3364/2020 and CM No.11911/2020 (for stay)

1. Issue notice to the respondents to show cause as to why rule *nisi* be not issued.
2. Counter affidavits be filed within four weeks with advance copy to the petitioner who may file rejoinder thereto, if any, within two weeks thereof.
3. Notice is accepted on behalf of Respondent No.1 by Mr. Vikas

Mahajan, learned Standing Counsel and on behalf of Respondent No.2 by Ms. Mrinalini Sen, learned counsel.

4. Notice is accepted on behalf of Respondent No.4 by Ms. Shyel Trehan, learned counsel.

5. Two learned Senior Counsel claim to be representing Respondent No.3, namely Mr. Siddharth Luthra and Mr. Dayan Krishnan. Their instructing counsel are at liberty to file their respective vakalatnamas. The question of the counsel who would be competent to represent Respondent No. 3 would be addressed later in these proceedings. For the time being, I have allowed Mr. Dayan Krishnan, learned senior counsel, who is instructed by Mr. Aditya Singh as well as Mr. Siddharth Luthra, learned senior counsel, instructed by Mr. Chetan Anand, to address arguments on the issues before the court.

6. The affidavit of Respondent No. 3, forwarded to the Court Master, through email, is taken on record.

7. This petition, at the instance of a member of the Ethics Commission of the Indian Olympic Association (IOA), assails a set of communications, dated 19th May, 2020, addressed by Respondent No. 4 (Dr. Narinder Dhruv Batra), to various members of the Ethics Commission, and the Arbitration Commission, of the IOA, which states that the terms of the said members have come to an end. These letters are identically worded and, for ready reference, a copy of the

letter addressed to the present petitioner Mr. Sudhanshu Mittal, Vice President of the IOA is reproduced thus :

“IOA/Section VI-18-Ethics Commission/2020/0125

19th May, 2020

To,

Mr. Sudhanshu Mittal
Vice President
Indian Olympic Association

(By email: mail@sudhanshumittal.com)

Sub: Ethics Commission of Indian Olympic Association

Dear Mr. Mittal,

In continuation to our letter dated 19.02.2018, on behalf of the Indian Olympic Association, your term has come to an end and we would like to thank you for all your efforts as Member of IOA Ethics Commission.

We look forward to your continued contribution in other committees/commissions of IOA.

With warm regards,

Sd/-

Dr. Narinder Dhruv Batra

Copy to

1. Secretary General, IOA”

8. Mr. Shyam Divan, learned Senior Counsel appearing for the petitioner, assails the above decisions, of Respondent No. 4, on a number of grounds, which may be enumerated, for the sake of convenience, thus:

(i) The reference, in the letters, to the coming to an end, of the “term” of the petitioner and other members of the Ethics Commission or the Arbitration Commission of the IOA, is

essentially in the nature of a red herring, as, in fact, there was no reference, either in the letter dated 19th February, 2018, or in any other official communication, to any “term” of the said officials.

(ii) The two communications, dated 19th February, 2018, whereby the Ethics Commission, and the Arbitration Commission, of the IOA, were constituted, read thus:

Letter constituting the Arbitration Commission

“ 19th Feb. 2018

IOA/168

To,

National Sports Federations
&
States Olympic Associations

**Formation of Arbitration Commission of Indian
Olympic Association**

Dear Sirs,

As provided in the Constitution of Indian Olympic Association to resolve the issues arising within the member National Sports Federations, State Olympic Association and IOA etc.

The Indian Olympic Association has constituted Arbitration Commission under the able Chairmanship of Justice (Retd.) Mr. Madan Mohan Ghidiyal.

The composition of the Arbitration Commission is as follows:

1. Justice (Retd.) Mr. Madan Mohan Ghidiyal -
Chairman

2. Justice(Retd.) Ms. Aruna Suresh - Member
3. Justice (Retd.) Mr. Kailash Gambhir - Member
4. Justice (Retd.) Mr. J.C.S. Rawat - Member
5. Justice (Retd.) Mr. B.C. Kandpal - Member
6. Mr. L.P. Nathani, (Ex.Advocate General) - Member
7. Mr. Vishwapati Trivedi (Retd. IAS) – Member
8. Mr. P.K Tripathi (Retd. IAS) – Member
9. Mr. D.K.Mishra (Retd. IAS) – Member
10. Mr. B.S. Siddhu (Retd. IPS) – Member
11. Mr. D.C. Mishra (Retd. IPS) – Member

With Warm Regards,

Sd/-
(Dr. Narinder Dhruv Batra)”

Letter constituting the Ethics Commission

“19th Feb. 2018,

IOA/169

To,

National Sports Federations
&
States Olympic Associations

**Formation of Ethics Commission of Indian
Olympic Association**

Dear Sirs,

As per Constitution of Indian Olympic Association, we have constituted Ethics Commission under the able Chairmanship of Justice (Retd.) Mr. V.K. Gupta.

The composition of the Ethics Commission is as follows :

1. Justice (Retd) Mr. V,K. Gupta - Chairman
2. Justice (Retd.) Mr. Bhanwar Singh - Member

3. Shri Uma Kant Uniyal, (Ex. Advocate General)
- Member
4. Shri Deepak Jyoti Ghildiyal (Reld, IPS)
- Member
5. Shri Vijay Kumar (IPS) - Member
6. Shri Sudhanshu Mittal Vice President IOA
- Member
7. Shri Anil Khanna- Life President All India
Tennis Association - Member
8. Smt. Sudarshan Pathak - Hockey India
- Member
9. Shri Shiva Keshwan - Luge – Member”

These documents do not reflect any term, for which the members of these two commissions of the IOA were appointed.

(iii) Clause V of the Memorandum of Association of the IOA (annexed, with the Rules and Regulations of the IOA, as Annexure P-13 to the writ petition) states that the IOA shall constitute the Athletes Commission, the Arbitration Commission and the Ethics Commission, as per the Olympic Charter. It would not, therefore, be permissible to tinker with the constitution of these commissions, save and except in accordance with the rules and procedures stipulated in that regard.

(iv) Rule 7 of the Rules and Regulations of the IOA, deals with the “Annual General Meeting” (hereinafter referred to as “AGM”) of the IOA. Sub-rule 7.1, under the said Rule 7 sets out the powers, functions and duties of the AGM, of which Clause 7.1.7 specifically refers to “(appointment of) committees or sub-committees, as and when necessary”. The duties of

office bearers of the IOA are enumerated in Rule 16 of the Rules and Regulations of the IOA, of which Clause 16.1 deals with the post of President (presently held by Respondent No. 4, whose actions are under challenge). Clause 16.1.4, thereunder, reads thus :

“The President of IOA may propose the formation of various IOA Commission/Committees and the Members of those Committees and Commission subject to ratification by the Executive Council and/or the General Meeting.”

The president of the IOA, therefore, merely proposes the formation of various commissions/committees of the IOA and the members thereof, and the proposal of the President has to be ratified by the Executive Council and/or the General Meeting of the IOA. The president of the IOA, therefore, is not the appointing authority of the members of the Ethics Commission or of the Arbitration Commission but merely makes a proposal in that regard. The appointment of the members crystallises when the proposal, as put up in the AGM, is approved by the Executive Council and the General Meeting of the IOA.

(v) A reading of the minutes of the AGM of the IOA, held on 14th December, 2017 at 10 a.m., reflects (at page 71) that the petitioner was elected as one of the Vice Presidents of the IOA. Thereafter, *vide* serial no.9 of the said minutes, the House authorised Respondent No. 4 and Mr. Rajiv Mehta, Secretary General, IOA to appoint / nominate the Chairman / Convenors / Members in the commissions and committees of the IOA.

(vi) The first Executive Council meeting of the IOA, held on 2nd June, 2018, *vide* Agenda Item No. 2, ratified the appointment of the members of the Ethics Commission and the Arbitration Commission. The lists of members of the Ethics Commission and the Arbitration Commission, whose appointments were so ratified, as reflected at serial nos. (K) and (L) thereunder, and reads thus :

“ K) ETHICS COMMISSION

Justice (Retd) Mr. V.K. Gupta - Chairman
Justice (Retd.) Mr. Bhanwar Singh - Member
Shri Uma Kant Uniyai, (Ex. Advocate General) - Member
Shri Deepak Jyoti Ghiidiyal (Retd. IPS) - Member
Shri Vijay Kumar (IPS) - Member
Shri Sudhanshu Mittal - Vice President IOA - Member
Shri Anil Khanna - Life President All India Tennis Association - Member
Smt. Sudarshan Pathak - Hockey India - Member
Shri Shiva Keshwan - Luge – Member (Athlete)

(L) ARBITRATION COMMISSION

Justice (Retd.) Mr. Madan Mohan Ghildiyal - Chairman
Justice (Retd.) Ms. Aruna Suresh - Member
Justice (Retd.) Mr. Kailash Gambhir - Member
Justice (Retd.) Mr. J.C.S. Rawat - Member
Justice (Retd.) Mr. B.C. Kandpal - Member
Justice (Retd.) Mrs. Usha Mehra - Member
Justice (Retd.) Mr. R. S. Sodhi - Member
Shri L.P. Nathan (Ex. Advocate General) - Member
Shri Vishwapati Trivedi (Retd. IAS) - Member
Shri P.K. Tripathi (Retd. IAS) - Member
Shri D.K. Mishra (Retd. IAS) - Member
Shri B.S. Siddhu (Retd. IPS) - Member
Shri D.C. Mishra (Retd. IPS) - Member”

(vii) The appointment of the Members of the Arbitration Commission and the Ethics Commission of the IOA, so ratified, was further ratified, by the Special General Body Meeting of the IOA, convened on 10th August, 2018. A reading of Agenda Item 5 of the minutes of the said meeting reveals that the appointment, of the aforementioned members of the Ethics Commission and the Arbitration Commission of the IOA, were approved in the Special General Body Meeting.

(viii) Resultantly, the President of the IOA, i.e. Respondent No.4, merely proposed the names of the persons to be appointed as members of the Ethics Commission and the Arbitration Commission of the IOA, and the appointments fructified and crystalised only when they were ratified by the executive council on 2nd June, 2018, and further ratified in the Special General Body Meeting of the IOA, held on 10th August, 2018. Thus was eminently in accordance with the Memorandum of Association and the Rules and Regulations of the IOA. The appointment of the Members of the Ethics Commission and Arbitration Commission of the IOA, thus regularly effected and ratified twice, first by the Executive Counsel and, later, in the Special General Body Meeting of the IOA, could not have been unilaterally undone by Respondent No. 4, as President of the IOA.

(ix) The term of appointment of the members of the Ethics Commission is to be found in the “Rules of Ethics Commission

of Indian Olympic Association”, as amended after 27th March, 2019 and annexed as Annexure P-8 to the writ petition. The term of appointment of the Members of the Ethics Commission is set out in clause D of the “Statutes of the IOA Ethics Commission”, forming part of the aforesaid Rules. For ready reference, clause D may be reproduced thus :

“D. Term of appointment of Commission members

1. *The duration of the term of a Commission member is four years. Such term is renewable. The term of a person who is a Commission member by virtue of his or her IOA membership shall end when such person ceases to be an IOA Member. He or she may however be appointed as a Commission member in the category of persons who are not IOA Members.*

2. *The term of office of a Commission member takes effect on the day of his/her appointment is approved by the IOA Executive Board.*

3. In the event of the Chairman being impeded from performing his or her duties as Chairman, the longest serving member of the Commission shall perform these functions. In the event of death, resignation or inability of a member to perform his or her functions, the member shall be replaced. Any member of the Commission who is to be replaced shall remain in office until a replacement has been approved by the IOA Executive Board.

4. *A Commission member may be removed from office only by a decision of the IOA Executive Board and with the approval of two-*

thirds of the Commission members, the member concerned being heard by the Commission.”

(Emphasis supplied)

The various afore-extracted sub-clauses of clause D of the statutes of the Ethics Commission of the IOA, clearly stipulate the term of appointment of members of the Ethics Commission of the IOA, as four years, to commence from the date of approval of the appointment by the executive board of the IOA. As the appointment of the members of the Ethics Commission, of which the petitioner was one, took place, in the present case, on 2nd June, 2018, the aforesaid period of four years would come to an end only on 2nd June, 2022, and it did not lie within the province of Respondent No. 4, even in his capacity as president of the IOA, to unilaterally curtail this period, by a terse communication to the members.

(x) Further, sub-clause 4 of clause D (extracted hereinabove) indicates that a member of the Ethics Commission of the IOA may be removed from office only by a decision of the IOA executive board and with the approval of two-thirds of the members of the Ethics Commission, after grant of an opportunity of hearing. The decision, of the Respondent No.4, to unilaterally curtail the tenure of the members of the Ethics Commission (including the petitioner) did not, therefore, have the requisite sanction of law, and was in fact, contrary to the statutes of the IOA.

(xi) Mr. Divan fairly states that there is no such express provision regarding the term of members of the Arbitration Commission of the IOA, but submits that, as the term of the Ethics Commission of the IOA is four years, the term of the members of the Arbitration Commission ought, therefore, to be treated as four years. In any case, he submits, it is not open to the petitioner to unilaterally curtail the tenure of any member of the Arbitration Commission either.

(xi) Rule 18.3 of the Rules and Regulations of the IOA, which reads thus :

“18.3. Other Commissions/Committees

All required Commissions/Committees will be formed by the President to be ratified by the Executive Council or by the Annual/Special General Meeting.”

Reading Rules 16.1.4 and Rule 18.3 in conjunction and juxtaposed with each other, it is clear that the ratification, by the Executive Council, or by the Annual/ Special General Body Meeting of the IOA, is mandatory, for formation of the Ethics Commission of the IOA, and the power of the President, in that regard, is limited to proposing names.

9. Accordingly, Mr. Shyam Divan submits that a clear *prima facie* case, warranting grant of *ad interim* injunction, has been made out, in favour of his client. He also submits that the balance of convenience would be in favour of grant of such injunction, as the members of the Ethics Commission and the Arbitration Commission are high ranking officials, and there is no complaint against any of them. Disbanding

the said Commissions at this point, in his submission, would be contrary not only to the interest of sports in general but also contrary to the public interest of the nation at large.

10. Mr. Dayan Krishnan, learned Senior Counsel, supports and adopts the submissions of Mr. Shyam Divan.

11. Mr. Siddharth Luthra, learned Senior Counsel, who, like Mr. Dayan Krishnan also claims to represent Respondent No.3, draws my attention, initially, to the opening remarks of the President, IOA, in the minutes of the first Executive Council meeting of the IOA, held on 2nd June, 2018, specifically to the following paragraph in the said remarks:

“We have made important committees, and commissions in IOA and all the names are on our website, the names of all the committees and commissions were announced, the President informed the council that not all committees/commissions were for full time but some were for limited period also.”

Mr. Luthra points out therefore that the President of the IOA had informed the Executive Council that some of the committees/commissions enjoyed only limited period of tenure.

12. He, thereafter, drew my attention to Agenda Item No. 1, in the said meeting, whereby the minutes of the executive council, of 9th November, 2017, were approved and ratified by the house of the IOA. It was pointed out that, at the very commencement of the said paragraph, it was noted that the President had informed the house that the list of the various committees/commissions and other staff

appointments stood uploaded on the website of the IOA. In conjunction therewith, Mr. Luthra invites my attention to page 265 of the writ petition, which sets out the following list :

“MEMBERS OF IOA ETHICS COMMISSION
2017-2019

1) Justice (Retd.) Mr. V.K. Gupta	Chairman
2) Justice (Retd.) Mr. Bhanwar Singh	Member
3) Mr. Uma Kant Uniyal, (Ex.Advocate General)	Member
4) Mr. Deepak Jyoti Ghildiyal, (Retd. IPS)	Member
5) Mr. Vijay Kumar (IPS)	Member
6) Mr. Sudhanshu Mittal	Member
7) Mr. Anil Khanna	Member
8) Mrs. Sudershan Pathak	Member
9) Mr. Shiva Keshavan	Member”

13. Mr. Luthra seeks to submit that the reference, to “2017-2019”, at the head of the afore-extracted list, which had been uploaded on the website of the IOA and to which Agenda Item No. 2, in the minutes of the First Executive Council Meeting dated 2nd June, 2018, *supra* made reference, clearly indicated that the term of the members of the Ethics Commission – including that of the petitioner, was only from 2017-2019.

14. Mr. Luthra also sought to submit that various members of the Ethics Commission of the IOA, while responding to the impugned communications dated 19th May, 2020, addressed to them - in which it was specifically stated that their tenure had come to an end - had expressed their desire not to continue, which impliedly amounted to an acknowledgement that their term had indeed come to an end. He also

points out that no interim injunction, against the Members, who, themselves were not interested in continuing with their assignments, could be granted by this Court.

15. Ms. Shyel Trehan, learned counsel representing Respondent No. 4, has invited attention to the afore-extracted list of members of the Ethics Commission of the IOA and sought to contend that this list was, in fact, part of the Rules and Regulations of the Ethics Commission. At best, therefore, she submits that the reference, at the head of this list, to the “2017-2019” period may be treated as representing an internal conflict in the body of the Rules and Regulations, as it was contrary to the stipulation, in the Rules and Regulations, that the term of members of the Ethics Commission would be four years.

16. Having heard learned Counsel, I have applied my mind to the *prima facie* merits of the submissions advanced by both sides.

17. The petitioner, admittedly, is a member of the Ethics Commission of the IOA, and not a member of the Arbitration Commission of the IOA. In his capacity as a member of the Ethics Commission, and as Vice-President of the IOA, it may be permissible for him, to point out perceived irregularities in the decision, of Respondent No. 4, in the communications addressed by him to the members of the Arbitration Commission. However, as no member of the Arbitration Commission has joined as a petitioner in these proceedings, I am restraining the scope of this interim order to the

impugned communications, insofar as they affect the petitioner and other members of the Ethics Commission of the IOA, though notice has been issued on the writ petition in general.

18. I am also inclined to do so, in view of the fair submission, of Mr. Shyam Divan, that there was no prescribed or stipulated statutory period of tenure of Members of the Arbitration Commission of the IOA, as exists in the case of the Members of the Ethics Commission.

19. Apropos the impugned communications dated 19th May, 2020, addressed to the members of the Ethics Commission of the IOA, by Respondent No. 4, I am of the view that, for the following reasons, a clear *prima facie* case exists, in favour of the petitioner :

(i) The rules of the Ethics Commission of the IOA clearly stipulates a period of four years as the term of appointment of the member of the Ethics Commission, to take effect from the date of approval of the appointment by the Executive Committee of the IOA. The said approval, in the present case, having taken place on 2nd June, 2018, the tenure of the Members of the Ethics Commission could not have been curtailed prior thereto, without any due sanction of law therefor. It is a well settled principle, enunciated by the Supreme Court in *inter alia*, ***Dr. L. P. Agarwal vs. U.O.I.***¹ that a tenure appointment cannot be curtailed, prior to the expiry of tenure, unless a provision to do so exist in the applicable rules and regulations, and for a good reason.

(ii) The minutes of the AGM, dated 14th December, 2017, followed by the minutes of the Executive Committee Meeting dated 2nd June, 2018 and the ratification of the said minutes in the Special General Body Meeting of the IOA, dated 10th August, 2018 do not indicate that the appointment of the members of the Ethics Commission of the IOA was for any stipulated tenure.

(iii) In view thereof, I am unwilling, *prima facie*, to accept the recital of “2017-2019” figuring at the end of the list of members of the IOA (reproduced at Para 11, *supra*), as representing a two year tenure of the appointment of the said members. No such tenure is reflected in any of the minutes, whereby the appointment was proposed, recommended, made or approved. The reasons for entering the recital, “2017-2019”, at the head of the list of members is not immediately apparent; in any event, it cannot supersede the specific stipulation, in the rules and regulations of the Ethics Commission, delineating the tenure of the members of the Ethics Commission as four years. I am unable to accept the submission, of Ms. Shyel Trehan, that the reference to “2017-2019”, at the head of the list of members of the Ethics Commission should be regarded as implying a conflict in the rule position.

(iv) The Rules of the Ethics Commission, to which Mr. Divan invited my attention, clearly not only sets out the term of

¹ (1992) 3 SCC 526

appointment of members of the Ethics Commission as four years, but also stipulates that a member of the Ethics Commission could be removed only by the Executive Committee of the IOA, with approval of 2/3rd of the members of the Executive Committee, after grant of personal hearing. It was, *prima facie*, therefore not permissible for Respondent No. 4 to unilaterally issue letters to the members of the Ethics Commission, stating that their tenure had come to an end.

(v) Even otherwise, the record does not disclose the basis on which it was presumed, in the impugned letters dated 19th May, 2020, by Respondent No.4, that the term of the members of the Ethics Commission had come to an end. Mr. Divan is correct in pointing out that there was no earlier communication or meeting, wherein any term of appointment had been fixed, for the members of the Ethics Commission. Rather, the letters (extracted hereinbefore) whereby the Ethics Commission was constituted, including the present petitioner as a member thereof, does not stipulate any tenure, or term of appointment of the said members. As such, even on facts, the reference, to the coming to an end of the term of appointment of the members of the Ethics Commission, as contained in the impugned communications dated 19th May, 2020, does not appeal to this court.

20. I am also in agreement, *prima facie*, with Mr. Divan's submission that the Respondent No.4 could not, unilaterally, have taken a decision to discontinue the tenure of the members of the Ethics

Commission, or determined that the term of the said members had come to an end. No material to indicate that the said decision was ever put to the Executive Committee or were put up before or ratified by the Executive Committee or by the Special or Annual General Body Meeting of the IOA. The decision, indeed, appears to be a totally unilateral decision of the Respondent No.4, which, *prima facie*, is not sustainable in law.

21. In view thereof, I am of the opinion that a clear *prima facie* case has been made out, for staying the operation of the impugned communications, dated 19th May, 2020, insofar as they apply to the members of the Ethics Commission of the IOA, is made out. I am also in agreement with Mr. Divan that, as the said members have been holding office since 2018, and the period of four years would expire only in 2022, and there is on record, no complaint against any of the said members, or any other justifiable reason to treat the term of appointment of the Ethics Commission having come to an end, the balance of convenience would also in favour of staying the operation of the said orders.

22. If such stay is not granted and the orders are allowed to take effect, I am of the view that irreparable loss would enure to the Members of the Ethics Commission including the petitioner.

23. Learned counsel for the respondents pray for an opportunity to respond to the present IA for interim relief, and, therefore, request that the present order be *ad interim* in nature, till the next date of hearing.

24. As such and for the reasons aforementioned, the impugned letters dated 19th May, 2020, insofar as they apply to the members of the Ethics Commission of the IOA (including the present petitioner), shall stand stayed till the next date of hearing.

25. Let notice issue on the CM, to the respondents, to file response within four weeks with advance copy to the petitioner who may file rejoinder thereto, if any.

26. As noted hereinabove, till the next date of hearing in the CM, the operation of the impugned letters, insofar as they apply to the members of the Ethics Commission of the IOA (including the petitioner), shall stand stayed.

27. Apropos Mr. Luthra's submission that one of the members of the Ethics Commission had expressed their desire not to continue in their capacity as such a Member, it would be open for him to place the necessary documents in that regard and on the basis thereof, seeking variation in this order, if deemed appropriate.

28. Renotify on 30th July, 2020.

C. HARI SHANKAR, J.

JUNE 12, 2020

kr

10/6/2019

BEFORE THE ARBITRATION TRIBUNAL
PRESENT
JUSTICE (RETD.) MR. R. S. SODHI
JUSTICE (RETD.) MR. KAILASH GAMBHIR
MR. D. K. MISHRA (RETD. IAS)

ARBITRATION CASE NO. 2 OF 2018

IN THE CASE OF DISPUTE IN PONDICHERRY OLYMPIC ASSOCIATION

BETWEEN:

1. Mr. A. T. Jesu

AND: (Office-bearers of the Pondicherry Olympic Association)

1. Mr. A. Bhaktavachalam

2. Mr. Velmurugan

3. Mr. P. Subramani

AND:

4. Mr. N. Ramachandran

AND:

5. Indian Olympic Association

PROCEEDINGS OF THE SEVENTH SITTING OF THE ARBITRATION TRIBUNAL
HELD ON 10/6/2019, 11.30 AM AT IOA BUILDING, NEW DELHI

Present for Mr. A. T. Jesu

1. Mr. A. T. Jesu

2. Ms. Kanika Singh, counsel of Mr. A. T. Jesu

Present for Pondicherry Olympic Association (Mr. A. Bhaktavachalam, Mr. Velmurugan & Mr. P. Subramani)

1. Mr. S. Udaykumar

2. Mr. Aseem Mehrotra, counsel of (Mr. A. Bhaktavachalam, Mr. Velmurugan & Mr. P. Subramani)

Present for Mr. N. Ramachandran

None

Present for Indian Olympic Association

1. Mr. Hemant Phalpher, counsel of IOA

Order

Upon receiving the extension of time for concluding arbitration proceeding, the matter is taken up today. Parties and counsels are present.



In furtherance to efforts made by the Tribunal, both the parties have arrived at a consensus to hold fresh election to the Pondicherry Olympic Association. It is agreed that the units in the Electoral College of Pondicherry Olympic Association will be as on 4 September 2009. It is also agreed that only those member units that qualify as per clause 28.2 of Constitution of Indian Olympic Association shall be eligible to cast vote to the election of Pondicherry Olympic Association.

It has been further agreed that IOA shall prepare the final Electoral College of the Pondicherry Olympic Association and hold election preferably within 90 days, from the date of issue of first notice to start the electoral process.

It has also been agreed that the Returning Officer, to be appointed by the Indian Olympic Association, shall preferably be a former judicial officer. It has been further agreed that the date, venue and time for holding the elections shall be decided by the Returning Officer.

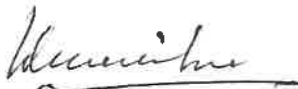
The award of the proceedings is passed in terms of the above. It is directed that parties shall be bound by the terms of consent recorded in this order, as above.



JUSTICE (RETD.) MR. R. S. SODHI
(PRESIDING ARBITRATOR/ CHAIRMAN)



JUSTICE (RETD.) MR. KAILASH GAMBHIR
(ARBITRATOR)



MR. D. K. MISHRA (RETD. IAS)
(ARBITRATOR)

Dr. Narinder Dhruv Batra
President



भारतीय ओलम्पिक संघ
Indian Olympic Association

(10)

IOA/President/Camp/2020/0007

26th May 2020

To,
Mr. R.K. Anand
Senior Vice President
Indian Olympic Association

Subject: IOA Legal Cases

Dear Sir,

As the Chairman of the IOA Legal Committee and based on my telephonic request, you are requested to take over and handle all IOA Legal cases from now on.

All new cases filed by the IOA or those filed against IOA / to which IOA is a party or respondent, will be handled by the Chair of the IOA Legal Committee. Chair Legal Committee will keep the President/Secretary General of IOA informed about all developments in all the cases.

All old IOA legal cases which are being handled at present will be discussed and brought under your control of Chair of IOA Legal Committee within 3 months by the IOA Office and IOA appointed lawyers (IOA Legal Team) and all further decisions in the future will be taken by Chair of Legal Committee in discussion with President/Secretary General.

The present IOA Legal Team will get in touch with Chair of IOA Legal Committee Mr. R.K. Anand and update him. The Chair of IOA Legal Committee has full authority and freedom to re-structure the IOA Legal Team if he so desires.

The Finance Department of IOA will verify all the bills of IOA lawyers (with complete supporting documents) and will first send the bills to the Chair of the IOA Legal Committee to sign and confirm those bills are correct for payment processing. After the signature of the Chair of IOA Legal Committee has been obtained, IOA accounts will follow the process being followed in IOA for the processing of bills and payments to lawyers. It may be strictly noted that payment cannot be done to lawyer's until it has written approval of Chair of IOA Legal Committee.

I look forward to your best guidance and reduction in legal expenses of IOA.

Warm regards,


Dr. Narinder Dhruv Batra

Copy to -

1. Secretary General IOA
2. Chairman, Finance Commission IOA
3. Finance Department IOA
4. IOA Legal Team