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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P.(I) 24/2016

YOUNG MEN CHRISTIAN ASSOCIATION, SEYNAMVI LAI &  
ANR. .... Petitioners

Through Mr.Vivek Singh, Adv.

versus

THE NATIONAL COUNCIL OF YMCA'S OF INDIA & ORS.

..... Respondents

Through Mr.Harish Beeran, Adv. with  
Mr.Mustaq Salim, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN SINGH**

**ORDER**

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**30.07.2016**

*Vakalatnama* be filed by the counsel for the respondents within two weeks from today. The petitioner No.2 was registered as Society under the Societies Registration Act, 1975 on 14<sup>th</sup> November, 2008. Petitioner No.1 was registered as Society under the Societies Registration Act, 1975 on 15<sup>th</sup> October, 2010 who was affiliated with the respondent No.1 on 25<sup>th</sup> October, 2011. The petitioner No.2 submit the Annual statistical reports form for being included in the list of good standing YMCAs on 14<sup>th</sup> September, 2015. The petitioner No.1 submit the Annual statistical reports form for being included in the list of good standing YMCAs on 19<sup>th</sup> September, 2015. Thereafter, respondent no.1 issued the list of good standing YMCAs eligible to participate in the elections for January, 2016. In February, 2016 representation by petitioner no.1 seeking arbitration for exclusion of the

name from the list of good standing YMCAs. Representation was made by petitioner no.2 on 2<sup>nd</sup> February, 2016 seeking arbitration for exclusion of the name from the list of good standing YMCAs. In the end of the April, 2016 Notification was also issued by respondent No.2 regarding holding of election for the Southern Region of YMCAs. Further notice was also issued on 10<sup>th</sup> June, 2016. The petitioners issued legal notice dated 21<sup>st</sup> July, 2016. Since there is no reason for the payment is made in the notice, the present petition has been filed seeking the following prayer:

“(a) Ex-parte ad-interim order restraining the respondents, from Conducting Election for the Regional Council for the Southern Region or declaring the official panel of Regional Office bearers by the illegally constituted regional council and/or its nomination committee in the Southern Regional Conference to be held on 30<sup>th</sup> July 2016 at Tuticorin, Tamil Nadu as contemplated in the notice dated 28<sup>th</sup> April 2016 and 10<sup>th</sup> June 2016 issued by the respondent No.2 without constitution of the Board of Arbitration by the Respondent No.1 in respect of complaints submitted by the petitioners dated 21.2.2016 and 22.2.2016 respectively pending disposal of the arbitration proceedings contemplated therein; or in the alternative grant ex-parte interim order staying the result of the election held or the official panel declared on 30.07.2016”.

The abovesaid petition was listed yesterday when the notice was issued for today. Learned counsel for the respondent submits that as far as the constitution of arbitral tribunal is concerned, the respondent will take the necessary steps within three days from today. As far as the elections are concerned, he has informed to the Court that the said process has already been concluded and declaration is made by the respondent of the Nomination Committee on 29<sup>th</sup> July, 2016. Learned counsel for the petitioner has pointed out the page 102 wherein it is mentioned that result to

be declared today. Learned counsel for the respondent submits that since there is no other counter nomination, the candidates were declared elected on 29<sup>th</sup> July, 2016. The meeting the new electoral officers to be held today. Letter issued by the respondent of the Nomination Committee is read as under:

### **Programme Schedule**

Saturday, 30<sup>th</sup> July 2016

08.00 AM to 09:30AM	: Arrival, Break-Fast & Registrations.
09:30 AM to 10:00 AM	: Invocation & Devotion
10:00 AM to 11:00 AM	: Inauguration

**Lighting of Lamp : Chief Guest**

Address by the National President

Address by the National General Secretary:

### **Greetings:**

11:00 AM to 11:30 AM	: Keynote Address on Theme: "People in Partnership Empowered by Youth Embedded in Mission"
11 :30 AM	: Tea Break
12:00 Noon onwards	: Business session

### **Agenda for Business Session**

01. Opening Prayer
02. Appointment of Recording Secretary
03. Obituary & Prayer
04. Minutes of the previous meeting
05. Matters Arising out of the Minutes
06. Annual Report 2015-16
07. Audited Statement of Accounts 2015-16
08. Reports from Sub Regions
09. Calendar of Events 2016-17
  - a. Regional YMCA Leaders Meet
  - b. Regional Youth Assembly
  - c. Regional Women's Assembly
  - d. Regional Health & Healthy Living workshop
10. Nomination Committee Report and Election of Regional Office-Bearers for 2016-18
11. Any other matter with prior permission of the Chair
12. Induction, Felicitations, Valedictory & Closing
13. Vote of Thanks.

14. Closing Prayer”.

Learned counsel for the petitioners states that said act of the respondent is contrary to the declaration made by the respondents themselves because as per page 102 the result was suppose to be declared today. On the other hand the contention of the respondent is that the petitioner was dis-qualified in 2015. The present petition has been filed at the last moment. He further submits that in normal course the respondent ought to have declared the result of the election on 30<sup>th</sup> July, 2016. Since there is no other counter nomination or opposition the above candidates were declared elected. As far as the plea of the petitioners that result is declared prior to the date by the respondent is concerned, the said issue is also to be considered by the Arbitral Tribunal. Any relief at this stage cannot be granted.

The present petition is dismissed. With regard to the validity of election and result thereon, same is subject to the final outcome of the arbitration proceedings.

**MANMOHAN SINGH, J.**

**JULY 30, 2016/vp**