

ITEM NO.26

COURT NO.4

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. 4801/2019

(Arising out of impugned final judgment and order dated 08-02-2019 in CMM No. 229/2019 passed by the High Court of Delhi at New Delhi)

GOVIND ROHATGI

Petitioner(s)

VERSUS

NATIONAL SPORTS CLUB OF INDIA & ORS.

Respondent(s)

(With IA No. 96282/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 143610/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 95056/2019 - CLARIFICATION/DIRECTION, IA No. 147332/2019 - CLARIFICATION/DIRECTION, IA No. 27585/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 182784/2019 - INTERVENTION APPLICATION)

WITH

CONMT.PET.(C) No. 1188/2019 in SLP(C) No. 4801/2019 (XIV)
(FOR ADMISSION)

Date : 18-12-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Piyush Beriwal, Adv.
Mr. Jha Amlendu Kumar A. K., Adv.
Mr. Sukrit Gupta, Adv.
Ms. Annanya Giri, Adv.
Mr. Deepak Anand, AOR

Mr. Aman Vachher, Adv.
Mr. Dhiraj, Adv.
Mr. Ashutosh Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Ms. Anshu Vachher, Adv.
Ms. Rajshree Dubey, Adv.
Ms. Madhurima Mridul, Adv.
Mr. P. N. Puri, AOR

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. Hasan Murtaza, AOR

Mr. Saurabh S. Sinha, Adv.

Mr. Prashant Kumar, AOR

Mr. Satish Vig, AOR

Mr. Purushaindra Kaurav, Sr. Adv.

Mr. Rajesh Singh Chauhan, AOR

Ms. Pravesh Thakur, Adv.

Mr. Anuradha M., Adv.

Ms. Jasleen Kaur, Adv.

Mr. Himanshu Mehra, Adv.

Mr. Deepak Anand, AOR

Mr. C. M. Patel, Adv.

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

Heard learned counsel for all the parties at some length.

It is important to recapitulate that by our order dated 15.02.2019, this Court had issued notice and had stayed the impugned High Court order. The stay of the impugned High Court order would mean that the Additional District Judge's order dated 05.02.2019 would have to be carried out. The learned Additional District Judge had made it clear that one seat would be kept vacant for Shri Govind Rohatgi in case he succeeds finally and that elections of the Central Council were to proceed. The new Council was then to decide by a majority vote as to whether Shri Rohatgi's expulsion was valid or otherwise. It was also decided that if by a majority vote, the expulsion was set aside, then the sixth seat that has been kept vacant, can then continue with Shri Rohatgi and the newly elected member

of that sixth seat, would then be accommodated by pushing out the oldest erstwhile member.

Several orders were passed thereafter by this Court, after which certain important meetings have taken place. On 17.08.2019, the Council meeting took place during which 59 out of 60 members, including the 12 newly elected members, that is, six members from Mumbai and six members from Delhi were present. 31 members of the Council then voted to fill the vacancies in the Executive Committee. Thereafter, by a meeting held on 10.09.2019, Shri Govind Rohatgi was reinstated by the Executive Committee. We may hasten to add that by the earlier meeting dated 17.08.2019, a new President, Vice President, Secretary General and Treasurer were also appointed.

While these proceedings were going on, a parallel proceeding was started in the Bombay High Court, which by "consent" (consent order of 17.10.2019) then stated that the Central Council resolution dated 17.08.2019 stands recalled and that subsequent meetings held by the Executive Committee are null and void.

Shri Rafique Dada, learned Senior Advocate was then appointed to assist the Court and finally, pursuant to this particular consent order, at the Executive Committee's meeting dated 13.11.2019, the petitioner was put in the place of one Neelkanth, who was then removed.

The Interlocutory Application for directions being I.A. No. 143610/2019 is allowed.

The present newly elected Council is to manage the affairs of the National Sports Club of India till further orders of this Court. The erstwhile members are not to disrupt or in any manner obstruct the functioning of this newly set up Council.

Further, since the 17.08.2019 and 10.09.2019 minutes of the meetings are *prima facie* in pursuance of the Additional District Judge's order dated 05.02.2019, which is pursuant to our order of notice and stay dated 15.02.2019, the resolutions passed at those meetings will stand.

Further, proceedings in the Bombay High Court are stayed. All resolutions at meetings held in pursuance thereto are also stayed.

The contempt petition is accordingly disposed of and all other interlocutory applications are disposed of in light of what we have stated in this order today.

The present order will continue until the matter is finally disposed of.

List the special leave petition on 11th February, 2020.

(NIDHI AHUJA)
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER