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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 120/2019

BOXING FEDERATION OF INDIA

..... Plaintiff

Through: Mr. Hrishikesh Baruah, Mr. Parth
Goswami, Mr. Hemant Phalpher &
Ms. Radhika Gupta, Advocates (M-
9899753875)

versus

**INDIAN AMATEUR BOXING FEDERATION
& ORS.**

..... Defendants

Through: Mr. Abhigya & Ms. Sunita Yadav,
Advocates (M-9711026330)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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07.03.2019

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1. Ms. Sunita Yadav, Advocate, has entered appearance for the Defendants and accepts summons.
2. The Defendants shall file the written statement to the plaint positively within 30 days from today. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.
3. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any

documents, the same shall be sought and given within the timelines.

4. List before the Joint Registrar for marking of exhibits on 11th April, 2019. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

5. List before Court on 10th May, 2019.

I.A. 3307/2019 (u/O XXXIX Rules 1 and 2)

6. The present suit has been preferred by the Plaintiff – Boxing Federation of India (*hereinafter 'BFI'*) against the Defendant – Indian Amateur Boxing Federation (*hereinafter 'IABF'*) and its two office bearers. The case of the Plaintiff is that it is the National Sports Federation recognized by the Government of India and has been established for the management, control and promotion of the sport of boxing in India. Defendant No.1 – IABF was earlier recognized as the National Sports Federation for boxing, however, on 7th December, 2012, the Ministry of Youth Affairs and Sports, suspended IABF's recognition on the ground that the elections in the said body were not conducted in a proper manner. A writ petition came to be filed by IABF challenging the said decision. In the meantime, the Plaintiff federation was formed. The Ministry of Youth Affairs and Sports then granted recognition to the Plaintiff – BFI as the National Sports Federation for the Sport of Boxing on 28th October, 2016 and the Indian Olympic Association (*hereinafter 'IOA'*) also recognized the BFI on 30th March, 2017. On 25th October, 2017, the international body, namely, The International Boxing Association (*hereinafter 'AIBA'*) has also recognized the Plaintiff as the apex body for boxing in India.

7. The recognition of IABF was cancelled/withdrawn on 14th December, 2017. However, IABF continues to represent itself as a recognized body.

IABF filed a writ petition challenging its de-recognition which was withdrawn on 8th December, 2017. IABF, thereafter, also filed a suit seeking mandatory injunction and other prayers in the following terms:

"A. Allow the instant Suit and grant mandatory injunction towards the unauthorized activities of the Defendant No.1 and its members restraining them from functioning and allowing only Plaintiff to function as a National Federation for the sports of Boxing in India; AND

B. To direct the Defendants to show cause as to why there was a need to form the Defendant no. 1 Federation when the Plaintiff federation was functioning properly; AND/OR

C. Pass any other and/or further order(s) as this Hon'ble Court may deem fit and proper."

8. The Plaintiff's grievance is that Defendant No.1 – IABF should not be allowed to represent itself as a recognized National Sports Federation or use the words 'INDIA' or 'INDIAN' in its name as it can mislead the sporting community in general and boxers in particular. The submission of the Ld. counsel – Mr. Hrishikesh Baruah is that Defendant No.3 who is now controlling IABF had also contested elections for the Plaintiff – BFI and was unsuccessful. Despite this, the IABF continues to hold activities including two events in the month of March, 2019 in Jabalpur, Madhya Pradesh. This led the Plaintiff to file the present suit and seek reliefs to the effect that IABF ought not to be permitted to create any confusion, or misuse or misrepresent to the general public and to sport persons, that it is, in any manner, recognized by the international and national sport bodies.

9. Yesterday, when the suit was listed before the Court, short notice was issued for today to enable IABF to be heard. Ld. counsel appearing for

Defendant No.1 – IABF submits that there is a writ petition being W.P. No. 2210/2017 titled as *Telangana Boxing Association v. Indian Olympic Association & Ors*, which challenges the recognition granted to BFI. The IABF has preferred an application for intervention/impleadment in the said case. However, the same has not yet been listed before this Court.

10. A perusal of the pleadings and the documents show that, as on date it is *prima facie*, the BFI which is the recognized body for the sport of Boxing. Defendant No.1 is conducting various events including the Sub-Junior Inter Zonal Men National Boxing Championship and Sub-Junior Inter Zonal Women National Boxing Championship in the month of March, 2019 in Jabalpur, Madhya Pradesh. A perusal of the notice dated 1st February, 2019 written to various Boxing Associations in the country shows that the IABF is misrepresenting itself as having been recognized by the IOA. The admitted position is that the IOA has derecognized IABF. Further, the Government of India, has also vide letter dated 20th September, 2017, called upon IABF not to use the word 'INDIA' or 'INDIAN', as only the recognized National Sports Federation can use the same. The copy of the said letter is extracted herein below:

*"F.No.19-4/2017-SP-III
Government of India
Ministry of Youth Affairs & Sports
(Department of Sports)*

To,
*Shri Rakesh Thakram
Secretary General, IABF
Room No.2, II Floor NDMC Building,
Palika Place, Punchkuian Road
Near R.K. Ashram, Metro Station
New Delhi-110001*

Subject;- Using the word "Indian in its title by the Indian Amateur Boxing Federation (IABF)
Sir,

I am directed to refer to your letters No. IABF/2017/18/CAMP dated 1/9/2017, 3/9/2017 and 8/9/2017 whereby Indian Amateur Boxing Federation (IABF) has forwarded the invitation to all Indian Amateur Boxing Federation Members to participate in the 29th Sub-Junior men Boxing Championship to be held from 27th to 30th September, 2017 at L.B. Stadium, Hyderabad, 8th Sub-Junior Women Boxing Championship to be held from 8th to 11th October, 2017 at Multy Gymnasium MB Sports Ground, Udaipur and 60th Senior Men National Boxing Championship to be held from 6th to 11th November, 2017 at Malleshwaram Urdu school, Bangalore,

2. It is informed that IABF was derecognized vie this Ministry's letter No. F. 19-10/2012-SP.III dated 28/02/2014 as National Sports Federation. Subsequently, Boxing Federation of India (BFI) was given recognition vide Ministry's letter No. 9-27/2016- SP-I dated 28/10/2016 as National Sports Federation for promotion of boxing sport in the country as BFI was recognized by the International Boxing Association (AIBA), International body for Boxing. Therefore, BFI was also given recognition by the Indian Olympic Association (IOA).

3. As of now, IABF is not having the recognition of the international body i.e. AIBA. Consequently it IABF cannot send any of the Indian athletes for the AIBA sanctioned events. Hence holding of national championship by IABF would give an impression to the athletes that they can participate in the AIBA sanctioned events whereas they cannot.

4. Further, as per this Department's letter No. F-29-13/2011-SP-III dated 05.07.2011 only a recognized National Sports Federation (NSF) is entitled to use the expression "of India"; or "Indian" in its title or in any athletic completion controlled by it and can organize or conduct any officially recognized event, including annual national championship for the sport (copy enclosed for ready reference).

5. IABF is, therefore, directed not to use "Indian" in its title with the name of the Society.

Yours faithfully

Sd/-

(A.K. Patro)

Under Secretary to the Government of India

11. On an overall appreciation of the facts and circumstances, it is necessary to ensure that sports persons are not mislead into participating in the events of Defendant No.1, under the mistaken impression that it is recognized by the IOA/Ministry of Youth Affairs and Sports/AIBA. The manner in which Defendant No.1 is representing itself to be a Boxing Federation recognized by the IOA leads the Court to the conclusion that there is an urgent need to protect, not just the rights of the Plaintiff, but also genuine sports lovers and sport persons, who may fall prey to the Defendant No. 1's misrepresentations.

12. Accordingly, till the next date of hearing, Defendant No.1 and its office bearers are restrained from using the word 'INDIA' or 'INDIAN' as part of the name of their federation. Defendant No.1 is further restrained from representing in any manner whatsoever that it is a recognized National Sport Federation either by IOA, Ministry of Youth Affairs and Sports or by the AIBA. The participants in the boxing tournaments, which are being

conducted by Defendant no.1 in Jabalpur, shall be clearly informed by the Defendant No.1 that it not the recognized National Sports Federation for the Sport of Boxing in India and Defendant no.1 shall also communicate the present order to all the participants and Boxing Associations across the country. Compliance shall be reported within one month.

13. Let reply to the application be filed within 4 weeks. Rejoinder be filed two weeks, thereafter.

14. List before Court on 10th May, 2019.

I.A. 3397/2019 (for appointment of Local Commissioners)

15. Ld. counsel for the Plaintiff prays for appointment of a Local Commissioner to visit, inspect and investigate the offices of Defendant No.1 and collect samples of stationery, letters heads, leaflets and other documents/material, as also to inspect and collect books of accounts in order to ascertain the funds being collected by Defendant No.1 from other bodies and sport persons. Appointment of a Local Commissioner is also prayed for to visit Jabalpur, Madhya Pradesh during the conduct of the Sub-Junior Inter Zonal Men's/Women's Championships by Defendant No.1 to collect various materials published by Defendants i.e., letterheads, leaflets, banners, and other material and take necessary photographs and to produce any material from the said tournament.

16. Accordingly, **Mr. Rajat Jain, Advocate (M: 9899752120)**, who is present in Court, is appointed as the Local Commissioner to visit the premises of Defendant No.1 at Delhi at Room No.2, IInd Floor, NDMC Building, Palika Place, Panchkuian Road, New Delhi - 110001 to;

- a) Collect copies of various materials published by the Defendants i.e., letterheads, leaflets, banners and other material, which bear its name;

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b) to inspect the books of accounts and statements of bank accounts and other account related material to ascertain the money collected by Defendant No.1 for conduct of any tournaments and also other funds collected;

17. The Local Commissioner is permitted to take photographs and make copies of the documents, if needed. If inspection of any electronic records is demanded by the Local Commissioner, the Defendants are directed to provide them access to and copies of the same. The Local Commissioner is directed to make an inventory of the documents/leaflets/banners/account books, etc., of Defendant No.1, seize them, and release them on *superdari* to the Defendants, after retaining samples and obtaining undertakings of the Defendants. Defendant No.3 is present in person and submits that he will cooperate in the execution of the commission tomorrow i.e. 8th March, 2019 at 2:30 PM.

18. The Local Commissioner is permitted to seek police assistance for the execution of the Commission. Accordingly, the SHO of the area concerned is directed to render all assistance to the Local Commissioner, if a request is made in this regard by the Local Commissioner. One representative of the Plaintiff is allowed to accompany the Local Commissioner. The Defendants and its representatives shall extend all cooperation to Local Commissioner.

19. The fee of the Local Commissioner is fixed at Rs.75,000/- for execution of the commission in Delhi, to be borne by the Plaintiff.

20. **Mr. Tarveen Singh Nanda, Advocate (M: 9555551536 and 99996468869)** is also appointed as the Local Commissioner to visit the site of the Defendants at the Sports Complex, Jabalpur, Madhya Pradesh to:

a) Collect copies of various materials published by the Defendants i.e.,

- letterheads, leaflets, banners and other material, which bear its name;
- b) to inspect the books of accounts and statements of bank accounts and other account related material to ascertain the money collected by Defendant No.1 for conduct of any tournaments and also other funds collected;
- c) To observe the conduct of the Sub-Junior Inter Zonal Men/Women Championships to be held in Jabalpur, Madhya Pradesh conducted by Defendant No.1, and to take photographs/videos of the same.

21. The Local Commissioner is permitted to take photographs and make copies of the documents, if needed. If inspection of any electronic records is demanded by the Local Commissioner, the Defendants are directed to provide him access to and copies of the same. The Local Commissioner is directed to make an inventory of the documents/leaflets/banners/account books, etc., of Defendant No.1, seize them, and release them on *superdari* to the Defendants, after retaining samples and obtaining undertakings of the Defendants.

22. The date of execution of the Commission in Jabalpur shall be decided by the parties amongst themselves, by mutual consent and at a time which is convenient to the Local Commissioner. However, the same must be during the period when Defendant No.1 is conducting the Sub-Junior Inter Zonal Men/Women's Championships at Jabalpur in March, 2019. The Officer-in-Charge of the concerned local Police Station in Jabalpur is directed to extend cooperation, if a request in this regard is made by the Local Commissioner.

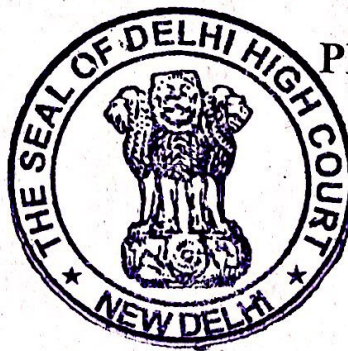
23. One representative of the Plaintiff is also permitted to accompany the Local Commissioner to execute the Commission. The Defendants and their

representatives are directed to extend all cooperation to the Local Commissioner.

24. The fee of the Local Commissioner is fixed at Rs.1,00,000/- for visiting Jabalpur, Madhya Pradesh, to be borne by the Plaintiff at this stage. In addition, the Plaintiff is directed to bear the travel expenses and any overhead expenses, incurred in this behalf, by the Local Commissioner. Provisions for boarding and lodging of the Local Commissioner shall also be made by the Plaintiff, in the event of the Commission spilling over into the next day. In the event that the execution of Commission takes more than one day, the Local Commissioner is permitted to move an application to the Court for enhancement of fees.

25. Local Commissioners are directed to file their reports within two weeks after execution of the Commission. Order *dasti*.

MARCH 07, 2019
Rahul



f Sd-/-
PRATHIBA M. SINGH, J.

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