

ITEM NO.40

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.14533/2022

(Arising out of impugned final judgment and order dated 16-08-2022 in WP(C) No.195/2010 passed by the High Court of Delhi at New Delhi)

INDIAN OLYMPIC ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With I.R. and IA No.118333/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.118350/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.119976/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 119945/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.118333/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 119944/2022 - INTERVENTION APPLICATION, IA No.141334/2022 - INTERVENTION/IMPLEADMENT, IA No.119975/2022 - INTERVENTION/IMPLEADMENT, IA No.118350/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.119939/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.138824/2022 - VACATING STAY)

WITH Diary No.27750/2022 (XIV)

(With IA No.132849/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.137590/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.133827/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.132847/2022 - PERMISSION TO FILE SLP)

Diary No.27967/2022 (XIV)

(With IA No.141604/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.141982/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.141603/2022 - PERMISSION TO FILE SLP)

Diary No.30030/2022 (XIV)

(With IA No.141951/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.141984/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON IA No.141950/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES and IA No.141952/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.141949/2022 - PERMISSION TO FILE SLP)

Diary No.30124/2022 (XIV)

(With IA No.141964/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.141983/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.141965/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.141963/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.141961/2022 - PERMISSION TO FILE SLP)

S.L.P.(C) No.16507/2022 (XIV)

(With IA No.133401/2022 - EX-PARTE AD-INTERIM RELIEF, IA No.129680/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.129678/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Debesh Panda, AOR

Mr. Rajesh Inamdar, Adv.  
Mr. Javedur Rahman, AOR  
Mr. Harsh Pandey, Adv.  
Mr. Revanta Solanki, Adv.  
Mr. Mudassir, Adv.

Mr. Hemant Phalpher, Adv.  
Mr. Ruchir Mishra, Adv.  
Mr. Aakarsh Kamra, AOR  
Mr. Ankur Chawla, Adv.  
Mr. Jayant Mohan, Adv.

Ms. Radhika Gupta , AOR

Mr. Parth Goswami, Adv.

Mr. Akshay Kumar, Adv.  
Ms. Mantika Haryani, Adv.  
Mr. Sanjeev Kaushik, Adv.  
Mr. Shreyas Awasthi, Adv.  
Ms. Astha Sharma, AOR

Mr. P.V. Dinesh, Adv.  
Mr. Zulfiker Ali P. S, AOR  
Lakshmi Sree P., Adv.  
Mr. Augustine Peter, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG  
Mr. K.M. Nataraj, ASG  
Mr. Kanu Agarwal, Adv.  
Mr. Mayank Pandey, Adv.  
Mr. Vatsal Joshi, Adv.  
Mr. Amrish Kumar, AOR

Mr. Rahul Mehra, Caveator-in-person  
Mr. Chaitanya Gosain, Adv.  
Mr. Anand Thumbayil, Adv.

Mr. Hemant Phalpher, Adv.  
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Mr. Anuj Tyagi, AOR  
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Ms. Maitry Kakade, Adv.  
Mr. Nishit Agrawal, Adv.

Ms. Sheyl Trehan, Adv.  
Ms. Liz Mathew, AOR  
Mr. Raghav Anand, Adv.  
Ms. Vasudha Jain, Adv.

Mr. Samar Vijay Singh, AOR  
Mr. Aditya Vikram Singh, Adv.  
Mr. Pranay Rathore, Adv.

**Mr. Debesh Panda, AOR**

**Mr. Rajesh Inamdar, Adv.**

**Mr. Pai Amit, AOR**

**Mr. Harsh Pandey, Adv.**

**Mr. Revant Solanki, Adv.**

**Dr. Menaka Guruswamy, Sr. Adv.**

**Mr. Sravan Kumar Karanam, AOR**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 Justice L Nageswara Rao, former Judge of this Court, has submitted a note dated 2 November 2022. The note indicates the comprehensive exercise which has been carried out by the learned former Judge of this Court on an expedited basis. The Court appreciates the alacrity with which the assignment has been taken up in the national interest. The learned Judge has interacted with all stake holders including the International Olympic Committee, Indian Olympic Association (IOA) and the State Associations.
- 2 The amendments proposed to the constitution of the Indian Olympic Association have to be circulated today so that the General Body Meeting can be held on 10 November 2022. The proposal which has been submitted in that regard is accepted. The proposed amendments are permitted to be circulated. Justice L Nageswara Rao is at liberty to chalk out the modalities for the circulation of the proposed amendments.
- 3 There is a broad consensus in terms of the note submitted by Justice L Nageswara Rao that the elections should be held on 10 December 2022. The proposal is accepted. The proposed election schedule is extracted below:

## INDIAN OLYMPIC ASSOCIATION

ELECTION OF EXECUTIVE COMMITTEE OF IOA FOR THE TERM 2022 - 2026

### PROPOSED ELECTION SCHEDULE

SCHEDULE	TENTATIVE DATE	TIME	FINAL DATE
Amendment to be circulated			03.11.2022
RO to be appointed and intimated to General Assembly			03.11.2022
Advertisement seeking applications of Sportspersons of Outstanding Merit			5.11.2022
Adoption of the Amended Constitution of the IOA and Notice of AGM for elections (30 days notice)			10.11.2022
Cut-off date for 'Sportspersons of Outstanding Merit' to apply			14.11.2022
Publication of names of Sportspersons of Outstanding merit selected by Athletes Commission			19.11.2022
Last date for receiving the names for electoral college from the affiliated member units	20/11/2022	Upto 5:00 PM	
Preparation and display/ Circulation of Electoral College list duly signed by Justice L Nageswara Rao and submitted to the Returning Officer in <b>Form-1</b>	21/11/2022	11:00 AM	
Submission of Nomination Papers ( <i>to be submitted in person</i> ) – <b>Form 2</b>	25/11/2022 26/11/2022 27/11/2022	11:00 AM to 5:00 PM	
Preparation and display of the nominations received by RO in his office in <b>Form – 3</b>	29/11/2022	2:00 PM	
Scrutiny of Nomination Papers received by RO	29/11/2022	11:00 AM	
Preparation and display of List of validly nominated candidates after scrutiny in <b>Form – 4</b>	30/11/2022	4:00 PM	
Withdrawal of candidature in <b>Form – 5</b>	01/12/2022 02/12/2022 03/12/2022	11:00 AM to 4:00 PM	
Preparation and display of Final List of Contesting candidates after withdrawal in <b>Form – 6</b>	04/12/2022	12:00 PM	
Formal ratification of the agenda item incorporating the Sportspersons of Outstanding Merit into the General Assembly.	10/12/2022	Agenda Item 1 (prior to elections)	
Polling Day	10/12/2022	11:00 AM to 1:25 PM	
Counting of votes – in <b>Form 14</b>	10/12/2022	1:30 PM to 2:30 PM	

Declaration of Result after counting of votes – in Form 15	10/12/2022	3:00 PM	
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## NOTE:

The timeline has been made as per the schedule provided under the IOA Constitution read with the Model Guidelines for Elections under the Sports Code, 2011.

- Clause 9 : AGM 30 clear days notice; SGM 15 clear days notice;
- Clause 9.1: Notification for the meetings may be sent by letter or by e-mail/Speed Post/Courier as considered expedient and be also posted on the IOA website.
- Clause 10.4 The voting units will forward to the IOA the names of their representative(s) entitled to attend and vote at the Elective General Meeting of the IOA at least 20 days prior to the holding of the General Meeting.
- Clause 11.2 Election Procedure: The procedure for the election of the members of the Executive Council shall be as indicated in Bye-law 1 to the Rules and nominations forms along with notice of the meeting shall be sent to all voting members of the IOA not later than 30 days before the elections.
- Clause 12.7 An Independent Election Commissioner / Returning Officer will be nominated by the Executive Council. The name and a brief background of the proposed Election Commissioner will be submitted to all the voting Members for ratification within 7 days of intimation by more than 50 percent members of the General Council in its meeting or through an electronic ratification process.
- Clause 19 Amendment of rules and regulations: All proposed amendments must be presented to the Secretary General at the latest a week before the meeting, and forwarded by him to every Member.

- 4 No other court shall entertain any petition relating to the amendment of the constitution of the IOA or to the election to the Executive Committee of the IOA. All objections shall be submitted by any person or party before this Court alone.
- 5 The learned Solicitor General has stated that Justice L Nageswara Rao has indicated that he would perform the task which has been assigned by this Court *pro bono*. The Solicitor General fairly states that having regard to the magnitude of the task and the efforts which have been put in, it would be appropriate if an honorarium is paid to the learned Judge. Counsel appearing on behalf of the IOA has joined the Solicitor General and submitted that IOA

would bear the honorarium. Subject to Justice L Nageswara Rao accepting the request, an amount of Rs 20 lakhs may be paid to Justice L Nageswara Rao towards the honorarium.

- 6 The Court has also been apprised of the fact that having regard to the complexity and the nature of the task, a team of lawyers has assisted Justice L Nageswara Rao. The remuneration which is payable to the assisting counsel shall be fixed by the learned Judge and intimated to IOA. IOA has agreed to defray the remuneration as so fixed.
- 7 List the Petitions on 7 December 2022.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**