

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 3714 of 2025

Decided on: 20.03.2025

Himachal Pradesh Boxing Association and anotherPetitioners.

Versus

Union of India and others ...Respondents.

Coram

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

*Whether approved for reporting?*¹

For the petitioners: Mr. Abhinav Mukerji, Senior Advocate, with M/s Chaitanya Mahajan, Amit Kumar Dhumal, Richa Thakur, Parul Negi, Padamja Sharma and Devang Sharma, Advocates.

For the respondents: Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No. 1.

Mr. R.L. Sood, Senior Advocate, with Mr. Arjun Lall Sood, Advocate, for respondent No. 2.

Mr. V.B. Verma, Senior Panel Counsel, for respondent No. 3.

Ajay Mohan Goel, Judge:

ORDER

By way of this writ petition, the petitioners have, *inter alia*, prayed for the following reliefs:-

“a. Issue a writ of mandamus declaring the Notification dated 07.03.2025 as null and void, as it is ultra vires the Memorandum of Association of BFI

and in violation of the National Sports Development Code of India, 2011.

b. Issue a writ of certiorari quashing the rejection dated 12.03.2025 and 13.03.2025 of Mr. Anurag Singh Thakur, as it was based on an arbitrary and illegal decision.

c. Issue a writ of mandamus directing the respondents to accept the nomination of representatives duly appointed by the President of Himachal Pradesh State Boxing Association.”

2. Learned Senior Counsel appearing for respondent No. 2 has taken a preliminary objection with regard to the maintainability of the writ petition. Learned Senior Counsel submitted that in the light of the fact that no cause of action has accrued within the territorial jurisdiction of this Court, this Court lacks jurisdiction to entertain and adjudicate this writ petition. Learned Senior Counsel took the Court through the contents of the petition and submitted that respondent No. 3 is a registered Society with its Office Address of Mumbai. He submitted that in the light of the provisions of the Memorandum of Association, legal proceedings initiated against the Boxing Federation of India, if any, shall be filed at the Headquarters of the Boxing Federation of India, which is at Mumbai. Learned Senior Counsel submitted that the petitioners, in order to mislead the Court, have wrongly mentioned the address of respondent No. 3 of Gurgaon, which is just a working office of respondent No. 3. He further submitted that even if it is to be assumed that some cause of action accrued in Gurgaon, then also this Court lacks territorial jurisdiction to adjudicate the case. Learned Senior Counsel submitted that as averred in the

writ petition, simply because the nominations were filed from within the State of Himachal Pradesh and email, with regard to the rejection of nominations, was received by the petitioners in the State of Himachal Pradesh, this does not confers any territorial jurisdiction upon this Court to hear the case. Learned Senior Counsel submitted that electronic mail, rejecting the nominations originated from outside Himachal and as the rejection of the nominations has actually taken place outside the territorial jurisdiction of this Court, therefore also, this Court has no jurisdiction to entertain the case.

3. Learned Deputy Solicitor General of India appearing for respondent No. 1 and learned counsel appearing for respondent No. 3, i.e., the Boxing Federation of India have not taken any objection with regard to the maintainability of the writ petition in this Court nor they have supported the contention of learned Senior Counsel for respondent No. 2.

4. Rebutting the contention of learned Senior Counsel appearing for respondent No. 2, learned Senior Counsel appearing for the petitioners argued that this Court has territorial jurisdiction to hear the writ petition, for the reason that part of the cause of action has accrued within the territory of the State of Himachal Pradesh. He submitted that the petitioner No. 1 is a registered Himachal Pradesh Boxing Association with its main office at Shimla, which is within the territorial limits of the State of Himachal Pradesh. Learned Senior Counsel submitted that the rejection of the nominations made by the petitioners were communicated to them through email, which was received by the petitioners and read in the State of Himachal Pradesh, therefore also, this Court has territorial jurisdiction to hear the case.

5. Learned Senior Counsel drew the attention of the Court to the averments made in the writ petition and submitted that it is clearly mentioned therein that the petitioners forwarded two nominations to respondent No. 2 on 10th March, 2025 vide email issued from Shimla and the impugned notice was issued by respondent No. 2 and was received on the email of the petitioners, who read the same at Shimla. He submitted that it is clearly averred in the petition that petitioner No. 1 is a registered Society having its registration in the State of H.P., which represents the State of Himachal Pradesh at the National Level, i.e., Boxing Federation of India. Learned Senior Counsel also submitted that the knowledge of illegal actions of respondent No. 2 and abdication of his duties by the Returning Officer came to the notice of the petitioners through news reports published within the State of H.P. and therefore also, this Court has jurisdiction to adjudicate the writ petition, as part of the cause action arose within the State of Himachal Pradesh. Learned Senior Counsel further submitted that it is settled law that the Court within the territorial jurisdiction of which the impact of an action is felt by a party, has jurisdiction to adjudicate the same and herein as the impact of illegal acts of respondent No. 2 is being borne by the petitioners in the State of Himachal Pradesh, therefore also, this Court has jurisdiction to hear and decide the case.

6. I have heard learned counsel for the parties on the issue of jurisdiction and have also carefully gone through the averments made in the writ petition.

7. Petitioner No. 1 before this Court is the Himachal Pradesh Boxing Association, which is a duly affiliated Boxing Association with respondent No. 3. The dispute raised in this writ petition is with regard to the arbitrary issuance of an order by respondent No. 2, dated 07.03.2025 and the rejection of the nomination of one of the nominees by respondent No. 1 to the Electoral College of respondent No. 3, constituted for holding elections for electing the office bearers of respondent No. 3.

8. In terms of the Articles of Association, Rules and Regulations of respondent No. 3-Federation, copy whereof is on record, each State Association, like petitioner No. 1, can nominate two Members to the Electoral College, who represent the State Unit, as far as the Electoral College is concerned.

9. According to the petitioners, in terms of Annexure P-2, dated 07.03.2025, respondent No. 2, who has been impleaded as a party respondent in person in the present petition, has issued a notice which is beyond his authority and which is arbitrary and in terms whereof, he has imposed an arbitrary condition as to who can be nominated by a State Unit to the Electoral College, which condition is not mentioned in the Rules and Regulations.

10. According to petitioner No. 1, the nominations which were made for the Electoral College, were made from Shimla, within the State of Himachal Pradesh. The rejection of the nominations has been intimated to the petitioners through an email, which has been received and read over by the petitioners in Himachal Pradesh, i.e., within the territorial jurisdiction of this High Court.

11. Before proceeding further, at this stage itself, this Court will deal with the contention of learned Senior Counsel for respondent No. 2 that as the main office of respondent No. 3 is in Mumbai and as in terms of the Rules and Regulations of the Articles of Association, any suit to be filed against respondent No. 3, can only be instituted where Headquarter of the said Federation is situated, therefore, this writ petition is not maintainable. Without much ado, this Court observes that this Court is not seized with any suit, but is seized with a writ petition filed under Article 226 of the Constitution of India. The Clause referred to in the Rules and Regulations only refer to "Suits" and in my considered view, filing of a writ petition, by no stretch of imagination can be construed to be akin to filing of a Civil Suit. Civil Suit, in general, stand mentioned in Section 9 of the Code of Civil Procedure, which reads as under:-

"9. Courts to try all civil suits unless barred.- The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

[Explanation I]. A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

[Explanation II]. For the purposes of this section, it is immaterial whether or not any fees are attached to the office referred to in Explanation I or whether or not such office is attached to a particular place.]

12. Further, Section 141 of the Code of Civil Procedure provides as under:-

“141. Miscellaneous proceedings.- The procedure provided in this Code in regard to suit shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction.

Explanation.- In this section, the expression "proceedings" includes proceedings under Order IX, but does not include any proceeding under article 226 of the Constitution.]”

13. Relevant Clause of the Rules and Regulations is quoted as under:-

“..... .

8. The Boxing Federation of India may sue or be sued in the name of the Secretary General, Boxing Federation of India and suit if any, shall be filed at the headquarters of the Boxing Federation of India.”.....

14. Comparison of filing of a writ petition with the filing of a Civil Suit cannot be allowed. Besides this, otherwise also it is well settled law that a writ petition, inter alia, can be filed in a High Court within the territorial jurisdiction whereof part of a cause of action has arisen. At this stage, it is profitable to refer to Article 226(1) and Article 226(2) of the Constitution of India, which provide as under:-

“226. Power of High Courts to issue certain writs.- (1) Notwithstanding anything in article 32, every

High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including 1 [writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.]

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”

15. In the light of the contents of Article 226(2) of the Constitution of India, simply because respondent No. 3 is not situated within the territorial jurisdiction of this Court, this does not deprives this Court the jurisdiction to exercise its writ power in case part of cause of action has accrued within the State of Himachal Pradesh, qua the grievance which is raised in the writ petition.

16. Herein, the factum of the nominations having been made by petitioner No. 1 to respondent No. 3 from the territory of Himachal Pradesh was not disputed during the course of arguments on jurisdiction by learned Senior Counsel for respondent No. 2. Similarly, learned Senior Counsel has also not

disputed the factum of the rejection being conveyed, though through email to the petitioners in Himachal Pradesh.

17. Now, this Court cannot loose sight of the fact that petitioner No. 1 is a Boxing Association of the State of Himachal Pradesh. It is registered as a Society in Himachal Pradesh. That being the case and further taking into consideration the fact that its office is situated in the State of Himachal Pradesh, it is but natural for it to make recommendations of its nominees for the Electoral College of respondent No. 3, from the State of Himachal Pradesh and receiving the mail of rejection by petitioner No. 1, in Himachal Pradesh is also but natural.

18. The receipt of rejection of the nomination within the territorial limits of the State of Himachal Pradesh was also not disputed on instructions by learned Senior Counsel for respondent No. 2, though as per him, because the email originated from outside Himachal, therefore, this Court does not has jurisdiction to hear the case.

19. This Court is of the considered view that what is important is where the mail is received. In this case, it was received in the State of Himachal Pradesh. Simply because the mail is electronic, therefore, the factum of the electronic mail, having originated outside the State of Himachal Pradesh will not preclude this Court from exercising its writ jurisdiction when cause of action accrued in favour of the petitioners when they became aware of the rejection of one of their nominees on receipt of said email in Himachal Pradesh.

20. Here it is not a case where the petitioners have nothing to do with the State of Himachal Pradesh and they have invoked the jurisdiction of this Court simply on the ground that in the course of their crossing the State of Himachal Pradesh, they happened to receive an email, in terms whereof, they became aware that the nomination of one of their nominees was rejected. As already observed hereinabove, petitioner No. 1 is an Association of the State of Himachal Pradesh, i.e., Boxing Association, it sent nominations from the State of Himachal Pradesh and it received the rejection in the State of Himachal Pradesh, though through electronic mail.

21. A three Judge Bench of the Hon'ble Supreme Court in *Kusum Ingots and Alloys Ltd. Vs. Union of India and another*, (2004) 6 Supreme Court Cass 254, has been pleased to hold that in view of Clause (2) of Article 226 of the Constitution of India, if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. It also held that situs of office of Parliament, legislature of a State or authorities empowered to make subordinate legislation would not by itself constitute any cause of action or cases arising. In other words, framing of a statute, statutory rule or issue of an executive order or instruction would not confer jurisdiction upon a Court only because of the situs of the office of the maker thereof.

22. In *State of Goa Vs. Summit Online Trade Solutions Private Limited and others*, (2023) 7 Supreme Court Cases 791, Hon'ble Supreme Court has held that the expression "cause of action" has not been defined in the Constitution. However, the classic definition of "cause of action" given by

Lord Brett in *Cooke V. Gill*, (1873) LR 8 CP 107 that “cause of action means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court”, has been accepted by the Hon’ble Supreme Court in a couple of decisions. Hon’ble Supreme Court further held that the determination of the question as to whether the facts pleaded constitute a part of the cause of action, sufficient to attract clause (2) of Article 226 of the Constitution, would necessarily involve an exercise by the High Court to ascertain that the facts, as pleaded, constitute a material, essential or integral part of the cause of action. In so determining, it is the substance of the matter that is relevant. It, therefore, follows that the party invoking the writ jurisdiction has to disclose that the integral facts pleaded in support of the cause of action do constitute a cause empowering the High Court to decide the dispute and that, at least, a part of the cause of action to move the High Court arose within its jurisdiction. Such pleaded facts must have a nexus with the subject matter of challenge based on which the prayer can be granted. Those facts which are not relevant or germane for grant of the prayer would not give rise to a cause of action conferring jurisdiction on the Court.

23. Herein, as pleaded by the petitioners, the cause of action accrued when petitioner No. 1 sent two nominations for the Electoral College of respondent No. 3 and as of now, it is not in dispute that said nominations were made from within the territory of State of Himachal Pradesh. Further, the cause of action again accrued to the petitioners when they received email to the effect that the nomination of one of their nominated Member stood rejected, inter alia, on the basis of a notice dated 07.03.2025, issued by respondent No. 2.

24. This rejection, as of now is not disputed, was received by the petitioners and they became aware thereof in the State of Himachal Pradesh itself. Obviously for the adjudication of this case, above stated facts are integral facts because had the nominations not been made by the petitioners, then, one of the nomination would not have been rejected and no cause of action would have accrued in favour of the petitioners to file this writ petition.

25. Therefore, as these integral facts which have been pleaded in the petition have occurred in the State of Himachal Pradesh, this Court has territorial jurisdiction to hear this writ petition.

26. These facts are material facts, essential facts and integral part of the cause of action. In the absence of these occurrences which happened in the State of Himachal, petitioners would not be having any cause to come to the Court. Further, as these causes took place within the territory of Himachal, this Court has jurisdiction to hear this petition. Accordingly, the objection of respondent No. 2 with regard to this Court lacking territorial jurisdiction to hear the writ petition is rejected.

CMP No. 4178 of 2025

27. By way of this application, the petitioners/applicants have prayed for the following reliefs:-

“a) Direct the Respondents to permit Mr. Anurag Singh Thakur as the nominee of the Petitioner to attend the scheduled Annual General Meeting as well as file his nomination in terms of schedule of Elections dated 28.03.2025;

- b) Direct the Respondents to extend the last date of submissions to enable Mr. Anurag Singh Thakur to file his nomination;*
- c) Direct the Respondents to conduct the elections as per Electoral College Roll issued by the Secretary general, Boxing Federation of India;*
- d) Direct the respondents to permit Mr. Anurag Singh Thakur to represent the petitioner's association in Annual General Meeting and participate fully in said Annual General meeting in accordance with the BFI Memorandum; including but not limited to for contesting for any post in Boxing Federation of India;"*

28. Learned Senior Counsel appearing for the applicants/ petitioners submitted that the impugned notification issued by respondent No. 2 dated 07.03.2025 is *per se* bad in law, for the reason that the same is ultravires of the Memorandum of Association of respondent No. 3 as well as is in gross violation of the National Sports Development Code of India, 2011. Learned Senior Counsel has taken the Court through the Memorandum of Association and Rules and Regulations of respondent No. 3. Copy of same is appended with the writ petition as Annexure P-3.

29. Learned Senior Counsel took the Court through the Definitions of Part-B of the Rules and Regulations of respondent No. 3 as also the Constitution of the General Council thereof, as well as the powers and functions of the Executive Council of respondent No. 3. Learned Senior Counsel also took the Court through the powers and duties of the President of respondent No. 3, the mode and manner in which the elections are to be held

to elect the Office Bearers of the Boxing Federation of India as well as the Electoral College.

30. By referring to the relevant provisions, learned Senior Counsel submitted that in terms of the Rules and Regulations of respondent No. 3, the Electoral College consists of representatives of each member-Association and each Member Association is to be represented in the Electoral College by two Member Representatives authorised by the President or the Secretary General/Secretary of the Association. Learned Senior Counsel submitted that there is no mention in the Rules and Regulations that two Member Representatives, to be authorised by a Member-Association like the petitioner No. 1, can only be from amongst the Office Bearers of the Member-Association. Yet, by derogating the provisions of the Memorandum of Association and the Rules and Regulations of the Boxing Federation of India, respondent No. 2 has issued notice dated 07.03.2025 appended with writ petition as Annexure P-2 and has issued a dictate that only bonafide and duly elected members during the elections AGM (duly notified to BFI) of the State Units affiliated with the Boxing Federation of India (BFI) shall be authorised to represent their respective States/Union Territories in the forthcoming elections to the Boxing Federation of India.

31. Learned Senior Counsel submitted that fact of the matter is that the tenure of the officer bearers of the Boxing Federation of India has ended on 02.02.2025 and now the elections process stands initiated to elect a new body. The petitioners have already nominated two representatives on its behalf. The representatives so nominated do not incur any disqualification as

per the Rules and Regulations of the Boxing Federation of India. Yet, on the basis of the arbitrary dictate of respondent No. 2 date 07.03.2025, one of the nominees of petitioner No. 1-Boxing Federation has been declared as ineligible. Learned Senior Counsel while drawing the attention of the Court to Annexure P-10, which is a communication, again signed by respondent No. 2, in his capacity as President of Boxing Federation of India submitted that the nomination of one Mr. Anurag Singh Thakur by petitioner No. 1-Association has been declared to be bad for violation of Boxing Federation of India notice dated 07.03.2025, i.e. impugned annexure P-2 as well as the National Sports Development Code of India, 2011. Learned Senior Counsel has drawn the attention of the Court to Annexure P-9, which is a copy of joint objections filed by 35 of the States/Union Territories-Associations dated 11.03.2025, in which, 'Annexure 37' of the National Sports Development Code of India stands quoted and by referring to the said 'Annexure', learned Senior Counsel has submitted that herein also, there is no embargo that the permanent Member State/Union Territory is to be represented by two members authorized by the President or Secretary General or Secretary who are the office bearers thereof.

32. Learned Senior Counsel thus submitted that not only the issuance of Annexure P-2 is per se bad in law, the rejection of the nomination of one of the nominees of the petitioner-Association by placing reliance on Annexure P-2 is also bad in law.

33. Learned Senior Counsel vehemently argued that Annexure P-2 in fact is without any authority and without any jurisdiction. He submitted that the Article of Association of respondent No. 3 and the Rules and

Regulations framed thereunder do not confer any such power upon the President to issue a notification as has been issued by respondent No. 2 vide Annexure P-2. Learned Senior Counsel further submitted that intent of respondent No. 2 is but to usurp the election process by arbitrarily rejecting the valid nomination to suit his own ends. Accordingly, he prayed that as there is a *prima facie* case in favour of the applicants/petitioners, therefore, ad interim relief be granted because, in case the interim is not granted, then the petitioners will suffer irreparable loss and the very purpose of filing the petition will be frustrated. Learned Senior Counsel has further submitted that in view of the fact that the issuance of Annexure P-2 is in derogation of the Memorandum of Association and the Rules and Regulations of respondent No. 3, therefore, the balance of convenience is also in favour of the petitioners.

34. Learned Deputy Solicitor General of India submitted that once the term of the office bearers has expired on 02.02.2025, respondent No. 2 has no authority in law to issue any Notice, as has been issued by him which stands impugned, in his capacity of President of respondent No. 3 and otherwise also, as the issuance of Notice is outside the powers conferred upon the President, the Notice is bad.

35. Learned Senior Counsel appearing for respondent No. 3 also stated that Annexure P-2 is *per se* bad in law for the reason that the Article of Association of Rules and Regulations of respondent No. 3 do not confer any power upon the President to issue any notice, as has been issued by him dated 07.03.2025. He submitted that indeed the rejection of one of the nominees of the petitioner No. 1-Association is bad in law.

36. Learned Senior Counsel appearing for respondent No. 2 submitted that the petitioners are not entitled for any interim as prayed for. He submitted that the petitioners have accepted the authority of respondent No. 2 as far as his power to issue Annexure P-2 is concerned and further as the rejection of the nomination is by the Returning Officer, who is not impleaded as a party-respondent, therefore, no interim can be granted.

37. On a query put to learned Senior Counsel for respondent No. 2 that from which Rule or Regulation does respondent No. 2 draw the power, to issue the notice, as has been issued by him vide Annexure P-2, learned Senior Counsel submitted that respondent No. 2 be granted reasonable time to answer this query of the Court. Learned Senior Counsel also argued that as the process of elections has already been put into motion, therefore, this Court is precluded from passing any order staying the elections process. Learned Senior Counsel referred to the order passed by the Hon'ble Supreme Court of India in *Ad Hoc Committee Wrestling Federation of India vs. Haryana Wrestling Association and Others (Civil Appeal Nos. 7863-7865 of 2023)*, dated 28.11.2023, which reads as under:-

“Leave granted.

Heard the learned senior counsel appearing for the appellant, the learned senior counsel appearing for the respondent No.1 and the learned counsel appearing for the respondents.

Pending a the first Writ Petition filed by respondent-Haryana Wrestling Association, by an interim order, the High Court has stayed the election of the Wrestling Federation of India.

We fail to understand how the entire process of election could have been stayed by the High Court after the process had commenced. The proper course would have been to allow the election to be conducted and make the election subject to the outcome of the pending Writ Petition.

Accordingly, the impugned orders granting interim relief are set aside.

It will be open for the Returning Officer proceed with the election by publishing revised election programme.

We make it clear that outcome of the election will be subject to the final orders which may be passed in the Writ Petition.

We have made no adjudication on the merits of the controversy involved in the main Writ Petition. The adjudication by this Court is confined to the legality of the interim order.

The appeals are accordingly allowed on the above terms.”

38. I have heard learned Counsel appearing for the parties and have also carefully gone through the averments made in the application as well as the documents appended with the writ petition.

39. The moot issue, which this Court has to examine at this stage, is as to whether the petitioners have been able to make out any case for grant of *ad interim* or not.

40. The basic contention of the petitioners is that Annexure P-2 issued by respondent No. 3 is without any authority. Respondent No. 2 is the

President of respondent No. 3-Federation, whose terms has come to an end on 02.02.2025. Be that as it may, the fact of the matter is that respondent No. 3-Boxing Federation of India is a Society registered under the Societies Registration Act, 1860. Its functioning is governed by the Memorandum of Association and the Rules and Regulations, copy whereof is appended with the petition as Annexure P-3. A perusal of the memorandum of Association of respondent No. 3 demonstrates that the object of the Society is to promote the true spirit and friendly competition amongst participating athletes of the member units and to strengthen friendship and mutual understanding among the athletes all over the country. Its object is also to have full control and complete jurisdiction over all matters pertaining to the participation of the Boxing Teams outside the country. The Rules and Regulations of the Boxing Federation of India *inter alia* provide that the membership of the Boxing Federation of India is open to all State Boxing Associations, which have a governing body controlling boxing. It is also open to all Union Territories Boxing Associations, which have a governing body controlling boxing.

41. In terms of the definition of Part-B, the definition of Association is as under:-

"Association" means the State/Union Territory Boxing Association who are members of Boxing Federation of India in accordance with these Rules and Regulations."

42. The definition of "Association Representative" is as under:-

"Association Representative" means an individual

representing each Association at the General Council.”

43. Definition of “The General Council” is as under:-

“The General Council” means Association and Board Representatives acting collectively in accordance with these rules and regulations as the supreme legislative body of Boxing Federation of India.”

44. Definition of “Office Bearers” is as under:-

“Office Bearers” means President, the Secretary General and the Honorary Treasurer.”

45. Definition of “Representative” is as under:-

“Representative” means a person nominated by each Member to represent it at the General Council.”

46. The General Council of the Boxing Federation of India in terms of the Rules and Regulations thereof is to consist of the following:-

“(a) 1 President;

(b) 1 Secretary General

(c) 1 Treasurer

(d) 8 Zonal Vice Presidents

(e) 8 Zonal Joint Secretaries

(f) Vice President each for IOB (IBA Open Boxing) and IWBT (IBA World Boxing Tour) appointed by President for provisions of para FF on P.33-34 of this document.

(g) All other Members of Executive Council as appointed/nominated by these rules, as mentioned in para K (d) and (e) on P.21 of this document.

(h) 2 accredited representatives from each Member.”

47. The powers and functions of the Executive Council stand defined as under:-

“L. POWERS AND FUNCTIONS OF THE EXECUTIVE COUNCIL.

i The Powers and Functions of the Executive Council shall be:

(a) to conduct the general management of the Boxing Federation of India and for this purpose to appoint such commissioners and executives as the Executive Council may deem fit, having such powers including powers to commercialize the sport of boxing for such term or terms as the Executive Council deems fit, but not exceeding an aggregate period of two terms of 4 (four) years each; (b) to recommend disaffiliation or taking action against any Member in breach;

(c) to recommend any application for Membership to the General Council in accordance with the terms and conditions of these rules;

(d) to nominate members of the Commissions;

(e) to recommend to the General Council a scheme for the promotion and development of boxing.

(f) to frame rules for the conduct of National Championships and other tournaments,

(g) to ensure that proper steps are taken by the Disciplinary Commission against defaulting Officials/ competitors team managers/coaches seconds and be the appellate authority on the

disciplinary proceedings. Appeals must be filed in writing within specified time of 15 days of the said order. Such written appeals must be accompanied by Rs. 20,000/-and must be filled before the Secretary General of the Boxing Federation of India.

(h) to review membership of Members as per these rules and regulations and recommend to General Council re decision of disaffiliation or any other decision for non-compliance with these rules and regulations. (1) to perform such other duties as may be assigned by the General Council.

(i) The Executive Council shall meet at least thrice a year preferably during the National Championships.

L1. FILLING VACANCIES IN EXECUTIVE COUNCIL

If any vacancy arises in the Executive Council for any reason and if it is considered necessary by Executive Council to fill up that post, then the vacancy can be filled by Election following the procedure mentioned in para S of this document on P.24-28 in the next AGM.”

48. The powers and functions of the President stand defined as under:-

“ N. PRESIDENT

1. The President shall be the Head of the Boxing Federation of India.

2. He shall preside over all the meetings of the General Council and of the Executive Council.

3. He shall oversee office Bearers / Members of the Executive Council and other Commissions in the discharge of their duties.

4. He shall have overall powers of supervision over the working of the Boxing Federation of India and its efficient administration.

5. He may call a meeting of the Executive Council and the General Council through the Secretary General as and when necessary and shall perform all such duties attached to the office he holds.

6. He shall give a 'casting vote' in case of a tie in addition to his deliberation vote.

7. He shall implement the objectives of the Boxing Federation of India.

8. He shall also deal with the disciplinary matters connected with the Boxing Federation of India and members.

9. He will endeavour to keep the sound financial position of the Boxing Federation of India and he is authorised to sanction expenditures of up to Rs. 200000. Expenditure in excess of the same by him will have to be sanctioned and regularised by the Executive Council.

10. The President through the Secretary General has to ensure that various business meetings, as required under these rules and regulations, have been duly held and business transacted.

11. The President has to ensure that various business meetings, as required under these rules and regulations, have been duly held and business transacted.

12. All the National Championships shall be declared "closed" by the President or in his absence the next most senior vice-president or any other senior most office bearer present, or in their absence whomsoever the President nominates.

13. The Boxing Federation of India cannot remain without an elected President for a period exceeding six (6) months.

14. The head of Operations of the Boxing Federation of India Commercial Arm will be appointed by the Executive Council headed by the President and report to the President thru the Secretary General.

49. Part S thereof which deals with elections provides as under:-

"S. ELECTIONS

Elections shall be held once in four years as per these rules and regulations as well as per election bye-laws of Boxing Federation of India (if any and as stipulated from time to time by the Executive Council) at the Annual General Meeting (Meeting of the General Council) to elect the Office Bearers, Vice Presidents and Joint Secretaries from amongst the representatives of the members. It can also be held before the due date but the tenure will be Olympic to Olympic year (to elaborate further it means result of election will come into existence from October of the Olympic year). In case of discrepancy between election process laid down under these rule and regulations and election process laid down in election bye-laws, the election

process laid down in election bye-laws would prevail.

ii. Manner of Election:

Office Bearers, Vice Presidents and Joint Secretaries and other Executive Council Member shall be elected by secret ballot.

b. Election shall be held at the Annual General Meeting (AGM) of General Council in accordance with the procedure prescribed hereinafter from amongst the Representatives. However the first elections may be held at any other meeting of the General Council called in that regard.

iii. Electoral College:

a. Each Member Association shall have two votes at the elections.

b. Each Member Association shall be represented by two members representatives authorised by the President or Secretary General/Secretary of the Association however, in case President or Secretary General/Secretary nominates different person(s), the person(s) authorised by the President shall be deemed to be the duly authorised person(s) irrespective of the date.

c. Boards shall not have voting right. Therefore, representative of the Boards will not be a part of Electoral College.

d. Each Association shall intimate the name(s) of their representative(s) latest by the decided date and such intimation shall be addressed to the President/Secretary General on their letterhead duly signed by its President/Secretary

