IN THE HIGH COURT OF DELHI AT NEW DELHI

BEFORE

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

\+ **W.P.(C) 1680/2026, CM APPL. 8100/2026 and CM APPL. 10192/2026**

Between:

KAMLESH MEHTA
SECRETARY GENERAL, TABLE TENNIS FEDERATION OF INDIA
5/20, NATHKRUPA, VN PURAV MARG
CHUNABHATTI, SION, MUMBAI
MAHRASHTRA, 400022

.....PETITIONER

(Through: Mr. Abhishek Malhotra, Sr. Adv., Mr. Abhishek Bharti, Ms. Aahna Mehrotra, Mr. Kartikay Dutta, Mr. Shivansh Soni, Ms. Anukriti, Advocates.)

Versus

1. TABLE TENNIS FEDERATION OF INDIA
THROUGH ITS PRESIDENT
I-12, 3RD FLOOR,
DSIDC INDUSTRIAL COMPLEX
NEAR UDYOG NAGAR METRO STATION,
ROHTAK ROAD, DELHI-110041

2. ENQUIRY COMMITTEE
COMPRISED OF MR. CHETAN GURUNG
MR. SAMAR JEET SINGH AND
MR. L SUNDARA VARADHAN
TABLE TENNIS FEDERATION OF INDIA
I-12, 3RD FLOOR,
DSIDC INDUSTRIAL COMPLEX

NEAR UDYOG NAGAR METRO STATION,
ROHTAK ROAD, DELHI-110041

3. UNION OF INDIA
MINISTRY OF YOUTH AFFAIRS AND SPORTS
SHASTRI BHAWAN, NEW DELHI
THROUGH ITS SECRETARY

4. INDIAN OLYMPIC ASSOCIATION
THROUGH ITS PRESIDENT
OLYMPIC BHAWAN, B-29
QUTUB INSTITUTIONAL AREA
NEW DELHI 110016

.....RESPONDENTS

(Through: Mr. Rahul Mehra, Senior Advocate with Mr. Parth Goswami, Chaitnya Gossain, Ranjeet Pawar, Mr. Hanif Chimthanawala, Advocates for R-1.
Mr. Avi Singh, Sr. Advocate along with Mr. Parth Goswami and Mr. Ayush Yadav, Advocates for R-2.
Mr. Udit Dedhiya, SPC, Mr. Akshit Mohan, GP, Ms. Apurva Sachdev, Mr. Preyansh Gupta, Advocates for R-3.
Ms. Aashita Khanna and Ms. Aanya Agarwal, Advocates for R-4.)

% Reserved on: 27.04.2026
Pronounced on: 11.05.2026

J U D G M E N T

INDEX

The present petition has been filed by Mr. Kamlesh Mehta, an illustrious veteran of Indian table tennis, who has, in the past, represented the country in the Barcelona 1992 Olympics and has secured for the nation, *inter alia*, 8 medals in the Commonwealth Championships; assailing the order/minutes dated 28.01.2026 ("**Impugned Order**") of the Executive Committee of the Table Tennis Federation of India ("**TTFI**"), whereby, he has been declared as a *persona non grata*, and has been suspended from the post of Secretary General of TTFI pending the outcome of the inquiry to be conducted by the Enquiry Committee.

I. FACTUAL MATRIX

2. The facts appear to be that in furtherance of the directions passed by this Court in ***Manika Batra v. TTFI & Ors.***,[1] fresh elections to the Executive Committee of TTFI were held on 05.12.2022, under the aegis of Hon'ble Mr. Justice (Retd.) Vineet Saran, who served as the Returning Officer. The petitioner, in the said elections, was duly elected as the

Secretary General of the TTFI, while one Ms. Meghna Ahlawat, assumed the office as the President of the said federation, and as on date retains that post.

3. On 06.01.2026, it appears that the President issued an Executive Committee Meeting ("**ECM**")/Annual General Meeting ("**AGM**") notice scheduling the ECM and AGM on 3:00 PM and 5:00 PM respectively on 28.01.2026. The said notice, importantly, claimed that it is being issued by the President herself owing to the petitioner's non-cooperation. In relation to the purported recalcitrance of the petitioner, certain communications, also seems to have been entered into between the petitioner and the President.

4. Thereafter, it appears that 17 State member associations of the TTFI, requested the petitioner to requisition a Special General Meeting ("**SGM**"), citing issues with the agenda items circulated in the ECM/AGM notice dated 06.01.2026. In furtherance of it, the petitioner, on 09.01.2026, issued an SGM notice, scheduling the meeting for 17.01.2026.

5. On 17.01.2026, the SGM chaired by the Senior Vice President and attended by 20 out of the 34 member States took place, whereunder, it was unanimously resolved, *inter alia*, that the ECM/AGM notice dated 06.01.2026 was invalid; and that certain agenda items contained in the said notice were discriminatory to the North Eastern States. The minutes of the SGM seem to have been circulated on 28.01.2026.

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[1] W.P.(C) No. 10590/2021, order dt. 17.10.2022.

6. Thereafter, on 28.01.2026, the ECM and AGM was convened with 8 out of the 19 members and 18 out of the 34 member States respectively, whereunder, the Impugned Order came to be passed suspending the petitioner from his post of Secretary General pending the outcome of the inquiry to be conducted by the Enquiry Committee comprising of Mr. Chetan Gurung, Mr. Samar Jeet Singh and Mr. L Sundara Varadhan, who were also members of the EC.

7. Information pertaining to the Impugned Order is contended to have been received by the petitioner through an email dated 30.01.2026 from the Vice President of the TTFI. The minutes of the Impugned Order, are further claimed to have been circulated to the members on 02.02.2026. The present petition, thereafter, came to be filed on 04.02.2026.

8. The matter was heard by the predecessor Bench at length on 05.02.2026 and 12.02.2026. Thereafter, on applications being preferred by the respondents, *vide* order dated 16.02.2026, the matter was ordered to be listed before another Bench, and after appropriate directions being passed by Hon'ble the Chief Justice, the present petition was listed before this Bench on 17.02.2026. On 18.02.2026, this Court directed TTFI to file its reply within a period of 7 days, and a rejoinder by the petitioner to be filed within 3 days thereafter. The Enquiry Committee as also the Union of India were also directed to place on record their respective affidavits.

9. Subsequently, on 12.03.2026 and 09.04.2026, owing to the replies of the respondents not being available in the digital record of the Court,

and certain adjournment slips being moved by the parties, hearing of the matter was deferred. Learned senior counsel for the parties were heard at length on 10.04.2026, 16.04.2026, 21.04.2026, 22.04.2026, 23.04.2026, and 27.04.2026, and their respective written submissions were taken on record and examined.

II. SUBMISSIONS OF THE PARTIES

10. Mr. Abhishek Malhotra, learned senior counsel appearing for the petitioner has submitted that—***first***, the present petition is maintainable notwithstanding an arbitration clause contained in the Memorandum of Association of the TTFI ("**MoA**"); ***second***, Impugned Order, and Clause 11(d) of the Memorandum of Association of TTFI ("**MoA**"), insofar as it allows a person to be suspended without adherence to the principles of natural justice, are illegal and liable to be quashed; ***third***, the Enquiry Committee, on the face of it, is in violation of the principles of natural justice, as its members are part of the EC.

11. Mr. Rahul Mehra, learned senior counsel appearing for TTFI has submitted that — ***first***, the present petition is not maintainable owing to it involving disputed questions of facts, there being an efficacious alternate remedy in the form of arbitration, and the present matter, at its core concerning the internal functioning of a society; ***second***, the Impugned Order suspending the petitioner was justified owing to the emergent circumstances which were present before the Executive Committee; and ***third***, Clause 11(d) of the MoA allows for the bypassing of principles of

natural justice. Mr. Mehra also laid stress on the stance taken by the petitioner herein in another petition bearing W.P.(C) 4491/2024.

12. Mr. Avi Singh, learned senior counsel appearing for the Enquiry Committee, and Mr. Udit Dedhiya, learned counsel appearing for the Union of India, being mindful of the propriety of the party they are representing, assisted this Court by explaining and citing the position of law concerning the present dispute.

13. The Court is also appreciative of the candour with which Mr. Mehra and Mr. Singh conceded the members of the Enquiry Committee to be part of the Executive Committee, to be *ex facie* unsustainable in the eyes of the law. It is their submission that if at all the Court finds the constitution of the Enquiry Committee valid, they are willing to replace the said members.

III. ANALYSIS

(i) Maintainability of the Present Petition

14. Disputed questions of facts, in and of themselves, do not prevent a Writ Court from exercising its jurisdiction. "*The proposition that a petition under Article 226 must be rejected simply on the ground that it cannot be decided without determining the disputed question of fact is not warranted by any provisions of law nor by any decision of this Court*".[2] The analysis which is to follow shall also reveal that to adjudicate upon the present *lis*, the facts, which are disputed, need not be

[2] ***M/s AP Electrical Equipment Corporation v. Tahsildar and Ors. Etc.***, 2025 INSC 274, para. 49.

gone into. The adjudication has undertaken solely on the basis of uncontroverted facts.

15. TTFI, is recognised by the Union of India as a National Sports Federation ("**NSF**") for the promotion and development of the sport discipline of Table Tennis. The NSF is fully responsible for the overall management, direction, control, regulation, and sponsorship of Table Tennis. The NSF, including TTFI, is responsible for the selection of athletes, for participation in major international and national events, to present the Country, and carry its flag, on the global platform. The Supreme Court in ***Narinder Batra v. Union of India***,[3] took note of the benefits which are conferred upon an NSF in the following words:

> "***215.*** *The guidelines framed by the Government enable the National Sports Federations recognised thereunder to derive substantial financial assistance and other facilities from the Government. Apart from purchase of valuable equipment, this assistance includes training/coaching camps; assistance for organisation and participation in national and international competitions and training abroad; appointment, availability and expenditure on foreign coaches for training of sports person, assistance of the Sports Authority of India as well as facilities at the state owned sports set ups. To enable meaningful utilisation of its assistance, the Government has framed guidelines for recognition of national sports federations.*
>
> ***216.*** *As part of its initiative, the Ministry of Youth Affairs and Sports operates a number of independent schemes alongwith the Sports Authority of India which are apart from the financial grants to the national federations. These schemes have a direct bearing on the promotion and development of sports in the country and include (i) Exchange of Physical Education Teachers etc (CEPs); (ii) Rural Sports programme, (iii) National Championships for Women, (iv) Grants for Creation of Sports infrastructure, (v) Grants to Universities and Colleges, (vi) Assistance for synthetic surfaces and (vii) Scholarships for training abroad. The Government has recognised that the National*

[3] 2009 SCC OnLine Del 480.

Sports Federations are primarily responsible for judicious selection of sports persons for participation in major international events based on merit and with the objective of enhancing national prestige and bringing glory to the world. Such federation is also required to be concerned with the development and encouragement of the sport in the country."

16. In ***K.P. Rao v. Union of India***,[4] this Court took note of the Report presented by the Sub-Committee on the '*Functioning of National Sports Federations*'[5] which was presented to the Rajya Sabha and laid on the table of the Lok Sabha on 20.02.2014. The said report highlighted that non-sportspersons have come to dominate NSFs, and the goal of developing sports has become subservient the parochial narrow minded aims of those who have come to head these federations. Para. 19 and 20 of the said decision reads as under:

"***19.*** *The Report records that the Committee was informed that most of the sports federations were headed by the non-sportspersons and the whole federation structure was dominated by non-sportspersons. Position was the same at state level. As a result, all these federations were no more sports-oriented.*

20. *The Parliamentary Committee in its report inter alia concluded as under:*

"*17.1 National Sports Federations are the main stakeholders which are mandated to work from the grassroot level to identify and nurture the hidden sports talent. NSFs are required to work in close co-ordination with their State counterparts, Ministry, Sports Authority of India, other sports bodies and the Indian Olympic Association. Our young sportspersons' hopes, aspirations and ambitions are solely dependent on NSFs. Their entry into the competitive sports scenario, both at the national and international level is governed by these NSFs. This study and analysis of the functioning of NSFs by the Committee has brought forth one underlying fact that the goal of every agency/authority connected directly or indirectly with sports is to give the right impetus to uplift the status of sports in all viable disciplines.*

[4] 2023 SCC OnLine Del 779.

[5] Formed by the Department-related Parliamentary Standing Committee on Human Resource Development.

> *However, it seems that there are underlying, not very visible factors, resulting in the stakeholders working at cross purposes. In the process, our young aspiring sportspersons become the victim of circumstances…*"

17. Larger common good in the world of sport can be achieved by ensuring that the NSFs follow the procedure prescribed by statutes, regulations and the declarations by Courts. While Mr. Rahul Mehra, in light of the stand taken by the petitioner in another writ petition,[6] would like the matter to be decided through the means of arbitration; however, in light of the decision of this Court in ***Rahul Mehra v. Union of India***,[7] it is found apposite for this Court exercising writ jurisdiction, to delve into the present dispute. The material portion of the said decision read as under:

> "*102. ...If a sports federation does not comply with the law of the land, it will receive no recognition from the Government. All benefits and facilities to it will stop promptly. It is better that a legitimate body represents the cause of sportspersons than one simply masquerading as the real champion of Indian sports. Fairness and legitimacy needs to imbue all public affairs. Recalcitrant entities which defy adherence to rules of the game, while continuing to unjustly enjoy government's largesse and patronage, must be called-out.*"

18. It is in the interest of sports in general to prevent the development of cliques and cabals in sports federations and bodies, which "*thrive in opaqueness in all their dealings—functioning, finances and most importantly selection of sportspersons to represent the country in the concerned field of sport*".[8] It is found appropriate that the sun-rays that

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[6] ***Uday Shankar v. Table Tennis Federation of India & Ors.***, W.P.(C) 4491/2024.
[7] 2022 SCC OnLine Del 2438.
[8] ***Indian Olympic Association v. Union of India***, 2014 SCC OnLine Del 2967, para. 73.

purify the functioning of NSFs are those of a Constitutional Court than those of a private adjudicatory mechanism like arbitration.

(ii) The Impugned Order and the Violation of Principles of Natural Justice

19. The Constitution Bench in ***AK Kraipak and Ors. v. Union of India and Ors.***,[9] succinctly noted that "*arriving at a just decision is the aim of both quasi-judicial as well as administrative enquiries. An unjust decision in an administrative enquiry may have more far reaching effect that a decision in a quasi-judicial enquiry*".[10] What is the manner in which principles of natural justice are to apply was left, in ***AK Kraipak*** (supra), to the peculiar facts and circumstances of a given case. Similarly, another Constitution Bench in ***Union of India and Anr. v. Tulsiram Patel***,[11] noted that the rules of natural justice are not inflexible. They adapt and yield to the exigencies of different situations as they present themselves. The material portion of the said decision reads as under:

> **"*97.*** *Though the two rules of natural justice, namely, nemo judex in causa sua and audi alteram partem, have now a definite meaning and connotation in law and their content and implications are well understood and firmly established, they are nonetheless not statutory rules. Each of these rules yields to and changes with the exigencies of different situations. They do not apply in the same manner to situations which are not alike. These rules are not cast in a rigid mould nor can they be put in a legal strait-jacket. They are not immutable but flexible. These rules can be adapted and modified by statutes and statutory rules and also by the constitution of the Tribunal which has to decide a particular matter and the rules by which such Tribunal is governed. There is no difference in this respect between the law in England and in*

[9] (1969) 2 SCC 262.
[10] ***Ibid***., para. 20.
[11] (1985) 3 SCC 398.

> *India. It is unnecessary to refer to various English decisions which have held so. It will suffice to reproduce what Ormond, L.J., said in Norwest Holst Ltd. v. Secretary of State for Trade [1978 Ch 201 : (1978) 3 All ER 280 : (1978) 2 WLR 73] (at p. 227):*
>
> > *"The House of Lords and this Court have repeatedly emphasised that the ordinary principles of natural justice must be kept flexible and must be adapted to the circumstances prevailing in any particular case. One of the most important of these circumstances, as has been said throughout the argument, is, of course, the provisions of the Act in question, in this case Sections 164 and 165 of the 1948 Act."*
>
> ***98.** In India, in Suresh Koshy George v. University of Kerala [AIR 1969 SC 198 : (1969) 1 SCR 317, 326] this Court observed (at p. 322):*
>
> > *"The question whether the requirements of natural justice have been met by the procedure adopted in a given case must depend to a great extent on the facts and circumstances of the case in point, the constitution of the Tribunal and the rules under which it functions."*

20. However, it must also be emphasized that the question before the Court is not whether the Impugned Order has been passed after affording *adequate* hearing to the petitioner, or whether there was *substantial* compliance with principles of natural justice; rather it is a case concerning the complete absence of principles of natural justice, and the complete lack of an opportunity of hearing. In other words, it is not non-compliance with a particular facet of the principles of natural justice, that TTFI and Mr. Mehra have to justify, rather, it is the complete go-by with the said principles, that needs to be vindicated. The distinction between the two categories of cases was highlighted by the Supreme Court in ***State of Rajasthan and Ors. v. Bhupendra Singh***,[12] wherein, the earlier decision of the Court in the ***State Bank of India v. SK Sharma***,[13] was taken note of in the following terms:

[12] 2024 INSC 592.
[13] (1996) 3 SCC 364.

> "***25.*** *In State Bank of India v S K Sharma, (1996) 3 SCC 364, two learned Judges of this Court held:*
>
> *"28. The decisions cited above make one thing clear, viz., principles of natural justice cannot be reduced to any hard and fast formulae.*
>
> *...*
>
> *In our respectful opinion, the principles emerging from the decided cases can be stated in the following terms in relation to the disciplinary orders and enquiries: a distinction ought to be made between violation of the principle of natural justice, audi alteram partem, as such and violation of a facet of the said principle. In other words, distinction is between "no notice"/"no hearing" and "no adequate hearing" or to put it in different words, "no opportunity" and "no adequate opportunity". To illustrate — take a case where the person is dismissed from service without hearing him altogether (as in Ridge v. Baldwin [1964 AC 40: (1963) 2 All ER 66: (1963) 2 WLR 935]). It would be a case falling under the first category and the order of dismissal would be invalid — or void, if one chooses to use that expression (Calvin v. Carr [1980 AC 574: (1979) 2 All ER 440: (1979) 2 WLR 755, PC]). But where the person is dismissed from service, say without supplying him a copy of the enquiry officer's report (Managing Director, ECIL v. B. Karunakar [(1993) 4 SCC 727: 1993 SCC (L&S) 1184: (1993) 25 ATC 704]) or without affording him a due opportunity of cross-examining a witness (K.L. Tripathi [(1984) 1 SCC 43 : 1984 SCC (L&S) 62]) it would be a case falling in the latter category — violation of a facet of the said rule of natural justice — in which case, the validity of the order has to be tested on the touchstone of prejudice, i.e., whether, all in all, the person concerned did or did not have a fair hearing. It would not be correct — in the light of the above decisions to say that for any and every violation of a facet of natural justice or of a rule incorporating such facet, the order passed is altogether void and ought to be set aside without further enquiry. ...*

21. An opportunity to be heard cannot be denied on the mere ground that the Impugned Order "*merely*" directs for the suspension of the petitioner. While there is no cavil with the position that an order directing suspension, pending a departmental inquiry, is fundamentally non-punitive;[14] there is also no authority cited by the parties that a suspension order need not, in all cases, adhere to the principles of natural justice. To

[14] See for instance ***Balbir Singh Khandelwal v. Jawaharlal Nehru University and Ors.***, 2023:DHC:8318.

the contrary, a 3-Judge Bench of the Supreme Court in ***Liberty Oil Mills and Ors. v. Union of India and Ors.***,[15] had categorically rejected such a broad declaration. It was held in the said case, that the extent to which, principles of natural justice are to apply, shall depend upon the nature of suspension itself, the effect it causes, and the person to whom it is to apply. Para. 20 of the ***Liberty Oil Mills and Ors.*** (supra) reads as under:

> "***20.*** *We have referred to these four cases only to illustrate how ex parte interim orders may be made pending a final adjudication.* ***We, however, take care to say that we do not mean to suggest that natural justice is not attracted when orders of suspension or like orders of an interim nature are made. Some orders of that nature, intended to prevent further mischief of one kind, may themselves be productive of greater mischief of another kind. An interim order of stay or suspension which has the effect of preventing a person, however temporarily, say, from pursuing his profession or line of business, may have substantial, serious and even disastrous consequences to him and may expose him to grave risk and hazard. Therefore, we say that there must be observed some modicum of residual, core natural justice, sufficient to enable the affected person to make an adequate representation.*** *(These considerations may not, however, apply to cases of liquor licensing which involve the grant of a privilege and are not a matter of right: See Chingleput Bottlers v. Majestic Bottling Company [(1984) 3 SCC 258] .) That may be and in some cases, it can only be after an initial ex parte interim order is made.*"
>
> [Emphasis Supplied]

22. While determining whether or not principles of natural justice are to be adhered to while passing an order declaring a person as *persona non grata* under Clause 11(d) of the MoA, it must be considered that in the instant case, the petitioner was an office bearer duly elected to the Executive Committee for a period of 4 years. The following words of Lahoti J. in ***Tarlochan Dev Sharma v. State of Punjab and Ors.***,[16]

[15] (1984) 3 SCC 465.
[16] (2001) 6 SCC 260.

speaking on behalf of a 3-Judge Bench, therefore, assume a heightened significance and need to be given their due regard:

> "***7.*** *In a democracy governed by rule of law, once elected to an office in a democratic institution, the incumbent is entitled to hold the office for the term for which he has been elected unless his election is set aside by a prescribed procedure known to law. That a returned candidate must hold and enjoy the office and discharge the duties related therewith during the term specified by the relevant enactment is a valuable statutory right not only of the returned candidate but also of the constituency or the electoral college which he represents. Removal from such an office is a serious matter. It curtails the statutory term of the holder of the office. A stigma is cast on the holder of the office in view of certain allegations having been held proved rendering him unworthy of holding the office which he held. Therefore, a case of availability of a ground squarely falling within Section 22 of the Act must be clearly made out. A President may be removed from office by the State Government, within the meaning of Section 22, on the ground of "abuse of his powers" (of President), inter alia. This is the phrase with which we are concerned in the present case.*"

23. It is, therefore, the case, that the suspension, which was effected through the Impugned Order, caused deprivation, not merely to the duly elected Secretary General i.e., the petitioner, but also to the constituents who he represented in the TTFI. Unlike service employees or individuals employed for a given time period, who when suspended are also entitled to their contractual/statutory benefits such as for instance remuneration, a democratically elected individual, when suspended, loses the right to represent the constituents who voted for him. Simultaneously, a shadow is cast on the constituents' right to be represented. In such a scenario, it would be untenable for this Court to hold that principles of natural justice can be given a complete go by and a person can be, unilaterally, put under suspension.

24. The Impugned Order declaring the petitioner as *persona non grata* and suspending him from the post of Secretary General of TTFI took place under Clause 11(d) of the MoA. For clarity, Clause 11 of the MoA in its entirety is reproduced is as under:

> "***11. EXPULSION OR SUSPENSION***
> *a) If a member or player refuses or neglects to comply with any provision of the rules or is guilty of such conduct as the Committee/Board deems or considers likely to endanger the harmony or affect the character, stability and interest of the Federation, such a member or player shall be liable to expulsion or suspension for such period as the Committee may fix. Thereupon at least fourteen clear days' notice of such decision to suspend or expel shall be given in writing to the member or player who shall be at liberty to give an explanation or to present a defence in writing within fourteen days from the receipt of the said notice.*
>
> *b) The explanation or defence in writing shall be considered in another meeting of the Committee/Board and out of the two-thirds of Members present, whatever decision comes in simple majority shall be final. In case voting is taken by circulation of paper, the decision in simple majority will be considered as final.*
>
> *c) To protect the interest of the players and the administration of the expelled/ suspended member association or institution, Executive Board/Executive Committee may appoint an adhoc committee at their discretion.*
>
> *d) The Committee, may, at a regular meeting declare a person for life or for specific period, as a person non-grata with the Federation if it finds that the Committee deems or considers likely to endanger the harmony or affect the character, stability and interests of the Federation, such a decision to be taken by a majority of at least two thirds of the members of the Committee present. The person so declared shall not be considered by the Federation for election to any office or committee in the State unit concerned during the period so specified. If, however, the person concerned is already holding any office in the Federation and/or any of the affiliated units, he shall on such declaration ipso-facto cease to hold the office for the period so specified.*"

25. A bare perusal of the aforenoted Clause would reveal that the grounds or conditions precedent which need to be satisfied before a suspension under Clause 11(a) or a declaration of *persona non grata* under Clause 11(d) can be made is the same i.e., there must be conduct such that would "*endanger the harmony or affect the character, stability and interest*" of TTFI. There appears to be no reason to interpret Clause 11 in a manner that for the same kind of offending conduct, under Clause 11(a), the affected party would be granted an opportunity of hearing, while under 11(d), there would be a complete absence of principles of natural justice.

26. While *prima facie* it would appear that there is no specific provision for a hearing in Clause 11(d) of the MoA, there is also nothing in the said Clause, which in explicit terms excludes the application of the said principle. If at all the provision was to be so construed that for the same underlying conduct, a person could be declared as a *persona non grata* under Clause 11(d) without a notice being served upon it, however, a notice would be required for taking action in pursuance of Clause 11(a); Clause 11 would then be guilty of not having a rational nexus between the differential treatment of individuals and the object sought to be achieved by the Clause. The said provision would, thus, *ex facie* fall ill of Article 14 of the Constitution of India.

27. It is also settled law that where possible, provisions must be interpreted in a manner that saves them from the vice of unconstitutionality.[17]

28. Thus, in light of the above — ***first***, owing to suspension of the petitioner affecting his right to elected office, and the representation of his State Federation; ***second***, since Clause 11(d) does not by express words exclude the application of principles of natural justice; and ***third***, since the non-application of the said principles would result in differential treatment for the same offending action, the principles of natural hearing are to be read into Clause 11(d) of the MoA.

29. It is important to reiterate that before the Impugned Order came to be passed, no notice/intimation at all was granted to the petitioner. The contention of Mr. Mehra that the petitioner could have participated in the ECM/AGM meeting dated 28.01.2026 seems to be fallacious in as much the ECM/AGM notice dated 06.01.2026 does not give any indication of the President/Executive Committee proposing to suspend the petitioner.

30. As noted in para. 20 of this judgement, the case at hand concerns a complete non-application of the principles of natural justice, and the complete absence of an opportunity to defend himself being afforded to the petitioner. It is also not the stand of TTFI that while otherwise Clause 11(d) requires a notice to be furnished to the aggrieved party; the instant, however, is such that it falls within the narrow category of cases, where a post-decisional hearing is necessitated.

[17] See for instance ***BR Enterprises v. State of UP***, (1999) 9 SCC 700.

31. If at all this was the understanding of TTFI, the same should have borne out from the Impugned Order itself. At this stage, owing to the principle enunciated in ***Mohinder Singh Gill v. Chief Election Commissioner***,[18] TTFI cannot supplement and add to the reasons as to why hearing was not granted to the petitioner before the passing of the Impugned Order. As pithily observed by Krishna Iyer J. "*Orders are not like old wine becoming better as they grow older*".

32. Thus, in light of the discussion above, principles of natural justice are to be read into Clause 11(d) of the MoA, and owing to the Impugned Order not even complying and adhering to the most basic, rudimentary and elemental principles of the natural justice, the same deserves to be set aside.

(iii) Would extra-ordinary and irreversible consequences have befallen if a hearing was given?

33. Mr. Mehra, in his usual flare, vociferously contended that an emergent situation had arisen owing to which the urgent suspension of the petitioner was warranted. While this argument, having been raised after the passing of the Impugned Order, cannot be looked at by this Court, however, for a comprehensive adjudication of the issues, the same is being delved into.

34. It may be noted that Clause 11(d) by itself does not require "*emergent*" situations to exist for powers under it to be resorted to. No decision has been cited that justifies a post decisional hearing owing to

[18] 1978 AIR 851.

"*emergent*" circumstances. Rather, the test as noted in ***State of Rajasthan*** (supra) remains that hearing ought not to be granted where observance of the requirement of prior notice/hearing may defeat the very proceeding, which may result in grave prejudice to public interest.

35. The Impugned ECM Minutes dated 26.01.2026, which do not contain a specific agenda dealing with the suspension of the petitioner, or a discussion on his conduct, record that "*before taking up the last agenda point, the President expressed her anguish over the happenings, leading to the EC and AGM, and briefed the members*". The "*briefing*", then contained the following:

> "*I also consider it my responsibility to place on record the circumstances that compelled me to issue the notice convening the Executive Committee Meeting and this AGM on 6- January 2026.*
>
> *... It is therefore with regret that I must state that several important issues have neither been discussed with me nor brought to my notice by the Secretary General.*
>
> *On repeated occasions, I was informed that emails had been forwarded to the President. While I acknowledge that some correspondence may have been shared, established courtesy, institutional protocol, and good governance require that matters of significance-especially those needing presidential concurrence-be brought/placed explicitly before the President. Unfortunately, this has not been the practice. During the EC Meeting held on 10 December, 2024, I raised this matter before the House.*
>
> *Despite this, and in the interest of maintaining a healthy working environment within TTFI. I chose not to object or escalate these issues. Even as Chairperson of the Selection Committee, I was unaware of selections for certain major events, particularly when I was unable to attend meetings. I consciously avoided raising what I considered procedural lapses while preserving harmony and focus on the larger good of table tennis.*

However, over time, the situation deteriorated. Matters of significant importance-such as requests for special grants submitted to SAI and the Government, issues relating to WTT events., and the preparation of the ACTC-were neither discussed with me nor informed to me.

Further, decisions regarding WTT events, their financial arrangements, and applications for government grants appear to have been handled entirely without the knowledge of principal office-bearers (President/Treasurer) of the TTFI. There was also a period when, pursuant to court directions, grants were disbursed directly to organizers and not routed through TTFI. To date, I have not been informed whether applications for special grants were submitted, or how disbursements were made, and whether any royalties were sought and received in relation to WTT events. As for the notice for this AGM, I shared the proposed agenda with the Secretary General through Mr. Dhruv Sheron (Advocate/ legal advisor for TTFI), who followed up on multiple occasions. Call logs and messages are available for the members' reference. Despite waiting for over 48 hours. I received no confirmation, with the response being that there was insufficient· time. Given the urgency-especially concerning allotment of dates for three National Championships, the already announced CBSE and CISCE examination schedules, and the show-cause notice Issued by the Government-I had to issue the notice myself.

Correspondence on these matters was instead carried out through Mr. Dhruv Sheron, with whom the Secretary General has actively corresponded, as evidenced by emails and messages that are being displayed today. It is therefore surprising to hear any denial of his role now.

I place this before the august house and seek your guidance: how long can a President reasonably tolerate being bypassed, excluded from critical decisions, and subjected to repeated institutional disregard? Over the past three years, I have endured situations that no President of a National Sports Federation should be expected to face. Yet, unwarranted criticism is repeatedly directed at my office, which does not reflect the reality.

After the issuance of the AGM notice, the Secretary General convened an illegal Special General Body Meetirig, which, in my considered view, is in violation of the Memorandum of Association of TTFI. The protection sought under Clause 14(b)(i) is misplaced. An SGM can be convened only for urgent matters, with a limited agenda, and upon a written request by one-third of the members. In this case, there was no demonstrable urgency, no serious pending matter, and the requests

appear to have been obtained after the issuance of the SGM notice. Moreover, the agenda substantially overlapped with items already listed for this AGM. Today, we are meeting 11 days after the illegal SGM. I ask the House; what urgent decision has been implemented in this intervening period that justified such a meeting? The answer is evident. I therefore propose that this House, being the supreme authority of the Table Tennis Federation of India, consider the said SGM as invalid and treat all discussions therein as void, subject to your approval.

Members of TTFI are paramount to me. If 1 am incorrect in any of the facts placed before you, 1 invite correction from this House. But I also ask - how can a President function effectively when cooperation is absent, and when decisions made are driven by vested interests?

I apologise for taking so much of your time. I felt it necessary to place these matters on record in a transparent way."

36. The Minutes further record that with the permission of the Chair, the following Agenda was taken:

"*The President was unhappy about the Secretary General's noncooperation In various activities of administering the Federation over the last three years. In view of the power vested in the Executive Committee under Clause 11 (d) of the MoA (Expulsions and Suspension), she moved a resolution before the Executive Committee. The resolution follows:*

RESOLUTION FOR SUSPENSION OF THE SECRETARY GENERAL (TTFI)

Resolution No 12026

Subject: Suspension of Mr. Kamlesh Mehta. Secretary General,, Table Tennis Federation of India (TTFI)
...

AND WHEREAS, despite a duly notified AGM dated 28/01/2026, and communication dated 06/01/2026. Mr. Kamlesh Mehta, Secretary General, unilaterally convened a Special General Meeting (SGA) on 17 January 2026 without any emergent circumstance, thereby acting ultra vires the MoA, and undermining the authority of the AGM:

AND WHEREAS, matters forming part of the AGM agenda, including Agenda Item No. 7 relating to the fixation of venues for National Championships and Inter-State Championships, were illegally taken up and transacted in the SGM as Agenda Item No. 2, which is constitutionally impermissible:

AND WHEREAS, Agenda Item No. 1 of the SGM Minutes records an observation that the AGM Notice was issued "without consultation with the Secretary General." and on that basis, the AGM was declared invalid, which is contrary to the MOA, as the MOA does not mandate consultation with the Secretary General for the issuance of AGM notice and expressly empowers the President in this regard;

AND WHEREAS, it has come to notice that "WTT India" was created unilaterally by Mr. Kamlesh Mehta, Secretary General, without approval of the Executive Committee or the AGM of TTFI, thereby exposing the Federation to direct dealings and commitments undertaken arbitrarily and without authority:

AND WHEREAS, it has been pointed out in the report of the Comptroller & Auditor General (CAG), dated 17.03.2025, that financial decisions, including the enhancement of membership fees, were taken without approval of the Executive Committee and AGM, evidencing an arbitrary exercise of powers by the Secretary General:

AND WHEREAS, serious financial irregularities have come to light, including unauthorized disbursement of funds received from the Sports Authority of India to the Vadodara, Gujarat WTT Feeder programme, which was conducted from 07th-11th January 2026, by bypassing the applicable guidelines contained in File No. 01-07015(01)/27/2026-TOPS, and without the knowledge or approval of the President, the Executive Committee, or AGM, in violation of the MOA provisions governing financial administration and collective oversight:

AND WHEREAS, it has further come to notice that for the last two years, sports kits have been distributed to players without any approval of the Executive Committee or AGM, allegedly to extend undue benefit to select vendors, including M/s Six Degrees, thereby raising serious concerns of favouritism, lack of transparency, and abuse of office by Mr. Kamlesh Mehta: AND WHEREAS, Mr. Kamlesh Mehta is a former employee of STAG and Director of Eleven Sports Pvt. Ltd. (subsequently converted into Ultimate Table Tennis-UTT), and despite this clear conflict of interest, he participated and deliberated in Agenda Items No. 3. 4. 5. and 6 of the SGM, as recorded in the Minutes of the SGM dated 17 January 2026:

AND WHEREAS, the aforesaid acts cumulatively disclose misconduct, abuse of authority, constitutional violations, financial impropriety, conflict of interest, and arbitrary decision-making, which are prejudicial to the harmony and adversely affect the character, stability, and interests of the Federation:

AND WHEREAS, Clause 11(d) of the MOA (Expulsion and Suspension) empowers the Executive Committee to declare a persona non grata for a specified period, pending inquiry, "if such a person is found likely to endanger the harmony or affect the character, stability, and interests of the Federation, and further provides that if such a person is holding any office, he shall ipso facto cease to hold such office for the period specified upon a decision taken by a two-thirds majority of the members present":

NOW, THEREFORE, IT IS RESOLVED THAT:
1. In exercise of powers under Clause 11(d) of the MOA. the Executive Committee hereby declares Mr. Kamlesh Mehta as a persona non grata, having found that his actions endanger the harmony and adversely affect the character, stability, and interests of the Table Tennis Federation of India.

