

OFFICE OF THE RETURNING OFFICER
BASEBALL FEDERATION OF INDIA

ELECTION 2016

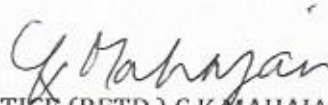
CONSEQUENT TO THE NOMINATION OF THE UNDERSIGNED AS RETURNING OFFICER TO CONDUCT THE ELECTIONS, ELECT OFFICE BEARERS AND EXECUTIVE COMMITTEE MEMBERS FOR THE YEAR 2016 AND TO EXERCISE THE POWERS VESTED IN ME AS RETURNING OFFICER, I HEREBY NOTIFY THE ELECTION PROCESS AS UNDER:

NUMBER OF POSTS TO BE FILLED:

PRESIDENT	.....	ONE
VICE PRESIDENT	.....	FOUR
GENERAL SECRETARY	.....	ONE
TREASURER	.....	ONE
JOINT SECRETARY	.....	FOUR

CALENDER OF EVENTS

PUBLICATION OF LIST OF VOTERS	JULY 31, 2016	2 PM
ISSUE OF NOMINATION PAPERS	AUGUST 4-6, 2016	11 TO 4 PM
RECEIPT OF NOMINATION PAPERS	AUGUST 8-10, 2016	10 TO 1PM
PUBLICATION OF VALID NOMINATIONS	AUGUST 11, 2016	10:30AM
LAST DAY OF WITHDRAWAL OF NOMINATION	AUGUST 13, 2016	10:30 TO 1PM
PUBLICATION OF FINAL LIST OF CANDIDATES	AUGUST 13, 2016	1PM
POLLING AND COUNTING OF VOTES	AUGUST 22, 2016	11AM


JUSTICE (RETD.) C.K. MAHAJAN
RETURNING OFFICER
BASE BALL FEDERATION ELECTIONS

The designated office of the returning officer shall be:

Krida Legal
D-905, Basement,
New Friends Colony,
New Delhi- 110065,
Phone - 011 40122110, 011- 65558006

JUSTICE C . K . MAHAJAN

Former Judge Delhi High Court

47, Friends Colony East

New Delhi-110065

Mob: 9818000240

Former Chairman, Appellate Tribunal For
Forfeited Property & Money Laundering

Former President State Consumer Disputes
Resolution Commission, GOA,

Former Chairman, Anti Doping Appeal Panel,
NADA (INDIA), Ministry of Sports, Govt. of india

Former Chairman, Delhi Metro Rail Fare
Fixation Committee

OFFICE OF THE RETURNING OFFICER **BASEBALL FEDERATION OF INDIA**

Present Mr. Angle for Mr. Sudhir Mohindru, General Secretary, ABFI
 Mr. Bhardwaj for Mr Mohanty
 Mr. Vidushpat Singhania assistant to the Returning Officer

Date: **30.7.2016**

The undersigned was appointed as the Returning Officer for conducting Elections of the of the Amateur Baseball Federation of India (ABFI) by the Ministry of Youth and Sports Affairs (MYAS) pursuant to orders of the of the orders of the Delhi High Court dated 28.4.2016. The undersigned was directed to work out the election schedule for the whole management of ABFI.

It appears an application was filed in the Delhi High Court for finalization of the Electoral College. The court in terms of the order dated 28.7.2016 requested the undersigned to finalize the list of Electoral College.

The dispute pertains to the Electoral College of ABFI and in particular to State of Andhra Pradesh/Telangana and Union Territory of Chandigarh after the resignation of the earlier President Mr N.K.Singh. New Federations have come into existence as well as there has been change in the management.

It is necessary to go into the background of the matter to deal with the electoral college. Mr N.K.Singh former President of ABFI resigned on **9.9.2015**. Mr Mohanty proclaimed himself to be acting president of ABFI in a meeting held on **20.9.2015** in Bhubhneshwar. Mr Jasraj Mehta claimed seniority over Mr Mohanty and called an AGM in Goa on **29.9.2015** and was elected President of ABFI. Mr Mohanty approached the Orissa High Court for directions to the Government of India to accept him as President of the ABFI and also sought stay of the AGM called in Goa. Stay was granted.

A dispute having arisen for the post of the President the Ministry of Youth Affairs and sports on 1.12.2015 directed the ABFI to conduct Election for the post of PRESIDENT.

On 23.12.2015 the Secretary general announced elections for 18.2.2016 at Indore. Mr Mohanty moved the Orissa High Court for stay of the elections scheduled for 18.2.2016 and the EoGM. The stay was declined.

On 15.2.2016 Mr Angle moved the Delhi High Court for conducting election for the Post of the President under the supervision of the court. A prayer was made for freezing of the Electoral list. Orders were passed by the court directing Govt. to appoint a Returning officer to hold the elections of the ABFI.. Returning officer was appointed with directions to hold elections for the whole management of the ABFI.

The dispute relating to the post of the President commenced on the resignation of the then President Mr N.K.Singh, when both factions claimed that their representative should be considered as the President of ABFI. A dispute has also surfaced pertaining to affiliation of the Baseball federation of Telangana, new association of Andhra Pradesh and new association of Chandigarh when the Electoral College was placed before the undersigned by the rival factions. It is made clear that any attempt to affiliate an association or creation of a new association, contrary to the rules cannot be accepted after 9.9.2015. There was no validly elected President in place and there were two persons claiming the post of the President and the Government, faced with this difficulty on 1.12.2015, directed conduct of elections.