General/Secretary of that 1 Association, so as to reach him on or before the aforesaid decided date; and change in the name of any authorized representative after aforesaid decided date or any intimation received thereafter shall be permitted only with the approval of the President.

e. The President/Secretary General shall prepare the list of the authorized representatives of the Associations ("Electoral College List") and circulate a copy of the list so prepared by him to all Association by display on the website of Boxing Federation of India. Where there is no website of Boxing Federation of India, it would be made available for inspection by each of the members of Boxing Federation of India.

f. The President/Secretary General shall also furnish a duly authenticated copy of the list mentioned above to the returning Officer as soon as may be after his appointment by the President.

iv. Returning Officer

a. As soon as may be before/after the issue of the Notice for the Annual General Meeting (AGM), the President shall nominate a person as Returning Officer for conduct of the Election.

v. Nomination of Candidates:

a. The nomination of a candidate for election of Office Bearers, Vice Presidents and Joint Secretaries shall be proposed by one of the authorized representatives of Association and subscribed by 1(One) such authorized representative as Seconder.

b. Each candidate shall be entitled to be nominated by not more than 2 (Two) nomination papers.

c. Each nomination paper shall be delivered by registered post/email to the Returning Officer by the candidate himself/herself.

d. No person shall be eligible to nominate more than One candidate for the same post, either as Proposer or Secunder.

e. No person shall be permitted to withdraw his/her name as proposer/ seconder, once the nomination paper subscribed by him/her has been delivered to the Returning Officer.

vi. Scrutiny of Nominations

a. The Returning Officer in his office shall scrutinize each nomination paper one by one received by him and determine its validity or otherwise.

b. At the scrutiny of nominations, each candidate or one of his/her authorised, representative shall have the right to be present and raise any objection in relation to nomination of a candidate for the post of which he/she has filed his/her nomination.

c. After the scrutiny all nomination paper has been completed by him, the Returning Officer shall Het validly nominated candidate. The contesting candidate can take a copy from the Returning Officer.

vii. Withdrawal of Candidature

f. Notice of withdrawal of candidature shall be submitted, either by the candidate himself/herself or by a person authorised by him/her in writing.

g. Notice of withdrawal of candidature shall be final and shall not be allowed to be cancelled.

h. The Returning Officer shall accept the Notice of Withdrawal if he is satisfied as to the genuinity of the Notice.

i. The copy of the said list in conspicuous place in his office and on Boxing Federation of India website, and also furnish a copy of the same to each of the candidates/their authorized representatives if they so demand.

viii. Uncontested Returns and Contested Elections:

a. Where the number of contesting candidates for any post or category of post is equal to the number of posts to be filled, all such contesting candidates shall be deemed to be duly elected unopposed to those posts and it shall not be necessary to take a poll, for election of such post.

b. Where the number of contesting candidates for any post or category of post, is more than the number of posts to be filled, a poll shall be taken by Secret Ballot for those posts remaining unfilled.

c. The ballot papers for these posts remaining unfilled shall be made individually for each post.

d. The names of contesting candidates on the ballot papers shall appear in the same order as in the final list of contesting candidates.

ix Poll

1. The poll will be by Secret Ballot.

2. The Returning Officer shall seal the ballot box in presence of all the candidates in the polling hall & begin the polling thereafter.

3. *The poll for the posts remaining unfilled under in the manner mentioned above shall be taken post-wise on decided day and time and shall commence at the meeting called for the elections.*

4. *Each contesting candidate can nominate one person, (if he/she so desires).*

5. *At the Poll, each authorised representative of Association whose name is included in the Electoral College list shall be entitled to:*

i. Cast one vote for each of the posts remaining unfilled, where only one seat is to be filled.

ii. Cast as many votes as are the no. of seats to be filled for any post where more than one seat is to be filled.

Explanation: It is hereby clarified that for the purpose of filling four seats of Vice President, each voter can cast up to four votes and five seats of It. Secretaries shall, he/she can cast four and five votes respectively for five seats of It. Secretaries.

6. *The Returning Officer shall close the poll at the appointed hour, however, all those voters who are present at the polling station at the appointed closing hour shall be entitled to vote even if the poll proceedings have to be continued for some more time.*

7. *After all the voters have voted, the Returning Officer shall close the ballot box and shall not permit thereafter any person to vote. In case any voter casts his/her vote for more than one candidate, or for more than four or five candidates,*

as the case may be, his/her vote for that post shall be invalid.

8. Each voter shall be required, before he is supplied with a Ballot paper, to give his/her signature on the authenticated copy of the Electoral College list used by the Returning Officer for taking the poll.

9. Each voter shall be required, before he supplied with a Ballot paper, to give his/her signature on the authenticated copy of the Electoral College list in Form I used by the Returning Officer for taking the poll.

