



VOLLEYBALL FEDERATION OF INDIA

(Regn. No-110/87)

AFFILIATED TO THE INTERNATIONAL VOLLEYBALL FEDERATION AND INDIAN OLYMPIC ASSOCIATION

No.VFI/Circular/2017-2018/123

13th November 2017

C I R C U L A R

To

**The Office Bearers of VFI /
States / Units affiliated to VFI**

It has come to the notice of the VFI that certain disgruntled elements are spreading false information and misleading announcements in public regarding the VFI and regarding its last EC and AGM. It is also learnt that the news items suggesting that an AGM of the VFI presided over by Avadesh Kumar was held at 5 PM on 05.11.2017 at the Ramada Chennai Egmore, Chennai have been published by them.

In public interest, it is essential that the member Units/State Associations/Clubs take efforts to disseminate the correct information to the players/coaches and all stakeholders to prevent anybody from being misled by this false propaganda. In this regard, it is clarified, for the benefit of all players/coaches and stakeholders as follows: -

- (a) As you are all well aware, the EC and AGM of the VFI presided over by the Executive Vice President, Shri Raj Kumar were successfully conducted at 11 AM at the Marina Hall of Hotel Ramada Chennai Egmore, Chennai on 05/11/2017. Photographs of the said event are already published on our official web-site.
- (b) The internet/news article suggesting that the EC and AGM were not completed or had to be abruptly stopped or was marred due to anti-social elements and police intervention is completely false, mischievous and a *malafide* propaganda. As you are all aware the meetings were successfully conducted and various significant decisions for the development of the sport were taken.
- (c) The report/news item stating that a meeting of the VFI, presided over by Chaudhary Avadesh Kumar was conducted at 5 p.m. at the Ramada Chennai Egmore, Chennai, is blatantly false. No meeting of the VFI was conducted or presided over by the aforesaid Avadesh Kumar. Attached is a letter from the Hotel Ramada Chennai Egmore, confirming that this claim of Avadesh Kumar is blatantly false. **(Annexure 1)**

...2/



VOLLEYBALL FEDERATION OF INDIA

(Regn. No-110/87)

AFFILIATED TO THE INTERNATIONAL VOLLEYBALL FEDERATION AND INDIAN OLYMPIC ASSOCIATION

-2-

- (d) The attention of all is drawn to the admission of Avadesh Kumar, before the Hon'ble High Court Delhi (Para 4 & 7 of **Annexure 2**); letter of the Government of India (**Annexure 3**), letter of the IOA (**Annexure 4**) and letter of the FIVB (**Annexure 5**) all of which confirm that Avadesh Kumar is not the President of the VFI. Hence Avadesh Kumar does not have the authority to call, convene or preside over any meeting of the VFI. All circulars, orders, directions or press releases issued/signed by him purporting to act as President, VFI are not binding on the VFI and are null and void.
- (e) *Bonafide* Players/coaches/clubs/State Associations/Units and sponsors are cautioned not to be misled by any press releases, statements or circulars, letters issued by Avadesh Kumar or Nandakumar as neither of them has the authority to represent VFI as on date.

This is for your kind information and records please.

With best wishes,



RAMAVTAR SINGH JAKHAR
Secretary General
Volleyball Federation of India.

Encl.: Annexure-1 (Ramada Chennai Egmore Letter)
Annexure-2 (Hon'ble Delhi High Court Order)
Annexure-3 (Min. of YA&S Order)
Annexure-4 (IOA Letter)
Annexure-5 (FIVB Letter)

\$~36

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

+ **FAO 203/2016 and C.M. Nos.16899/2016 (stay), 16900/2016 (additional documents), 16903/2016 (directions) & 4090/2017 (early hearing)**

RAM AVTAR JAKHAR & ANR Appellants
Through: **Ms. Shalini Kaur, Advocate.**

versus

CHAUDHARY AVADESH KUMAR & ORS Respondents
Through: **Mr. Akhil Sibbal, Senior Advocate with Mr. Saurabh S. Sinha, Advocate and Ms. Jahnvi Mitra, Advocate for respondent No.1. Mr. Ruchir Mishra, Advocate for IOA.**

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

%

27.04.2017

1. This First Appeal under Section 37 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to 'the Act') impugns the order of the court below dated 27.4.2016 allowing the Section 9 petition filed by the respondentno.1 herein. In Section 9 petition, the reliefs prayed by the respondent no.1 were as under:-

“(a) Stay the operation of the notice/agenda and resolutions/minutes of the alleged Special General Meeting/Extra

Ordinary General Meeting dated 11.03.2016 as well as of alleged executive committee meeting dated 03.03.2016 (minutes of which were never, circulated however finding reference in the resolution claimed to be passed on 11.03.2016) alleged convened by the Respondent No.1 to 3, illegally claimed to suspend the petitioner who is duly elected President of the Federation for the term of 2013-2017 and initiating the election process, while the petitioner is still holding the post.

(b) Direct the Respondents jointly and severally that the petitioner being elected President shall act and perform as the president of the Volleyball Federation of India till the pendency of the present petition and its final outcome.

(c) Direct the Respondent No.4 and 5 to intervene and not to transact with Respondent No.1 to 3 and only to communicate with the President only, the petitioner.

(d) Pass any other or further order as this Hon'ble Court may deem fit in the facts and circumstances of the case in favour of Petitioner in the interest of justice."

2. It is argued by the respondent no.1 that the reliefs are predicated by challenging the minutes of the executive committee and the special general body meeting dated 3.3.2016 and 11.3.2016 respectively which removed the respondent no.1 from the post of President of the Volleyball Federation of India and also called fresh elections for as many as 29 posts in the Volleyball Federation of India. Once this is the undisputed position then surely the respondent no.1 who filed the petition under Section

9 of the Act challenging the decisions dated 3.3.2016 and 11.3.2016, would only have locus standi with respect to his position and post i.e the post of President being occupied by the respondent no.1 in the Volleyball Federation of India. In the guise of challenging the decisions dated 3.3.2016 and 11.3.2016, respondent no.1 is not entitled to question holding of elections for 28 other posts of Volleyball Federation of India and which challenge is not laid either by the earlier holders of the posts or the new holders of the posts who would occupy these 28 posts on the results being declared of the fresh elections conducted on 11.4.2016. Also it is noted that in the Section 9 petition no facts are pleaded and cause of action laid as to why elections should not take place to 28 other posts of Volleyball Federation of India. Thus, the issue in the Section 9 petition filed by the respondent no.1 is confined to the issue of his post of the President of the Volleyball Federation of India. It is in fact impermissible for the respondent no.1 to contend that elections of 28 other posts are in issue in the Section 9 petition inasmuch as not only the prayer clauses of Section 9 petition do not make such prayer, but also that the prayer clauses of the Section 9 petition have necessarily to be read as per and correlated to the averments made in

the main Section 9 petition and such averments in the main petition do not specifically pray any reliefs with respect to not holding of elections to 28 other posts of Volleyball Federation of India.

3. Fresh elections on 11.4.2016 were conducted by Volleyball Federation of India pursuant to the order dated 8.4.2016 passed by the learned single Judge of this Court in FAO No. 146/2016. Results of the elections are kept in a sealed cover and which sealed cover is lying in this Court in FAO No.146/2016. Effectively therefore on account of non-declaration of results the entire operation of the Volleyball Federation of India has come to a standstill as rightly argued on behalf of the appellants although the issue in these proceedings is only as regards the rights of the respondent no.1 to the post of President of Volleyball Federation of India and not for the 28 other posts.

4. In fact I find that the respondent no. 1 (petitioner in the petition under Section 9 of the Act) is trying to bite of much beyond what he can chew because I fail to understand that in spite of repeated queries to the respondent no.1 that the *locus standi* of the respondent no. 1 is only to seek his continuation as a President as per the earlier elections held for a period

of four years and which period would expire soon in around the middle of July 2017 as per the case of the respondent no. 1 himself, yet the counsel argues that results of even the 28 other posts be not declared. Therefore, the arguments and contentions urged on behalf of the respondent no.1 are only to stall the complete elections and are thus most *mala fide* and amounts to making a prayer to overreach the court. Whether the actions of the respondent no.1 amount to contempt of court would be examined on the next date of hearing, however, for the present the impugned order dated 27.4.2016 passed by the court below is clarified that by this order dated 27.4.2016 it is not held and nor could it have been held that election results of the Volleyball Federation of India for even the 28 other posts, and to which posts there are no disputes by the existing holders of these posts or the new holders of the posts who would occupy the same on results being declared, would be halted. The operative portion of the impugned order is contained in para 22 of the impugned order and which para 22 reads as under:-

“22. Since the Hon’ble High Court has already seized with the matter vide FAO No.146/2016 in CM No.12263/2016 and the matter is listed for hearing for 16.05.2016 and the election is already directed to be conducted as per the directions of Hon’ble High Court no such

order can be passed qua prayer no.c as made in the petition. However as it is clear from the above discussion that the petitioner is the elected President of the federation and he has not been ousted by following the mandate of the Constitution. Therefore he is entitled to preside over the federation in the capacity of elected President of the federation. Further, it is made clear that the petitioner shall be entitled to act as President till the result of the election is declared, as the same is already conducted with directions of Hon'ble High Court. Accordingly, in view of the above discussion, present petition is accordingly stands disposed off. File be put up for further proceedings awaiting the orders of the Hon'ble High Court as the Election result has been filed by the respondent with this Court in compliance of the order of Hon'ble High Court, in sealed cover.

Be put up on 07.07.2016 for further proceedings.”

5. Since the present respondent no. 1 has no *locus standi* whatsoever to question the elections to these 28 posts even as per the pleadings in the Section 9 petition, accordingly it is ordered that the election results of Volleyball Federation of India conducted as per the election dated 11.4.2016 would be declared by the Returning Officer, a retired Judge of the Madras High Court Hon'ble Mr. Justice Rajeshwaran. The sealed cover lying in this court with respect to election results of the election conducted on 11.4.2016 be handed over to Hon'ble Mr. Justice Rajeshwaran (Retd.) so that he can declare the results of the elections. It is made clear that the election results which would be declared will operate for the 28 posts,

except the post of President of Volleyball Federation of India, and the election results declared for the post of President will not come into effect or operate till further orders are passed by this Court.

6. The sealed envelope containing the election results filed on behalf of Hon'ble Mr. Justice Rajeshwaran (Retd.) was filed in this Court through the counsel for the appellants and counsel for the appellants be given this envelope under her undertaking to deliver this sealed envelope in the sealed condition to Hon'ble Mr. Justice Rajeshwaran (Retd.) within a period of one week of receipt of the same from this Court.

7. The prayer made on behalf of the appellants with respect to costs as against the respondent no. 1 for holding up the entire business of the Volleyball Federation of India by seeking interim orders much beyond the scope of the entitlement of the respondent no. 1 would be looked into on the next date of hearing and also would be looked into the aspect as to whether as per the case of the appellant the term of the President expired not in July 2017 but by March 2017. Of course, respondent no. 1 will be equally entitled to argue as per his case that the case of the appellant is incorrect and that respondent no. 1 was entitled to hold the post of the President of

Volleyball Federation of India till July 2017.

8. I may note that respondent no.1 is not a candidate in the new elections conducted on 11.4.2016 for the post of President of Volleyball Federation of India.

9. List for further proceedings on 31st August, 2017.

APRIL 27, 2017/Ne

FAO 203/2016

Mr. Chaudhary Avadhesh Kumar
Email: avadheshkumarc@gmail.com

Mr. Ramavtar Singh Jakhar
Email: rasingh.jakhar@gmail.com

Lausanne, 22 August 2017

RE: 2017 Office Bearer Dispute

Dear Sirs,

Reference is made to the previous communications sent by the Parties as well as the recent communications from the Indian Olympic Association and the Indian Ministry of Youth Affairs and Sports.

The FIVB would first like to highlight that the present dispute is an internal dispute within the Volleyball Federation of India ("VFI") subject to Indian law. As such, the FIVB will respect the decisions taken by the Indian courts in the present dispute as well as the determinations and decisions of the Indian Olympic Association and the Indian Ministry of Youth Affairs and Sports.

The Indian Olympic Association, the Indian Ministry of Youth Affairs, Mr. Singh Jakhar and Mr. Kumar all recognise that the following office bearers, based on the order of the Delhi High Court dated 27 April 2017, currently hold office with and represent the Volleyball Federation of India:

- Executive First Vice President- Mr. Rajkumar
- Secretary General- Mr. Ramavtar Singh Jakhar
- Treasurer- Mr. Shekhar Bose
- Vice Presidents:
 - Mr. Kuldeep Vats
 - Mr. Rathin Roy Chaudhury
 - Mr. Irvin Soares
 - Mr. Vijay Pal Singh
 - Mr. A. Ramana Rao
 - Mr. Bhupen Kumar Borah
 - Mr. A.S. Rajhans
 - Mr. Ram Lal Verma
 - Dr. Lalmalsawma Nghaka
- Associate Secretaries
 - Prof. Nalakath Basheer
 - Mr. Kuldip Magotra
- Joint Secretaries
 - Mr. B.L. Malhotra
 - Mr. R.R. Patel
 - Mr. Jagir Singh Randhawa
 - Mr. T. Balasubramanian
 - Mr. Balasabeh Suryawanshi
 - Mr. Mrinmoy Chakraborty
 - Mr. Anil Chaudhary

The FIVB also emphasizes that the position of the President of the VFI is currently vacant as the term of Mr. Kumar has expired by his own admission in July 2017. The FIVB is also aware of the petition before the Delhi High Court seeking recognition of the elections held in 2016 for the office of President. Consequently, the office of President is the only vacant position among the VFI office bearers.

Summarising the circumstances, all of the relevant stakeholders in India recognise the abovementioned office bearers under Indian law. Consequently, the FIVB recognises that the above office bearers are the current office bearers of the VFI under Indian law.

Regarding the provisional suspension, the FIVB notes that only the FIVB Board of Administration can lift the provisional suspension. The FIVB took a decision that it would not lift the provisional suspension until the dispute had been finally settled. As the office of President is still vacant under Indian law, the FIVB Board of Administration requires a final resolution related to the office of the President of the Volleyball Federation of India before it can lift the provisional suspension. Once the office of President is filled in accordance with Indian law either by virtue of a final decision of a court of competent jurisdiction or through an election duly called and properly held, the FIVB will provide the information to the FIVB Board of Administration for its consideration regarding the lifting of the provisional suspension.

Yours sincerely,



Fabio Azevedo
FIVB General Director

CC: **Indian Olympic Association**
Mr. Narayanaswamy Ramachandran
Email: nrami.nr@gmail.com; ioa@olympic.ind.in

Asian Volleyball Confederation
Dr. Saleh Bin Nasser
Email: avc.bk@asianvolleyball.net

F.No.48-16/2009-SP-I(Vol.II)
Government of India
Ministry of Youth Affairs & Sports

Shatri Bhawan, New Delhi
Dated the 20th July, 2017.

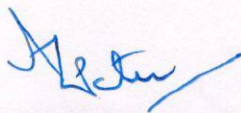
ORDER

Sub: Revocation of suspension of Volleyball Federation of India and grant of annual recognition for the year 2017

Volleyball Federation of India (VFI) was granted recognition by this Ministry as a National Sports Federation for promotion and regulation of Volleyball Sport in the country. However, subsequently, due to the dispute in the management of VFI an Arbitration Petition was filed by Shri Avadesh Kumar Vs. Shri Ram Avatar Singh Jakhar in the Patiala House Court, New Delhi and an appeal was filed by Shri Ram Avatar Jakhar Vs. Shri Avadesh Kumar in the High Court of New Delhi. Hon'ble Delhi High Court in FAO No. 146/2016 vide its order dated 08.04.2016 ordered the fresh elections of VFI be held. Accordingly, the election of VFI was conducted by VFI at Chennai and report of the said election was submitted to the Hon'ble Court

4. Thereafter, Hon'ble Court vide its order dated 27th April, 2017 in FAO 203/2016 and other Civil Miscellaneous Petitions ordered that the result of elections of VFI held on 11.04.2016 be declared and result will become operative for all the post of executive body of VFI except for the post of President.

5. In pursuance to the orders of the Hon'ble Court the election report of VFI was examined which was submitted by VFI. Accordingly, VFI submitted its election report to the Ministry vide letter dated 7th June, 2017. It is noticed that the election of VFI are in accordance with the provisions of the National Sports Development Code of India, 2011.



It has also been noticed that IOA has accepted the elctions of VFI vide its letter dated 24.05.2017.

6. In compliance to the Court's order, it has been decided to accept the elections of VFI as upheld by Delhi High Court, and following office bearers have been taken on records of the Ministry:-

Shri Ramavatar Singh Jakhar - Secretary general
Shri Shekhar Bose - Treasurer

7. The result for the post of President, VFI will be considered after the Hon'ble Delhi High Court decides the matter.

8. Taking into account the aforementioned facts it has also been decided to revoke suspension of VFI and restore its annual recognition for the year 2017.

This has the approval of Hon'ble MOS(I/C) YA&S.


(A.K. Patro)

Under Secretary to the Government of India

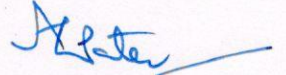
Tele/Fax: 2338 2560

To

1. Shri Ramavtar Singh Jakhar
Secretary General,
Volleyball Federation of India
E—268, Lal Kothi Scheme,
Near Vidhan Sabha, Jaipur
Rajasthan – 302 015

Copy to:-

1. Executive Director (Teams), Sports Authority of India, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi – 110 003.
2. FIVB, General Director, president.office.sec@fivb.org
3. Director, Commercial, Railway Traffic, Ministry of Railways,
4. Secretary, Department of Personnel & Training, North Block, New Delhi.
5. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.


(A.K.Patro)

Under Secretary to the Government of India

भारतीय ओलम्पिक संघ
Indian Olympic Association



IOA/FIVB/25/2017/1793

May 24, 2017

To
The President & Secretary General
International Volleyball Federation (FIVB)
Chateau Les Tourelles
Edouard-Sandoz 2-4
1006 Lausanne
Switzerland

Dear President & Secretary General,

Greetings from Indian Olympic Association


We are writing with regard to the dispute in the Volleyball Federation of India, which was filed in the Court.

Now we are in receipt of the copy of Order dated 27 April, 2017 of Hon'ble High Court of Delhi. The order has asked the Returning Officer to declare the election result of Volleyball Federation of India held on 11 April, 2016. The order further says that the election results declared for the post of President will not come into effect or operate till further orders are passed by this Court. In line of the order of the Delhi High Court, the IOA also confirms the office bears of Volleyball Federation of India elected on 11 April, 2016 as below.

- | | | | |
|----|-------------------|---|--|
| 1. | President | - | As per further Orders of the Delhi High Court. |
| 2. | Secretary General | - | Mr. Ramavtar Singh Jakhar, |
| 3. | Treasurer | - | Mr. Shekhar Bose |

Thanking you,

Yours sincerely,


(Rajeev Mehta)
Secretary General

Copy to:

- International Olympic Committee
- President & Secretary General, Asian Volleyball Federation
- President, Indian Olympic Association

To whomsoever it may concern

A meeting of executive committee and the AGM of the Volleyball federation of India was held at 11 AM the Marina Hall, of our hotel on 05/11/2017. The meeting was conducted by Mr Ramavtar Jakhar the meeting was conducted successfully and concluded at around noon after which lunch was served to the delegates and thereafter the Hall was vacated we have not received any request or information for holding a meeting of the VFI from anybody other than from Mr. Ramavtar Jakhar, Secretary General VFI and no other meeting of the VFI was held in our hotel premises.

Handwritten signature

Ramada Chennai Egmore

2A, Ponnamman Koil Street, Egmore, Chennai-600 008.
Tel +91 44 - 3000 4777, 4610 4777 / Fax +91 44 - 3000 4888, 4610 4700
www.ramadachennaiegmores.com

CIN : U55101MH1984PTC034174 GST : 33AAACA 7320A1ZK
(A Unit of Ansari Estate Pvt. Ltd.)


RAMADA
CHENNAI EGMORE