

**BEFORE MR. JUSTICE B.C. KANDPAL (RETD.)**  
SOLE ARBITRATOR,  
ARBITRATION COMMISSION OF THE INDIAN OLYMPIC  
ASSOCIATION

**ARBITRATION CASE NO. \_\_\_\_\_ OF 2021**  
**IN THE MATTER OF DISPUTE IN RAJASTHAN STATE**  
**OLYMPIC ASSOCIATION**

Manmohan Jaiswal, Vice President,  
Rajasthan State Olympic Association  
and others ...  
Claimant

Versus

Rajasthan State Olympic Association  
(through Acting Secretary), and Others ...  
Respondents

**Order dated 30<sup>th</sup> October 2021**

**Present:**

Mr. Anuj Tyagi, Advocate for the Claimants along with the  
Claimants, through VC

Mr. Jayant Kumar, Advocate for the Respondent no. 1

None for Respondents no. 2-5

Mr. Hemant Phalpher, Advocate for the Respondent no. 6

**HEARD THROUGH VIDEO CONFERENCING:**

The Chairman of the Arbitration Commission had vide order dated 28.10.2021, appointed the undersigned as the Sole Arbitrator/Arbitration Tribunal in the present matter in accordance with Rule 5 of the Arbitration Rules of the INDIAN OLYMPIC ASSOCIATION Rules (hereinafter referred as "Rules").

On issuance of notice to all parties on 29.10.2021, the matter was fixed for hearing today.

The instant Arbitration Petition has been filed by the Respondents No. 1, 2, 5 and 6 who are the elected members



of the Executive Council of the Rajasthan State Olympic Association ("hereinafter referred as "RSOA") duly elected on 10.07.2020. The Respondents no. 3 and 4, on the other hand were elected in the recently held elections, the results for which was declared on 15.10.2021 and which are stated to have been subsequently approved and ratified in the SGM dated 17.10.2021.

The Respondents No. 1 is the Rajasthan State Olympic Association, represented through the Acting Secretary General Mr. Daud Khan.

The Respondent No. 2 is the former Secretary General of the Rajasthan State Olympic Association, who was suspended from his post and divested from his powers by the Executive Committee in its meeting dated 23.09.2021 and subsequently removed on the recommendation of the Enquiry Committee constituted by the Executive Committee of the Rajasthan State Olympic Association, by the General Council of the Association in its meeting dated 17.10.2021.

The Respondent no. 3, Mr. Rajendra K. Shekhar is the Treasurer of the RSOA/ Respondent No. 1 elected in the year 2020.

The Respondent no. 4 is the Vice President of the RSOA/ Respondent No. 1, duly elected on 10.07.2020, and the Respondent no. 4 was appointed by the Respondent no. 2 to the post of the President, Rajasthan State Olympic Association, by way of the impugned letter dated 01.07.2021 and later on Respondent no. 4 was declared and appointed to the said post of President, RSOA by way of letter dated 11.07.2021.

The Respondent no. 5 is the election officer entrusted with the responsibility of conducting 'Re-Election' of 4 vacant posts in the Executive Committee of the Rajasthan State Olympic Association, the elections to which have been held and result was declared on 15.10.2021, by the election officer Mr. Anwar Alam, appointed by the Executive Committee in its meeting dated 23.09.2021. The results of these elections were ratified/approved by the General Council in the SGM dated 17.10.2021.

The Respondent No. 6 is the Indian Olympic Association represented through its Secretary General.

Perused the record and heard the learned counsels for the Claimants and the Respondent no. 1 through the Virtual Hearing on account of impact of Covid-19. Despite notice and circulation of the virtual hearing link by way of two different email communications, none appeared for the other Respondents.

The results of the last Election of the RSOA, held on 10.07.2020 and the same is placed by the claimants in the



present Arbitration Petition as Annexure-4. The names of the persons elected to the 27 posts in the Executive Committee of RSOA. It has been submitted by the Counsel for the Claimant, that on account of the demise of the President and 2 other elected members in the meanwhile, the strength of the Executive Council of the RSOA was reduced to 24 members only as on 01.07.2021. The Counsel for the Claimant has specifically pointed out to Annexure-4, being the election results of election of RSOA held on 10.07.2020, to contend that no Sr. Vice president was elected in the election results dated 10.07.2020. It is further contended that no person could have been elected to the said post in view of the Constitution of the RSOA which only contains the following posts, specified in Rule VIII(a) of the Constitution of the RSOA:

1. President
2. Chairman
3. Nine Vice-Presidents
4. Secretary General
5. Secretary
6. Treasurer
7. Seven Joint Secretaries
8. Seven Executive Council members

The counsel for the claimant further argued that appointment of Respondent no. 2 in appointing the alleged Senior Vice President of the RSOA as its President is against the Constitution of RSOA as well as the law.

It is further argued that in accordance with Rule VIII(c) of the Constitution of RSOA, "*any vacancy in the Executive Committee of the RSOA is to filled up by co-option amongst remaining office bearers, members of Executive Committee and the General Council of the RSOA*". Since the letter dated 01.07.2021, was evidently issued by the Respondent no. 2 only to the members of the Executive Committee of the RSOA, such procedure cannot be deemed to be in compliance of Rule VIII(c) of the Constitution of RSOA.