2. Mr. Kamlesh Mehta is hereby placed under suspension with immediate effect from the post of Secretary General, TTFI, and ipso facto ceases to hold the said office during the period of enquiry.
..."

37. The relatively proximate and "*emergent*" events which are recorded in the Minutes of the ECM pertain to the SGM dated 17.01.2026 and the petitioner's involvement in the deliberation of certain agenda items which are ridden by purported conflict of interest. For three distinct reasons, the same neither qualifies as being *emergent*, nor such that proceedings sought to be contemplated against the petitioner shall get defeated by granting him an opportunity of hearing, them being— ***first***, as rightly pointed out by Mr. Mehra, as per the MoA of TTFI, the ordinary business of an AGM includes "*to confirm the Minutes of the last Annual General Meeting and any Special General Meeting held during*

the year".[19] Thus, the acts undertaken in the SGM dated 17.01.2026, could have been varied, modified, and superseded in the AGM dated 28.01.2026.

38. Assuming there were acts and omission done in the SGM dated 17.01.2026, they were subject to being remedied in the subsequent AGM which was to take place 11 days after the said meeting. There was, importantly, no additional factor, which could make the events which TTFI contends as being prejudicial to the federation's interest, under Clause 11(d), which may require a special treatment, as opposed to Clause 11(a) of the MoA, whereunder a requirement of notice is provided for the action of suspension can be resorted to. ***Second***, the acts alleged in the minutes of the AGM dated 28.01.2026, were such that could not have gotten approved, or taken place, without a democratic vote in the meeting of the federation. The SGM dated 17.01.2026 comprised of 20 out of the 34 member States, and each of the resolutions/decisions had been passed and undertaken unanimously.

39. It would be unfair, and impermissible, to hang the outcome of the said SGM on the petitioner's neck, and claim all that happened was owing to the acts of the petitioner. ***Third***, it is also important to mention, that a perusal of the material on record does not reveal that *procedure* through which the SGM was called for can be faulted with. Clause 14(b) of the MoA deals with SGM and reads as under:

> "***b) SPECIAL GENERAL MEETING***

[19] Clause 14(i) of the MoA.

> *i) A special General Meeting may be convened (i) by the President in Consultation with Secretary General at whichever place and at whatever time he finds convenient (ii) by order of the Committee whenever if deems expedient* ***or*** *(iii)* ***by the Secretary General within six weeks after receipt by him of a requisition in writing to that effect bearing the signatures of at least one-third of the Associations in membership with the Federation****.*
>
> *ii) Every such requisition shall specify the business for which Special General Meeting is to be convened and only such business shall be transacted at such a Meeting.*"
>
> [Emphasis Supplied]

40. There is nothing in the aforenoted Clause which would give the impression that "*emergent*" conditions need to have been in existence before an SGM is convened. The minutes of the ECM and AGM dated 28.01.2026 detail the objection taken by the President to there not being an emergency warranting the convening of the said SGM. A bare perusal of the relevant Clauses of the MoA reveal no such requirement.

41. Further, the condition that does in fact bear out from the text of the said Clause, namely, that 1/3rd of the associations in membership with the Federation ought to request the requisition of the SGM, it appears, was complied with. 17 member State associations seem to have sent requisition notices to the petitioner. They include, importantly, numerous members of North Eastern States. While not having a bearing on the question of procedure, with which this Court is presently concerned, it may also be noted that in the SGM dated 17.01.2026, the member States present had unanimously observed as resolved as under:

> "*Agenda Item 7: Functioning of all States Associations- Annual reports/statement of accounts and other activities of the states.*
> *Observations:*

• Mr. Passang Dorjee Megeji welcomed the changed agenda of the SGM in comparison to the agenda circulated by the President for the AGM. He mentioned that agenda item 13 of the AGM pinched all the people of the North Eastern States as being discriminatory since only the North Eastern states were singled out. He raised a question whether it was done by TTFI as a whole or it was just the intention of the President to do so.
• Mr. Atul Nanda urged the house to unanimously condemn the inclusion of such a discriminatory agenda in the AGM hy the President.
• Mr. B L Narry thanked the house for supporting the North Eastern states, saying this could have turned out to be a major political situation and people would have turned very negative, even for the security of the country. He further suggested that a strong message should be sent to the President of TTFI, to ensure that this is not repeated in future.
• Mr. Kamlesh Mehta clarified that constitutional reporting requirements apply uniformly to all affiliated State Associations.

Decision (The house unanimously agreed):
• The House strongly condemned discriminatory targeting of the North Eastern States in the AGM agenda issued by the President of TTFI.
• To check if the submission of accounts by State Associations is mandatory as per the Constitution of TTFI, even if no grants are received by the State Associations from TTFl. If it is mandatory, can this provision be changed."

42. A perusal of the discussion on Agenda Item No. 13 of the minutes ECM dated 28.01.2026 would appear to *prima facie* allow the conclusion that the ECM/AGM notice dated 06.01.2026, indeed could be considered as being discriminatory to the North Eastern States. The material portion of the minutes of the ECM dated 28.01.02026 reads as under:

"***13. Functioning of North-Eastern States***
Mr Duggal clarified that the reference to Statements of Accounts in the agenda was inadvertent. The objective was to review sporting activities in the North-Eastern states, as reports on tournaments and player participation had not been forthcoming..."

Similarly, the material portion of the AGM dated 28.01.2026 reads as under:

> "***13. Functioning of North-Eastern States***
> *Mr. Duggar informed the House that the reference to statement accounts in the agenda was purely unintentional. The real purpose was to evaluate the participation levels and administrative compliance of certain North-Eastern State Associations, especially their players' participation in National Championships. It was clarified that the objective was to provide these states with developmental support and improved engagement, not punitive action.*"

43. Thus, in light of the discussion above, it can be concluded that even if, *in arguendo*, it is considered that Clause 11(d) of the MoA allows for action to be taken without granting an opportunity of hearing, the circumstances which were presented before the President and the Executive Committee were not such as would justify escaping the rigors of principles of natural justice. Granting a notice to the petitioner and a consequent hearing would not frustrate or defeat the very purpose of the action sought to be contemplated against the petitioner.

44. There would, thus, not have been any extra-ordinary or irreversible effects/consequences, which would have befallen upon the TTFI, had the petitioner been granted an opportunity of hearing, or a bare minimum compliance with principles of natural justice, had been made before the Impugned Order was passed.

(iv) Redressing the faults highlighted

45. While the Impugned Order has been found by this Court to be unsustainable, and resultantly, all consequent actions taken in pursuance of it, shall also fall with it, there are certain facts brought to the notice of this Constitutional Court which cannot be treated with a blind eye. The facts and allegations are such as would go to the very root of the

functioning of the TTFI NSF. Two high ranking officials and office bearers i.e., the President and Secretary General of the TTFI seem to be facing serious allegations which, *prima facie*, would raise questions as to whether they indeed can act in the best interest of the sport of Table Tennis, its development, promotion and management.

46. While the aforesaid two parties are not expected to be, like Ceasar's wife, above suspicion, a certain degree of confidence ought to be evinced from the overall functioning of the NSF. Unfortunately, in the instant case, that has not happened. Importantly, the Court also takes note of the following stand taken by the Union of India in its Affidavit:

> "*21. It is respectfully submitted that it may not be out of place to mention that the Answering Ministry is also in receipt of several emails/complaints from various individuals and state associations regarding the overall functioning of the TTFI. The Ministry is, with some concern, closely monitoring the situation. As such, the Ministry reserves its choice of taking appropriate action in order to secure the larger interest of the sport and the athletes.*"

47. Specifically, *inter alia*, it has been alleged that the petitioner the Secretary General of TTFI while having a conflict of interest as a former employee of Stag International and as an office bearer of TTFI, undertook decisions concerning how the Stag Global contract for the supply of equipment and apparel was awarded,[20] with the outcome on the said agenda item being that the existing contract with Stag Global being placed in abeyance with immediate effect.

48. Moreover, while having a conflict of interest as a former employee of 11 Sports Private Limited, and as an office bearer of TTFI, undertook

[20] Agenda No. 3 in the SGM dated 17.01.2026.

decisions in the SGM dated 17.01.2026, concerning agenda item no. 5 which related to the contract with 11 Sports, term thereof and necessary actions. The outcome of the said discussion was that TTFI was to obtain independent legal opinion, and based on such opinion, was to proceed with the contract if its validity is upheld, or alternatively place the matter before the members for further decision if the contract is found invalid.

49. Further, while the AGM dated 28.01.2026 contained as agenda item no. 19 issues concerning CAG's complaint against the petitioner's purported non-compliance with its directives during the audit, it appears that during the SGM dated 17.01.2026, the said issue was taken up and a decision was taken that TTFI was to submit a response to the CAG within 4 weeks from 16.01.2026 to ensure compliance.

50. *Qua* the President, it has been alleged, *inter alia*, that she made appointment of one Mr. M.P. Singh as the Chief Executive Officer of TTFI in violation of the orders of this Court in ***Manika Batra*** (supra) and the directives of the Union of India. Further, owing to the purported non-cooperation of the President, the Union of India, caused a Show Cause Notice dated 24.12.2025 to be issued to TTFI. Also then, owing to the President's conduct, international embarrassment was caused to TTFI, before the World Table Tennis organisation.

51. It is also claimed that despite a matter being sub-judice in Rajasthan, a given faction was recognised as the Rajasthan State Federation by the President without regard to propriety and the rule of law. Moreover, the President's alleged appointment of an interim

treasure, the purported unilateral formation of the JC, and appointment of members without consultation was also highlighted by the petitioner.

52. The Court cannot, shut its eyes to the aforenoted allegations being made by two highest office bearers of an NSF against each other, and having *prima facie* two factions within the federation, each fighting for control, power, and influence, with sports, sports-persons, and the nation taking the backseat. While the Impugned Order has been set aside owing to non-compliance with the principles of natural justice, the seriousness of the allegations against the petitioner, as also those made against the President cannot be ignored.

53. In light of the discussion above, the Court deems it appropriate to appoint Hon'ble Mr. Justice (Retd.) Krishna Murari, Former Judge, Supreme Court of India, as the Enquiry Authority to inquire into the conduct and functioning of TTFI, including but not limited to the office bearers of the said federation.

IV CONCLUSIONS

54. On the basis of the aforenoted findings reached by the Court, the following conclusions may be drawn:

a. Principles of natural justice needs to be read into Clause 11(d) of the MoA;

b. The Impugned Order owing to it not satisfying the most basic principles of natural justice deserves to be set aside. Further, the circumstances which were presented before the Executive Committee in the ECM and the AGM were not

such as would warrant ignoring the principles of natural justice; and

c. The functioning of TTFI and the nature as also the content of the allegations made against two of the highest office bearers of the TTFI justify an inquiry being conducted in the affairs of the NSF.

V. ORDER

55. The Impugned Order declaring the petitioner, the Secretary General of TTFI, as *persona non grata* and suspending him from his post, is hereby set aside. All actions taken in pursuance of the said order, including the constitution of the Enquiry Committee, naturally fall and are hereby quashed.

56. Hon'ble Mr. Justice (Retd.) Krishna Murari, Former Judge, Supreme Court of India, is appointed as the Enquiry Authority to inquire into the conduct and functioning of TTFI, including but not limited to the office bearers of the said federation.

57. Further action against the office bearers, including the petitioner, if required, shall be taken by, and would be subject to, the action and inquiry being undertaken by the above-appointed Enquiry Authority.

58. The Enquiry Authority shall be entitled to decide upon its own remuneration for the purposes of the aforesaid exercise, which shall be borne by TTFI.

59. The petition, along with pending applications, stands disposed of, accordingly.

PURUSHAINDRA KUMAR KAURAV, J

MAY 11, 2026
Rao