10. The tick mark means of article specifically provided for the purpose by the Returning Officer, and a ballot paper marked otherwise by means of any pen, ball point pen etc by the shall render the ballot paper liable to rejection.

11. The ballot paper marked by a voter shall be deposited by him/her in a ballot box specially prepared and sealed by the Returning Officer and placed at such a conspicuous place in the polling station that it shall be constantly visible to all present in the polling station.

x. Counting of Votes:

a. Immediately after concluding the polling, the Returning Officer shall open the ballot box for counting in the same hall in the presence of all the candidates.

b. The Returning Officer shall take up the counting of votes, post-wise and category wise, where applicable.

C. The votes validly cast for each of the contesting candidates shall be counted post-wise and category-wise where applicable and recorded in the descending order of the votes so cast for each candidate.

d. The Returning Officer shall thereafter ascertain the result of counting and the candidates who have secured the maximum number of votes in the said descending order, post-wise and category-wise where applicable, equal to the number of seats to be filled for each post or category of posts, where applicable shall be deemed to have been duly elected to those posts.

xi. Declaration of Results”

a. The Returning Officer shall declare that result immediately after finishing the counting.”

50. A perusal of the Rules and Regulations of respondent No.3 demonstrates that the powers and functions of General Council *inter alia* are to elect office bearers and other members of the Executive Council after every four years. As already mentioned hereinabove, the General Council of respondent No.3 *inter alia* consists of its President, Secretary General, Treasurer, 8 Zonal Vice Presidents, 8 Zonal Joint Secretaries etc. and also “**2 accredited representatives from each member**”. In other words, President in himself is not the General Council of respondent No.3. Further, as per Rules and Regulations, the power to explain, interpret and implement the Rules and Regulations of Boxing Federation of India and give decisions on any points not covered therein, vests with the General Council. The President as an individual

does not enjoys any power to explain or interpret or implement the Regulations of Boxing Federation of India and give decisions on any point not covered therein.

51. Further, a perusal of the powers and duties of the President demonstrates that there is no power whatsoever conferred upon the President to **unilaterally** issue any notice etc. akin to either a Rule or Regulation of the Boxing Federation of India. In fact, the duty of the President is to ensure that Rules and Regulations are properly followed.

52. In the backdrop of the above discussion, now when one peruses the constitution of the Electoral College, one finds that the Electoral College is to *inter alia* consist of two voters who are to be nominated by each member association and the nomination or representation of each member association is to be by two member representatives authorized by the President or General Secretary/ Secretary of the association. There is no rider mentioned in the Rules and Regulations that only those persons can be nominated as members by a member association, who are duly elected members during the election AGM duly notified to BFI of the State Unites etc. as has been ordained by respondent No.2 vide impugned communication dated 07.03.2025.

53. Therefore, this Court has no hesitation in holding that *prima facie* it is evident that notice, dated 07.03.2025 (Annexure P-2) has been issued by respondent No.2 without any authority and without any power under the Rules and Regulations of respondent No.3, which supplants the provisions of the Rule and Regulations and does violence with them.

54. That being the case, the rejection of the nomination of one of the members, namely, Mr. Anurag Singh Thakur, nominated by petitioner No.1 in terms of impugned Annexure P-10, which is a list of Electoral College, dated 12.03.2025, as well as Annexure P-14, dated 13.03.2025, which the final list of Electoral College approved by the Returning Officer is *prima facie* bad and not sustainable in law.

55. In this backdrop, balance of convenience is also in favour of the petitioners and if interim, as prayed for by the petitioners is not granted, then irreparable loss shall be caused to them.

56. Accordingly, as an ad-interim measure, this Court stays the operation of Notice, dated 07.03.2025, as well as the rejection of nomination of one of the two nominated members by petitioner No.1, namely, Mr. Anurag Singh Thakur and directs respondent No.3-Federation to treat the nomination of Mr. Anurag Singh Thakur alongwith the nomination of Mr. Rajesh Bhandari to be a valid nomination for the Electoral College by petitioner No.1 and proceed with the election process in accordance with the Rules and Regulations of respondent No.3. The operation of Annexure P-10, i.e. list of Electoral College as well as Annexure P-14, dated 13.03.2025, i.e. final list of Electoral College to the extent they declare the name of one of the nominees of petitioner No.1 to be ineligible is also stayed as an ad-interim measure. It is further directed that respondents shall extend the last date of submission of nomination, to enable Mr. Anurag Singh Thakur to file his nomination and he be permitted to represent the petitioner-Association in the Annual General Meeting and fully participate therein, as per the Memorandum of respondent

No. 3, including but not limited to the contest for any post for Boxing Federation of India. It goes without saying that the conduct of elections shall be as per the Electoral Roll, in terms whereof, both the nominees of petitioner No. 1 were found eligible to be a part of the Electoral College. It also goes without saying that the election process will be subject to the final outcome of this writ petition or any other order that may be passed by the Court in this application.

(Ajay Mohan Goel)
Judge

March 20, 2025

(bhupender/narender/rishi)