

ITEM NO.1

COURT NO.1

SECTION XIV

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

Petitions for Special Leave to Appeal(C) Nos. 30748-30749/2017

(Arising out of impugned final judgment and order dated 31-10-2017 in CM No. 46919/2016 31-10-2017 in CM No. 19815/2012 passed by the High Court of Delhi at New Delhi)

ALL INDIA FOOTBALL FEDERATION

Petitioner(s)

VERSUS

RAHUL MEHRA & ORS.

Respondent(s)

(IA No. 132863/2020 - APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS

IA No. 136529/2020 - APPLICATION FOR PERMISSION

IA No. 132356/2020 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 52821/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 112325/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 120057/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 25119/2020 - CLARIFICATION/DIRECTION

IA No. 91992/2021 - EARLY HEARING APPLICATION

IA No. 132355/2020 - EARLY HEARING APPLICATION

IA No. 118219/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 137936/2022 - INTERVENTION APPLICATION

IA No. 131744/2020 - INTERVENTION APPLICATION

IA No. 98733/2022 - INTERVENTION APPLICATION

IA No. 98631/2022 - INTERVENTION APPLICATION

IA No. 120713/2017 - MODIFICATION OF COURT ORDER

IA No. 111940/2022 - MODIFICATION OF COURT ORDER

IA No. 118222/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 108628/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 24767/2022 (XIV)

Date : 02-05-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Parties

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Nagarkatti Kartik Uday, AOR
Mr. Samar Bansal, Adv.
Mr. Siddharth Nath, Adv.
Mr. Vedant Kapur, Adv.
Ms. Jhanvi Dubey, Adv.
Ms. Khushboo Hora, Adv.

Mr. Atmaram Nadkarni, Sr. Adv.
Mr. Arijit Mazumdar, Adv.
Mr. Nilanjan Bhattacharjee, Adv.
Mr. Shambo Nandy, AOR
Mr. Ss Rebello, Adv.
Ms. Manisha Gupta, Adv.
Ms. Deepti Arya, Adv.
Ms. Aarzu Paul, Adv.

Mr. Rahul Mehra, Caveator-in-person

Mr. K. R. Sasiprabhu, AOR
Mr. Vishnu Sharma A.S., Adv.
Mr. Prakhar Agarwal, Adv.

Mr. Tushar Mehta, SGI
Mr. K.M. Natraj, ASG
Mr. Amrish Kumar, AOR
Ms. Swarupma Chaturvedi, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Rajat Nair, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Apoorv Kurup, Adv.

Ms. Menaka Guruswamy, Sr. Adv.
Mr. Prateek K Chadha, AOR
Mr. Utkarsh Pratap, Adv.
Mr. Vrishank Singhania, Adv.
Mr. Sreekar Aechuri, Adv.
Mr. Lavkesh Bhambhani, Adv.
Ms. Muskaan Singla, Adv.
Ms. Pragya Ganjoo, Adv.

Mr. Nar Hari Singh, AOR

Mr. Abhimanyu Bhandari, Adv.
Ms. Rooh-e-hina Dua, AOR

Mr. Shuvodeep Roy, AOR

Mr. Nakul Dewan, Sr. Adv.
Mr. Rohan Naik, Adv.

Mr. Divyanshu Rai, AOR

Mr. Ashok Panigrahi, AOR
 Ms. Geetanjali Das Krishnan, Adv.
 Mr. Nabab Singh, Adv.

Mr. Raghenth Basant, Adv.
 Mr. M.F. Philip, Adv.
 Ms. Purnima Krishna, AOR
 Mr. Ajay Krishna, Adv.

M/S. Khaitan & Co., AOR

Ms. Menaka Guruswamy, Sr. Adv.
 Mr. Prateek K Chadha, AOR
 Mr. Utkarsh Pratap, Adv.
 Mr. Vrishank Singhania, Adv.
 Mr. Sreekar Aechuri, Adv.
 Mr. Lavkesh Bhambhani, Adv.
 Ms. Muskaan Singla, Adv.
 Ms. Pragya Ganjoo, Adv.

Kotla Harshavardhan, Adv.
 Mr. Kshitij Maheshwari, Adv.
 Mr. Raghav Kohli, Adv.
 Mr. N. Sai Vinod, AOR

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

- 1 These proceedings arose from an interim order of the High Court of Delhi dated 31 October 2017 by which the election results of the All India Football Federation¹ were set-aside.
- 2 On 10 November 2017, this Court constituted a three-member Committee of Administrators² with a remit to:
 - (i) Formulate the constitution of AIFF in consonance with the National Sports Code and Model Guidelines; and
 - (ii) Conduct elections and ensure the constitution of the Executive Committee.

1 "AIFF"

2 "CoA"

- 3 By an order dated 18 May 2022, the proposed Constitution which was drawn up by the CoA was circulated to all stakeholders for comments, objections and suggestions.
- 4 The primary task before this Court, at the present stage, is to finalise the AIFF Constitution.
- 5 In the meantime, by an order dated 3 August 2022, this Court ordered elections to be conducted.
- 6 Since 2 September 2022, the newly elected Executive Committee of the AIFF has taken charge and is carrying out the functions of AIFF.
- 7 A draft Constitution has been submitted to this Court on 15 July 2022. The stage of these proceedings rests at considering the objections which have been submitted by diverse stakeholders. They include, FIFA, AFC, IOA, AIFF, Ministry of Youth Affairs and Sports, State Associations and Mr Rahul Mehra, who appears in person as the petitioner before the High Court. In addition, a private entity-FSDL- has submitted its comments on a specific portion of the draft constitution which pertains to the role of private franchise is in conducting the football league.
- 8 During the course of the hearing, the Court has had the benefit of hearing the submissions of Mr Gopal Sankaranarayanan, Amicus Curiae, who has copiously tabulated the provisions of the draft constitution, the objections of the stakeholders to each clause and comments on the proposals.
- 9 Several suggestions which have been received were accepted by the Amicus Curiae. Mr Gopal Sankaranarayanan has submitted, however, that those objections, which would be in breach of either judgments of this Court or the National Sports Code have not been accepted. Similarly, there are other objections which in his submission would have a bearing on the role of athletes

who form the backbone of sport.

- 10 The Amicus Curiae submitted that it is also necessary to ensure that the independence and autonomy of the AIFF is preserved without undue interference from outside influence. Finally, it has been urged that it would be necessary to ensure compliance with the statutes of FIFA and the Olympic Charter.
- 11 Ordinarily, we would have embarked upon the exercise of finalizing the draft constitution by hearing all the stakeholders. We, however, are of the view that it would be appropriate at this stage to defer the above exercise. Many of the objections which have been addressed by the stakeholders do not strictly implicate the issues of law, but, also trench into issues of policy including the proper modalities for running the sport of football in the country.
- 12 A similar exercise has been carried out under the orders of this Court in relation to IOA by Mr Justice L Nageswara Rao, former Judge of this Court. Many of the objections which have been raised here would find a considerable degree of overlap in the proceedings which took place before the Hon'ble former Judge. Hence, it would be appropriate to entrust the task of finalizing the Constitution of AIFF to Mr Justice L Nageswara Rao.
- 13 We request Mr Justice L Nageswara Rao, former Judge of this Court, to take up the task of finalising the draft constitution as was proposed by the CoA and which has now been propounded by the Amicus Curiae.
- 14 In preparing his report, Mr Justice L Nageswara Rao is requested to hear all the stakeholders, some of whom have already been referred to in the earlier part of this order. The exercise of considering the draft constitution and of submitting a comprehensive report bearing in mind the objections which have been addressed by all the stakeholders, may preferably, be carried out by 31 July 2023.

- 15 In the event that it becomes necessary for Mr Justice L Nageswara Rao to seek any procedural directions from this Court, he may do so by submitting a request which may be routed through the Amicus Curiae.
- 16 Mr Justice L Nageswara Rao would be at liberty to obtain the assistance of support staff and other legal assistance as he may require. He may constitute his own team for that purpose.
- 17 The fees and expenses which are payable in regard to the task which has been entrusted to Mr Justice L Nageswara Rao, shall be borne by the AIFF. Mr A N S Nadkarni, senior counsel appearing on behalf of the AIFF as well as the other stakeholders, have no objection to the above course of action.
- 18 While concluding, we clarify that the pendency of these proceedings will not operate as a stay on the hearing before the concerned High Court in respect of any other sports association not connected with AIFF.
- 19 An initial deposit of Rs 25 lakhs shall be made by AIFF with Mr Justice L Nageswara Rao within a period of two weeks from the date of this order to meet the expenses and honorarium.
- 20 List the petitions on 8 August 2023.

(MANISH ISSRANI)
COURT MASTER(SH)

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR