

FROM THE DESK OF

JUSTICE R.K. GAUBA

SENIOR ADVOCATE

FORMERLY:

JUDGE, HIGH COURT OF DELHI

JUDICIAL MEMBER, APPELLATE TRIBUNAL FOR ELECTRICITY

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BOXING FEDERATION OF INDIA (BFI) – ELECTIONS FOR THE TENURE 2025-29

1. *Boxing Federation of India* ("BFI") is a *National Sports Federation* ("NSF"), registered as a Society. Its affairs are governed by its *Memorandum of Association and Rules & Regulations* (for short, "MoA" and "R&Rs" respectively). Part-A of the R&Rs of BFI concerned the Interim and Temporary Management, Part-B containing detailed provisions on management of affairs post the period covered by the former.
2. Generally speaking, per Section II of Part-B of the R&Rs, *State Boxing Associations* or *Union Territories Boxing Associations* which have "a *Governing Body controlling Boxing*" and certain specified Vocational organizations "of all India nature" are eligible to have the *Membership* of BFI, the qualifying words of the definition of "member" being "who are affiliated to the *Boxing federation of India*" in accordance with the R&Rs of BFI, the procedure for affiliation also having been prescribed. The overall governance of BFI is in the hands of *General Council* (for short, "GC") which consists of a President, a Secretary General, a Treasurer, eight Zonal Vice Presidents and eight Zonal Joint Secretaries; the first three (i.e. the President, the Secretary General, and the Treasurer) having been described as the *Office Bearers*. There are restrictions on the extent of tenure for the said Office Bearers. There is a provision for *Executive Council* (for short, "EC") which includes the above-mentioned members of the GC, besides others.
3. In terms of Para F of Section II in Part-B of R&Rs, the rights and privileges of the Members include the right "to participate and vote at the *General Council Meeting*", "to seek election to the *Executive Council* ...", "to nominate representatives to attend the *General Council Meeting*", "to nominate candidates for positions on the *Executive Council* ...", etc.
4. The subject of *Elections*, is governed by provisions contained in Para S of Section II in Part-B of R&Rs of BFI, prescribing that the same shall be held "at the *Annual General Meeting (AGM)*" of the GC, "to elect the *Office Bearers, Vice Presidents and Joint Secretaries*", "in accordance with the procedure prescribed" in that part of the R&Rs, "from amongst the *Representatives of the members*", the word "*Representative*" having been defined as "a person nominated by each member to represent it at the *General Council*". The Elections are mandated to be held through an *Electoral College* (sub-para iii) wherein each "*Member Association shall be represented by two members representatives authorised by the President or Secretary General/Secretary of the Association*", each Member Association, thus, to "have two votes at the elections". The nominations of the representatives to constitute the Electoral College are required to be sent by each Association "on their letterhead duly signed by its *President/Secretary General/Secretary of that Association*", addressed to the President/Secretary General in the manner and by the date ("decided date") specified.
5. The President/Secretary General of BFI are tasked with the responsibility "to prepare the list of authorized representatives of the Associations" and circulate copies to all Associations by publishing on the website of BFI. It is part of the scheme for Elections,

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as envisaged in the R&Rs, that the President, by issuing a Notice, convenes the *Annual General Meeting* ("AGM") wherein the Elections are to be held. He is empowered to "nominate a person as Returning Officer for conduct of the Election", "as soon as may be/before/after the issue of the Notice" for such AGM. The role of the *Returning Officer* ("the RO") begins after such appointment by which date the *Electoral College List* is expected to be ready, this also being clear from sub-clause (f) in sub-para (iii) under Para S of Section II in Part-B of R&Rs of BFI enjoining that the President/Secretary General "shall also furnish a duly authenticated copy of the (*Electoral College List*) to the returning officer as soon as may be after his appointment by the President".

6. The Department of Sports of the Ministry of Youth Affairs and Sports (MYAS) in the Government of India, with the objective of adoption of good governance practices by NSFs, including the Indian Olympic Association (IOA), had promulgated, on 31.01.2011, a comprehensive code called *National Sports Development Code of India (NSCI), 2011* (for short, "National Sports Code") introducing measures for periodical recognition of NSFs including the mandatory requirement of holding of fair and transparent Elections in NSFs. The said National Sports Code contains, *inter alia*, *Model Election Guidelines to be followed by all NSFs* (for short, "*Model Election Guidelines*"). It is admitted case of all concerned with the subject elections that the said National Sports Code and the Model Election Guidelines are binding on BFI and all its members/affiliates, just as they would do to all NSFs.
7. The AGM (the 10th) with the agenda inclusive of the subject of Election of "*Office bearers and other Member of Executive Council*" of BFI for the tenure of 2025-29 was convened under the directions of the incumbent President of BFI (Mr. Ajay Singh) to be held on 28.03.2025 from 10.30 AM, by a formal notice issued on 04.03.2025 by the incumbent Secretary general of BFI. Pursuant to the invitation extended by the footnote to the said Notice, nominations have been received in the office of BFI, the said process having concluded at 6 PM on 10.03.2025, as was specified to be the deadline.
8. The undersigned was appointed as the RO by the President of BFI through a communication dated 07.03.2025. As stated earlier, the elections are to be held in the AGM convened to be held on 28.03.2025. Based on the nominations received by due date, pursuant to the notice issued on 04.03.2025, an *Electoral College List* has been prepared by the President which has been made over to the undersigned on 12.03.2025. It may be added that the incumbent Secretary General (Mr. Hemanta Kumar Kalita) has also prepared another *Electoral College List*, based on the same set of nominations received by due date, and presented it to the President by his email dated 11.03.2025, marking a copy to the undersigned. There are differences in the view taken vis-à-vis the validity of certain nominations for the Electoral College by the President and the Secretary General.
9. *Delhi Amateur Boxing Association* ("DABA"), a registered Society, representing the NCT of Delhi in the sport of Boxing, is the State Association which is an affiliate and Member of BFI. Its Constitution prescribes the *Rules and Regulations* ("R&Rs of

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DABA") to regulate its management and affairs. The said R&Rs of DABA envisage membership to be given to all persons (male and female) who are interested in promotion of Boxing, all members to constitute the *General Body*, having a tenure of four years. The management is placed in the hands of an *Executive Committee* which consists of President and the General Secretary, both of whom are *elected*, the other office bearers to be one Vice President, one Secretary, and one Treasurer, all latter three to be "*appointed*" by the President. Rule 3.14 of the said R&Rs of DABA govern the subject of Elections but inter alia envisage that the "*procedure for conducting elections may be prescribed ...*". Concededly, DABA had adopted *Election Bye-laws*, which provide elaborately the procedure to be followed for elections to the two said posts of the Executive Committee of DABA in AGM "*from amongst the Presidents and General Secretaries of all the 11 (Eleven) district association already affiliated to DABA*". These Bye-laws conceive of nominations of the candidates for such election to be made by the authorised representatives of the affiliated Boxing associations. From this, it is gathered that the R&Rs of DABA have been read as modified to provide for membership to be given to district associations, rather than to individuals, as seems to be the requirement of National Sports Code, as indeed the provisions contained in R&Rs of BFI on the subject of affiliation of Members under Section II (Membership), mandating all State Associations to "*make necessary changes to their constitution*", making it essential requirement for election process that an Observer of BFI be present.

10. Mr. Kuldeep Sharma son of Mr. Dayanand Sharma (resident of H. No. 108, Flat No. 16, 3rd Floor, Near Panchayat Ghar, Katwaria Sarai, Hauz Khas, South Delhi, Delhi – 110016), describing himself as a person who has been connected to the sport of Boxing, has preferred, on 05.03.2024, a writ petition – WP() 3579/2024 (hereinafter, "the writ petition") before the High Court of Delhi, against Union of India through MYAS (UOI) and others including DABA (R-3) and BFI (R-4), besides certain individuals including Mr. Moksh Gujrani (R-27). The writ petition levels allegations of certain mismanagement including financial in the affairs of DABA, attributing malpractices including in the electoral processes involved in control over DABA by certain individuals including R-27, raising questions about his true identity. The reliefs sought by the petition include an order to declare the elections of Executive Committee of DABA held on 22.10.2023 for the period 2023-27 as null and void, a mandamus that DABA be disaffiliated and not be allowed to represent the State of Delhi for the sports of boxing before BFI, an inquiry into its financial affairs, etc. The writ petition has been pending and from the orders passed therein by the High Court it appears the pleadings are yet to be completed, the petition yet to come up for effective orders. On 10.03.2025, the writ petitioner Mr. Sharma had moved applications – CM Appl. 14437-14438/2025 – referring *inter alia* to the election process of BFI at hand and seeking a stay on the nomination process primarily relying on his case against the validity of the election process of DABA as concluded in 2023 and certain events thereafter resulting in changes effected in the office bearers forming its Executive Committee. The High

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Court was informed at the hearing on the said applications about appointment of the undersigned as the RO as also the status of the process underway. Hon'ble Court by order dated 10.03.2025 has been pleased to list the applications on 17.03.2025 but also observed that "(I)ndependent of this writ petition and without prejudice to his rights and contentions, it will be open to the Petitioner to ventilate his grievances before the Returning Officer".

11. Pursuant to the above, Mr, Kuldeep Sharma, submitted copies of his above-mentioned applications by his email dated 10.03.2025 and sought the same to be considered. Deferring to the views of Hon'ble Court, this having also a bearing on the subject of further process to be undertaken, a hearing was convened to be held on 12.03.2025 from 5.30 PM at a venue to be arranged by BFI, it having arranged Conference Hall of Holiday Club, Panchsheel Enclave New Delhi – 110017 for the purpose. Invites were also sent to all concerned including DABA and the individuals involved.
12. It may be mentioned in meanwhile Mr. Kalita the Secretary General had also addressed an email to the undersigned seeking a meeting with him and the incumbent Treasurer (Mr. Digvijay Singh) of BFI. By a response through email he was asked to come to the above said venue for discussions of the subject he had in mind with the Treasurer.
13. In the wake of the above, detailed hearings were held for two hours each on 12.03.2025 (5.30 to 7.30 PM) and 13.03,2025 (3 PM to 5 PM) in which all concerned participated, they including the Executive Director of BFI (Col. Arun Malik) with Mr. Akshay Kumar, advocate for BFI; Mr. Kuldeep Sharma (the representationist) with Mr. Naveen Raheja and Mr. Anand Awasthy, Advocates; Mr. Prateek K. Chadha, Ms. Aastha Khanna, Mr. Sreekar Aechuri, Mr. Neil S. Goswami, Mr. Aniket Chauhan, Advocates with Mr. Vishal Gujrani, Mr. Vidushpat Singhania, Advocate and Mr. Rohit Jain (Vice President) and Mr, Neeraj Kant (General Secretary) having also joined on the second day, for DABA; Mr. Hemanta Kumar Kalita, Mr. Digvijay Singh (Treasurer), and Mr. Rajesh Bhandari (Zonal Vice President).
14. There was unanimity in the submissions by one and all that the BFI elections have to be held in accordance with R&Rs of BFI read with the Model Election Code as stipulated and specified in the National Sports Code. Further, all members of BFI, including DABA, have to align their management and affairs in sync with the requirements of R&Rs of BFI and the National Sports Code. It follows that the R&Rs and Election Bye-laws of DABA have to be applied so as to abide by letter and spirit of the National Sports Code and Model Election Code.
15. Having heard all concerned, the undersigned is of the view that the Electoral College List prepared by Mr. Kalita, the incumbent Secretary General of BFI cannot be acted upon in view of the unambiguous rules vesting in hm the "overall powers of supervision" over the working of BFI and also responsibility to "oversee office Bearers/Members" of the EC. The Secretary General, by the very nature of his position and the duties allocated to him by the R&Rs is in charge of the administration but ats in terms of directions of the President. The present incumbent had prepared his own

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Electoral College List but presented it to the President. Since the president had a different take on some of the nominations, the Secretary General at best could have put up his views before the President. He cannot assume the role so as to simultaneously press his own List before the RO only because the R&Rs use the expression "President/Secretary General". The latter may have had a role to play if the former was amiss in action in such regard to undermine the authority of the President. In taking this view, reference may be made to the R&Rs of BFI as indeed the Model election Code which provided for primacy to the views of the President over that of the Secretary general in the matters of nominations to the Electoral College. Thus, it is concluded that the Electoral college List published by the President on 12.03.2025 shall only be used for further process of these elections.

16. The Electoral College List dated 12.03.2025 published by the President contains some explanations vis-à-vis the nominations received from State Associations of Delhi (DABA), Himachal Pradesh, Meghalaya and Tripura. Questions have been raised only regarding nominations received from DABA which are contested by DABA and those claiming to be its office bearers. The President BFI, by footnote no. 1 below his Electoral College List, has observed that the inclusion of the names of the two nominees of DABA is "*Subject to orders of Learned Returning officer*". Even otherwise, having regard to order dated 10.03.2025 of the High Court, that subject has to be considered by the undersigned, being the RO.
17. The representationist Mr. Kuldeep Sharma made detailed presentation to press for his grievances qua the affairs of DABA, his focus being on elections to EC of DABA held in 2023 and the manner in which DABA has been managed over the period, attributing misuse of office by all concerned particularly Mr. Moksh Gujrani.
18. Indeed, there was no clear answer given as to why Mr. Moksh Gujrani (R-23 in the Writ petition), having formally changed his name to Vishal Gujrani, by getting this change published even in official Gazette on 24.01.2015, has chosen to use the abandoned name of Moksh Gujrani for participating in the affairs of DABA. Interestingly, he gave his name as Vishal Gujrani while submitting the appearances for the hearings before the undersigned. This does raise doubts as to the true identity of the individual which remains unclear.
19. But the issues raised by the representations qua the affairs of DABA and the conduct of Mr. Gurani (whether Moksh or Vishal) are not to be addressed by the RO in these elections. It is not for the RO to decide on suggestions for de-affiliation. These are *sub judice* before the High Court. The issues as to who are the office bearers of DABA, however, must be examined by the undersigned since the validity of the nominations made in its respect to the Electoral College hinges on the same.
20. Before the above issue is taken up, it needs to be noted that the President BFI, by a notice published on 07.03.2025 had notified, *inter alia*, that "*only bonafide and duly elected members ... of the State Units affiliated with*" the BFI shall be authorised to represent their respective States/Union Territories. The view canvassed by the representationist (Mr. Kuldeep Sharma), and also supported by the learned Counsel

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representing BFI that the member representative nominated for the Electoral College by the State units cannot be any one but an *elected* office bearer of its executive. This view is based, inter alia, on the view endorsed by the MYAS of the UOI, as demonstrated by interpretation put by the said department of the Government of India to the relevant part of the Model Election Code which is part of the National Sports Code, in May 2020, *albeit* in the context of elections to Chess Federation. That view is found to be the correct interpretation of the rules to be applied since the objective is to have true representation of the persons actually connected to the particular sport which would stand denied, defeating the objectives of the national sports policy, if it were made possible for outsiders to come in and take control.

21. The Elections of DABA held on 26.11.2023 seem to have been held as per rules, Mr. Neeraj Jain having been elected as the President and Mr. Moksh Gurani (assuming he is same as Mr. Vishal Gujrani) as the General secretary. Noticeably, the elections were supervised by an RO with the Observers appointed by BFI and Delhi Olymics Association being duly present, in strict compliance of the rules. But, it is admitted that Mr. Moksh Gujrani resigned from the position of General Secretary DABA. BFI has reported that by letters dated 21.12.2024, Mr. Neeraj Jain, President of DABA, informed that Mr. Neeraj Kant Bhatt had been unanimously been elected as the General Secretary in an AGM on 24.11.2024, filling the space vacated by Mr. Gujrani. Further, it is stated on behalf of DABA that Mr. Amar Nath Pandey who had been earlier appointed as the Treasure for DABA had also resigned and that in his place, Mr. Moksh Gujrani had been appointed/nominated as the Treasure for BFI in an Extraordinary General Meeting (EGM) of DABA, held on 07.12.2024.
22. Nothing turns on the result of EGM held on 07.12.2024 appointing Mr. Gujrani as the Treasurer of DABA. But the post of General Secretary of DABA is a post which could be filled in only by election. Concededly, the procedure of Election bye-laws was not followed nor any nominee from BFI or Olympic association invited as Observer. Intimation was given after one month to BFI. The whole procedure followed for AGM held on 24.11.2024 was flawed in teeth of the R&Rs and thus cannot be accepted, the violations being not mere irregularities but gross conscious illegalities. The declaration that Mr. Neeraj Kant Bhatt had been elected as General Secretary of DABA on 24.11.2024 is thus bad in law and to be treated as *non-est*.
23. The President of DABA has proposed the names the names of Mr. Rohit Jainendra Jain and Mr. Neeraj Kant Bhatt as the representatives of DABA to the Electoral college of BFI for this election. Whilst the latter cannot be accepted as a validly elected general secretary, the former is admittedly an appointee and not an elected office bearer of DABA. Both nominations are thus found to be invalid.
24. In above view, the undersigned accepts the objections raised against the nominations sent by the President of DABA. The Electoral college List prepared and published on 12.03.2025 by the President BFI shall, thus, be read omitting the names of Mr. Rohit Jainendra Jain and Mr. Neeraj Kant Bhatt.

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25. The Executive Director of BFI is requested to publish a copy of this on the official website of the BFI and also communicate to all concerned.

Date: 13.03.2025



(Justice R.K. Gauba)

Returning Officer

for Elections of BFI (for term 2025-29)

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