Constitution of the ABFI, Article 6, requires that an application for affiliation is to be submitted to the Executive Committee through its President. The President then has to inform the Members of the Executive Committee to consider voting on the application. If an application is accepted by majority vote, affiliation certificate is issued. Both parties/factions concede that no such meeting of the council/general body took place post 9.9.2015.

Moreover no President /acting President was in place on account of their internal dispute resulting in the court directing the Govt. to appoint a returning officer to conduct elections to the post to the President. The Government made the appointment with directions to hold elections of the whole management.

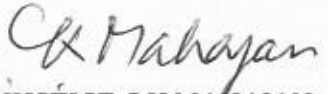
The situation being as stated above, any action taken by any person claiming to be the President was rendered redundant since a valid election had not taken place. The formation of a new State, does not make the state association an affiliate unless this affiliation is in accordance with the rules of the ABFI.

In light of the aforesaid position, there being no recognized President, meetings by rival faction coming to the fore and High Court having been approached to pass orders/interim measures, no meeting of Council/AGM could have been undertaken and thus no affiliation could have been granted under Article 6 of the ABFI Constitution. If any AGM/Council meeting was called or conducted by either of the factions, the same

was of no consequence as the matter pertaining to the Presidency was in dispute and appropriate forum had been approached.

The objections have thus been considered in light of the aforesaid position, the undersigned is of the view that the electoral college is frozen as on 9.9.2015, when the former President resigned. The Baseball Association of Telangana, new Association of Andhra Pradesh and the new association of Chandigarh cannot be included in the Electoral College post 9.9.2015. In so far as the state of Andhra Pradesh and Chandigarh, the associations affiliated prior to 9.9.2015 shall continue to be part of the electoral college.

The final list of the Electoral college in light of the aforesaid discussion, is attached as Annexure A.


JUSTICE C.K. MAHAJAN
RETURNING OFFICER.
31.7.2016


Office of the Returning Officer
Krida legal
D-905, Basement, New Friends Colony,
New Delhi-110065
Phone: 011-40122110, 011-65558006

Annexure A

AMATEUR BASEBALL FEDERATION OF INDIA
ELECTIONS OF OFFICE BEARERS AND MEMBERS OF MANAGING COMMITTEE
FORM 1
LIST OF ELECTORAL COLLEGE

Affiliated Member	S. No.	Name of Authorized Representatives	S. No.	Name of Authorized Representatives
A. P. Baseball Association	1.	Sh. Achutya Rao	2.	Sh. D. Sajjana Rao
Assam Baseball Association	3.	Sh. G. Ali	4.	Smt. Ashma Begum
Bengal Baseball Association	5.	Sh. Jahar Das	6.	Sh. Tapan Sikdar (expired) Sh. Chandan Roy Choudhary
Baseball Association of Bihar	7.	Dr. Madhu Sharma	8.	Sh. Ajay Sharma
Baseball Association Chandigarh	9.	Sh. Vidya Sagar	10.	Sh. Vijay Thakur
Chhattisgarh Baseball Association	11.	Smt. Caroline Satur	12.	Smt. Mitali Ghosh
Baseball Association Delhi	13.	Dr. Bhagat Singh	14.	Sh. P. C. Bhardwaj
Goa Baseball Association	15.	Sh. Ramakant S. Angle	16.	Sh. Dilip S. Naik
Gujarat State Baseball Association	17.	Sh. Gunvant Makwana	18.	Sh. J. K. Khodadhra
H. P. Baseball Association	19.	Dr. Sudhir Mahindru	20.	Sh. Manoj Kohli
Haryana Baseball Association	21.	Sh. R. K. Keshwania	22.	Sh. Arvind Kumar
J&K Baseball Association	23.	Sh. M. M. Gazanfar	24.	Sh. Fida Hussain Fidvi
Jharkhand Baseball Association	25.	Sh. Jai Kumar Sinha	26.	Sh. Vijay Shankar Singh
Kerala Baseball Association	27.	Sh. Shahul Hameed K. M.	28.	Sh. M. N. Krishnamurthy
Baseball Association of Karnataka	29.	Sh. P. M. Ashok	30.	Sh. B. L. Vedamurthy
M. P. A. Baseball Association	31.	Smt. Malini Laxman Singh Gaud	32.	Sh. Jasraj Mehta
Maharashtra Baseball Association	33.	Sh. N. K. Singh	34.	Sh. Rajendra Ikhankar
Manipur Baseball Association	35.	Sh. T. B. Singh	36.	Sh. Indukiran Singh
Punjab Baseball Association	37.	Sh. Jagdish Mittal, IPS	38.	Sh. Harish Kumar
Baseball Association of Odisha	39.	Sh. Pankaj Lochan Mohanty	40.	Sh. S. N. Pradhan
A. B. Association of Pondicherry	41.	Sh. Thiru K. Sarathi	42.	Sh. V. Ilangovane
Rajasthan Baseball Association	43.	Sh. Ashok Sharma	44.	Sh. Anup Asthana
Tamilnadu Baseball Association	45.	Sh. T. G. Venkatesh Babu	46.	Sh. S. Venkat
Baseball Association of Tripura	47.	Sh. Rupak Debroy	48.	Er. M. Chakraborty
U. P. Baseball Association	49.	Dr. D. R. Yadav	50.	Sh. Dinesh Yadav
Uttrakhnad Baseball Association	51.	Sh. U. N. Challu	52.	Sh. Brijender Pal Singh Rana

Place: New Delhi
Date: 31.7.2016


Justice C.K. Mahajan
Returning Officer