

# VOLLEYBALL FEDERATION OF INDIA

(Regn. No-110/87)

AFFILIATED TO THE INTERNATIONAL VOLLEYBALL FEDERATION AND INDIAN OLYMPIC ASSOCIATION

No.VFI/Circular/2017-2018/

17<sup>th</sup> May 2017

## CIRCULAR

To

**The Office Bearers,  
The Presidents & General Secretaries of  
Affiliated States / Units of VFI**

### **Sub: Unauthorized Tournament / League – Aadhi Aabadi Volleyball Cup-2017**

We came to know that an unauthorized Tournament/League for Women in the name of “Aadhi Aabadi Volleyball Cup-2017” is being organized by one unknown Aadhi Aabadi Foundation from 27<sup>th</sup> May to 20<sup>th</sup> June 2017 inviting players of different States / Units / Departments.

We wish to draw your kind attention that Volleyball Federation of India and its affiliated States/Units have not approved / permitted / sanctioned the above Tournament/League and the organizers illegally organizing the said Tournament/League.

We attach herewith the Hon’ble Delhi High Court Order and the Learned Arbitrator Order and election result of VFI Office bearers for your ready reference.

We request you to **kindly strictly advise the concerned States / Units / Departments Players of your State not to participate in the illegal Tournament/League being organized by an unknown Aadhi Aabadi Foundation.**

With best wishes,

Yours sincerely,



**RAMAVTAR SINGH JAKHAR**  
Secretary General  
Volleyball Federation of India.

**BEFORE THE ARBITRAL TRIBUNAL**

**Coram : Justice K.Chandru (retd)**

**I A No 1 of 2016**

**In**

**Award No. \_\_\_\_\_ of 2016**

**Room No. 72, Jawaharlal Nehru Stadium,  
Park town, Chennai – 600 003  
Through the Authorized Signatory,  
J.Nadarajan, Joint Secretary.**

**- Applicant**

**Vs**

**Shri Chaudhary Avadhesh Kumar  
Ex-President of Volleyball Federation of India,  
No.7, Laxmi Road, Dalawala,  
Dehradun 248 001,  
Uttarkhand**

**- Respondent**

**Appearance of Parties:**

**Counsel for Applicant:**

**M/s. Adeesh Anto:  
V.Sankaranarayanan      Advocates**

**Counsel for IOA:**

**P.Veena , Advocate.**

**Counsel for Respondent:**

**T.V.Ramanujun, Senior Advocate  
For  
M/s Harishankar Mani &, Rishikesh P.J.  
Advocates**

Prayer in the I A:-

Petition filed under section 17 of the Arbitration and conciliation Act, 1996 for a direction to

- a) set up an interim committee to conduct, monitor and manage the administrative affairs of the volleyball Federation of India along with the Secretary General, and pass further or other orders as this Hon'ble Tribunal may deem fit and proper pending disposal of the instant arbitration proceedings and
- b) To restrain the Respondent Chaudhary Avadesh Kumar or any person claiming to have been elected at any meeting conducted by the aforesaid Chaudhary Avadesh Kumar or any person acting directly or indirectly on their behalf, from conducting the Indian volleyball League meeting on 04.10.2016 and from conducting the Indian volleyball League tournament; or from conducting any other Volleyball tournament, under the banner of the volleyball federation of India or falsely representing that their tournament is recognized by the said federation or from conducting any meetings, public announcements, or events in the name of Volleyball Federation of India; and from signing any contract with any player, or organization or sponsors or any advertisement agency or any event management company or any media company on behalf of the Volleyball Federation of India.

**ORDER**

Heard .

2. The Applicant above named had moved O A No.123 of 2016 before the High court of Madras for granting an injunction restraining the Respondent from holding an Executive committee meeting at Nagpur on 3.3..2016. pending that O A he also took out an application to grant a stay of provisional suspension orders dated 26.2.2016 passed against M/s. J.Nadarajan, Dr.K.Murugan, Mr.Rajkumar, Kuldeep Magotray, Rathin Roy Chaudhary, P.K.Mohanty, Anil Chaudhary, and K.Vasavan.
3. The learned judge of the High court while ordering notice to the Respondent passed the following order:

Any decision taken in the meeting to be conducted on 03.03.2016 or on any other date, either by the Respondent or by the Applicant is subject to the result of these applications.

Apart from this Four States Volleyball Association also filed O A No.480/2016 for the following relief against the Respondent which is as follows:

Restraining the Respondent, his associates, men agents, assigns, representatives, appointees or nominees or any person claiming through or under him, from directly or indirectly, participating in international events/meetings corresponding with any Indian or international volleyball association, federation, confederation or organization engaged in the regulation/promotion of volleyball, or obstructing the participation of teams selected by the first Respondent for international tournaments or in any manner defaming or tarnishing the image of India, Indian team or the First Respondent or interfering in the operations of their newly elected office bearers vide election dated 11.04.2016, pending disposal of the arbitration proceedings.

4. In the meanwhile the Respondent moved the district court at New Delhi with a civil suit in suit no. 203/2016 seeking for declaration, permanent mandatory injunction against the secretary General of the Volleyball Federation of India (VFI) and one Rajkumar. The relief claimed was to nullify the meeting held by the applicants at Chennai on 22.2.2016 and also to restrain them from interfering with his activities. Pending the suit the learned district judge at the Patiala House Court declined to grant any exparte order and permitted the meeting to go on, on 3.3.2016 in the presence of the Respondent and he was allowed to participate in the meeting. But the Respondent did not participate in the meeting held on 3.3.2016 held at Chennai.

5. He once again moved an Application under Section 9 of the ANC Act for grant of the stay of the extraordinary General Body Meeting to be held on 11.3.2016 and also the Minutes recorded in the meeting held on 3.3.2016 before the same district court. The learned district judge by order dated 21.3.2016 passed the following order :

“I am of the considered opinion that petitioner is having a prima facie case in his favour as he is the elected president of VFI and due procedure of law has not been followed as provided in the constitution of the Association.

In these circumstances the petitioner is entitled for interim protection. The operation, resolution and agenda of the alleged meeting dated 11.03.2016 and the alleged Executive Committee Meeting dated 03.03.2016 are stayed. The election process is also stayed till further orders.”

As against the said order the applicant has moved the Delhi High Court under Section 37 of the A & C Act in FAO of 203 of 2016. And the High court has ordered Notice on those proceedings and the matter is pending.

6. It is at this juncture the High Court of Madras by an order dated 23.9.2016 appointed this Arbitrator to enter into the dispute between the Parties and also transfer all the applications pending before it. In Para 6.1 and Para 7.1 and 7.2 the High court observed as follows:

“6.1: Counsel for Parties are agreed that in order to bring the main dispute to a quick resolution, this Court should proceed to appoint an Arbitrator, as it would be in the interest of all parties. Counsels are also agreed that the captioned applications can be placed before the Court appointed Arbitrator, who could then, proceed to dispose of the captioned application by exercising power under Section 17 of the 1996 Act.”

“7.1: The captioned applications will be placed before the learned Arbitrator. The learned Arbitrator, after giving due opportunity to the contesting parties, will rule on the applications.”

“7.2: the learned Arbitrator will treat the captioned applications as applications under Section 17 of the 1996 Act.”

7. In spite of the fact that the High Court directed all the applications pending before it to be taken up as if they are applications filed under Section 17 of the A&C Act, the pleadings are not complete and the Tribunal is unable to take up the same. Likewise in the main award proceedings the Parties are yet to file their pleadings and separate time schedule has been drawn up. It was at this juncture the present interim application was filed by the Applicant on 30.9.2016 and Notice was issued to the Respondent to file their reply dated 2.10.2016.

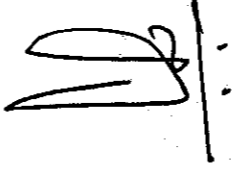
8. In the absence of completing the pleadings in the miscellaneous applications it was indicated by the Tribunal that it will be difficult to deal with the First Prayer in the above

interim application. Therefore arguments were addressed on the Prayer No.(b) alone. After hearing both Parties this Tribunal is of the view that it will be difficult to deal with the relative status of the applicant and the respondent. The Applicant being the Secretary General of the Association cannot be removed by the President as there are no specific power given to him. Similarly the Respondent is armed with the order passed by the Delhi Court in the Section 9 application filed by him and he has to be treated as the President of the Association. Though the present Arbitral proceedings were ordered with the consent of both sides and the applications pending before the madras High Court were transferred to this Arbitrator there are no steps taken to have the proceedings pending before the Delhi district court (both suit and arbitration proceedings) either withdrawn or get transferred to this Arbitrator. Though some arguments were addressed on the propriety and legality of the Delhi District Court order this Arbitrator is not inclined to go into the same as admittedly an appeal is pending against that order before the Delhi High Court.