It is submitted by the Counsel for the Claimant that 12 Executive Committee Members including the Claimants, and 8 General Council members of the RSOA had expressed their dissent to the proposal made by the Respondent no. 2 in his letter dated 01.07.2021, to the Respondent No. 2 by way of letter dated 05.07.2021 (Annexure 6 to the Arbitration Petition). It is further submitted that a number of grounds were cited by the said 20 persons in the letter dated 05.07.2021, to indicate that the letter dated 01.07.2021 was not valid and against the Constitution of the RSOA. It is submitted that despite having received the letter dated



05.07.2021, from 20 such individuals, stating that there is no such post of Sr. Vice President as per Rule VIII(a) r/w Rule VIII(c) of the Constitution of the RSOA. It is further submitted that instead, rather than taking into account the objections dated 05.07.2021, the Respondent No. 2 issued another letter dated 11.07.2021(Annexure-7 to the Arbitration Petition) being against Rule VIII(a) r/w Rule VIII(c) of the Constitution of the RSOA, that the proposal has been passed by 16 members of the Executive Council. The counsel for the Claimant also submitted that it is inconceivable that out of 24 members if 12 have already objected to the proposal of the Respondent No. 2, besides the same being illegal, as to how could 16 Executive Committee Members in an Executive Committee which comprised of 24 members at the relevant point in time, have consented to the approval of such resolution. Further the Respondent No. 2 deliberately had not annexed any proof of the consent of 16 members of Executive Council who alleged to have passed such proposal of the Respondent No. 2.

Counsel for the Claimant further submitted that, based on the unilateral and invalid appointment of the Respondent no. 4 as the Acting President of the RSOA, in violation of the provisions of the Rule VIII(a) r/w Rule VIII(c) of the Constitution of the RSOA, the Respondent No. 2 on the instructions of the Respondent 4 convened an Executive Council meeting on 3.10.2021, without issuing any notice thereof in accordance with the RSOA Constitution to the members of the Executive Committee including the Claimants.

It is further submitted that a number of decisions were taken in the meeting dated 03.10.2021, which are invalid and inconsequential since the meeting was convened in violation of the Constitution of the RSOA and since the meeting was convened on instructions of the Respondent no. 4 who was declared to be the acting President in violation of the Constitution of the RSOA. It is submitted that the decisions taken in the meeting of the Executive Committee dated 03.10.2021, including the decision to call for an AGM on 31.10.2021. It is further submitted that the re-elections to the 4 vacant posts which have been filled up by way of declaration of results on 15.10.2021, and its subsequent ratification by the SGM on 17.10.2021, are also proposed to be held in the AGM proposed to be held on 31.10.2021.

RSOA being a State Olympic Association, is a member of the Indian Olympic Association, in pursuance of Rule 3.5 of the Rules and Regulations of the RSOA, and is amenable to the jurisdiction of the Arbitration Commission of the Indian Olympic Association ("IOA") in pursuance inter-alia, of Rules 22, 28.1 and 28.8 of the Rules and



Regulations of the RSOA, read with Rules 3 and XV(A)(viii) of the RSOA Constitution.

It is therefore, not in dispute that the Respondent No. 1 is a member of the IOA as a State Olympic Association and hence would be amenable to the Jurisdiction of Arbitration Commission of the IOA as per the Rules and Regulations of the IOA.

In my opinion, the Claimants have made out a *prima facie* case at this stage. The appointment of Respondent number 4, as the Acting President of RSOA, appears to be in violation of the provisions of the RSOA Constitution. Further, the contents of letters dated 01.07.2021 and 11.07.2021, issued by the Respondent no. 2 is also against the Constitution of RSOA. Since the appointment of the Respondent no. 4 as the Acting President of the RSOA itself seems to be against the Rule VIII(a) r/w Rule VIII(c) of the Constitution of the RSOA, and further any action undertaken by the Respondent no. 4, in the capacity of Acting President, RSOA, also comes under a shadow of doubt being against the law. On the other hand, the elections to the 4 vacant posts which alleged to have been culminated in the declaration of results on 15.10.2021 and which have been ratified by the majority of the members of the General Council in the SGM dated 17.10.2021, in the presence of the observer nominated by the IOA *prima facie seems in accordance with law.*

The balance of convenience also lies in favour of the Claimants and irreparable loss would be caused and if the actions of the Respondent No. 2 and 4 are not restrained at this stage and they are allowed to conduct re-elections to the 4 posts for which elections *prima-facie* seem to have been concluded and ratified by the majority of the members of the General Council in the SGM dated 17.10.2021.

However the Respondents are directed to file their replies within 14 days to the Statement of Claim, in terms of rule 2.5 of the Arbitration Rules of the IOA.

List the matter on 01.12.2021, for further proceedings

In the meanwhile as interim relief, the effect and operation of the notice dated 07.10.2021, issued by Mr. Arun Kumar Saraswat/R-2, thereby convening an AGM of RSOA on the 31.10.2021 is stayed and the Respondents are restrained from holding an AGM on 31.10.2021 pursuant to the notice dated 07.10.2021 and all decisions taken in the Executive Council Meeting of the RSOA, held on 03.10.2021, which was convened by Mr. Saraswat/Respondent No. 2 on the instructions of Mr. Ajeet Singh Rathore/ Respondent No. 4 in the capacity of the Acting President, RSOA, are also hereby stayed until further orders of the this Tribunal.



Further, the electoral process initiated by the Respondent no. 5, vide election schedule dated 08.10.2021, is also hereby stayed until further orders to this Tribunal.

The IOA office is directed to communicate this order to all parties by all modes and also upload the same on the website of the IOA.

30.10.2021

  
30/10/21  
**Justice B.C. Kandpal, (Retd.)**

Sole Arbitrator  
Arbitration Commission  
Indian Olympic Association