9. Admittedly the Applicant association is a registered society with Registration No. 110/987 registered under the Tamilnadu Societies Registration Act, 1975. It has got registered byelaws for governing the contact of the members of the Society. A perusal of the byelaws will clearly show that the President of the society (The Respondent hearing) though was given certain emergency and residuary powers but it does not clothe him with the power of removing the Secretary General of the Society. Similarly though the Respondent claims that he has been authorized to enter into an agreement for the purpose of conducting Volleyball Premier league, subsequently, on questioning by the Executive members he initially disowned signing of any agreement and also was a party for forming a Core committee. In that meeting he had signed the Minutes. Therefore he cannot feign any ignorance about those proceedings. Further when his authority to enter into any agreement is withdrawn it is not open to him to sign an Agreement with third parties and make the issue a fait accompli.

10. The Argument of the learned senior counsel that since the factum of entering into an agreement has been established and it is more beneficial to the society as well as to the volleyball players cannot be accepted. Unless it is shown that the Respondent as the president had the authority to enter into an agreement at the time of signing the same the question of giving a seal of approval to such agreement will not arise. Merely because third party interests have accrued that cannot be a ground to validate an illegal agreement. Further, it is for the persons who may be put at loss to move the appropriate machinery to establish their right and the Respondent need not canvas for their rights. On the other hand, if the Respondent is allowed to indulge in further activities pursuant to the alleged agreement signed by him it will unnecessarily create further complications which should be avoided.

11. Under the said circumstances the applicant has established a prima facie case and the balance of convenience is for grant of an interim order. If such an interim order is not granted it may cause an irreparable loss to the society. Under the said circumstances an interim injunction is granted to restrain the Respondent (Chaudhary Avadesh Kumar) or any person claiming to have been elected at any meeting conducted by the aforesaid Chaudhary Avadesh Kumar or any person acting directly or indirectly on their behalf, from conducting the Indian volleyball League meeting on 04.10.2016 and from conducting the Indian volleyball League tournament; or from conducting any other Volleyball tournament, under the banner of the volleyball federation of India or falsely representing that their tournament is recognized by the said federation or from conducting any meetings, public announcements, or events in the name of Volleyball Federation of India; and from signing any contract with any player, or organization or sponsors or any advertisement agency or any event management company or any media company on behalf of the Volleyball Federation of India pending disposal of the Arbitral proceedings.



**Dated on this 3<sup>rd</sup> day of October, 2016**

**Justice K.Chandru**

**Sole Arbitrator**

**Justice K. CHANDRU**  
3, Justice Sundaram Road,  
Mylapore,  
Chennai - 600 004.

**Copy to:**

- 1. Volleyball Federation of India**  
Rep. by its General Secretary  
Mr.Ram Avtar Singh Jakhar.
- 2. Shri Chaudhary Avadesh Kumar**  
Ex-President of Volleyball Federation of India.
- 3. Indian Olympic Association**  
New Delhi.

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\* **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. Jahnavi 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 31<sup>st</sup> August, 2017.

**APRIL 27, 2017/Ne**

**FAO 203/2016**

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**Justice S. Rajeswaran**  
Retd Judge – High Court – Madras  
**RETURNING OFFICER**  
Volley Ball Federation of India

## RESULTS

Name of Post	Name (s) of Elected Candidate(s)
President	Mr.S.VASUDEVAN
Executive Vice President (1 Post)	Mr. RAJKUMAR
Secretary General (1 Post)	Mr. RAMAVTAR SINGH JAKHAR
Treasurer (1 Post)	Mr. SHEKHAR BOSE
Vice Presidents (9 posts)	1. Mr. KULDEEP VATS 2. Mr. RATHIN ROY CHAUDHURY 3. Mr. IRVIN SOARES 4. Mr. VIJAY PAL SINGH 5. Mr. A. RAMANA RAO 6. Mr. BHUPEN KUMAR BORAH 7. Mr. A.S. RAJHANS 8. Mr. RAM LAL VERMA 9. Dr. LALMALSAWMA NGHAKA
Associate Secretaries (2 Posts)	1. Prof. NALAKATH BASHEER 2. Mr. KULDIP MAGOTRA
Joint Secretaries (7 posts)	1. Mr. B.L. MALHOTRA 2. Mr. R.R. PATEL 3. Mr. JAGIR SINGH RANDHAWA 4. Mr. T. BALASUBRAMANIAN 5. Mr. BALASABEH SURYAWANSHI 6. Mr. MRINMOY CHAKRBORTY 7. Mr. ANIL CHAUDHARY

*S. Rajeswaran*