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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: September 29, 2023

+ FAO (COMM) 201/2023

SUDEVA DELHI FOOTBALL CLUB Petitioner

Through: Mr. Arjun Singh Bawa, Mr. Arjun Narang, Mr. Sahil Gupta and Mr. Siddhartha, Advocates.

versus

ALL INDIA FOOTBALL FEDERATION Respondent

Through: Mr. Prateek Chadha, Advocate.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (ORAL)

1. The challenge in this appeal is to an order dated September 26, 2023 in OMP(I)(COMM) 113/2023, whereby the learned District Judge (Commercial Court) - 01, South-West District, Dwarka Courts, Delhi had adjourned the matter to October 16, 2023 by not granting interim relief as sought by the appellant herein.

2. We have heard learned counsel for the parties. An issue arose, whether the impugned order dated May 08, 2023 is an appealable order.

3. On instructions from the Secretary General, All India Football Federation ('AIFF', for short), the learned counsel for the respondent submits, such a remedy is available to the appellant under Article 118 of AIFF Disciplinary Code, 2023 and the appellant can invoke the said remedy before the Appeal Committee. He also states that, in view of the urgency expressed, the Appeal Committee shall hold the proceedings virtually.

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4. If that be so, learned counsel for the appellant submits, the appellant shall avail the remedy of appeal before the Appeal Committee.
5. Noting the above submissions, the Appeal Committee is directed to hold the appeal proceedings virtually on October 01/02, 2023, hear the counsel for the parties and decide the appeal thereafter as it is stated the women league is starting on October 3, 2023.
6. Learned counsel for the appellant shall file the appeal along with the complete record as available before this Court before the Appeal Committee by tomorrow evening for the committee to consider the appeal.
7. The fee of the appeal shall be deposited on or before October 02, 2023 10 AM.
8. We take on record, the submission made by learned counsel for the appellant, that in view of this order, the petition under Section 9 of the Arbitration and Conciliation Act, 1996, which is pending consideration before the learned District Judge (Commercial Court), shall become infructuous and he shall withdraw the same.
9. It goes without saying that if an order is passed by the Appeal Committee to the prejudice of the appellant, the appellant shall have liberty to seek such remedy as available in accordance with law.
10. Appeal is disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 29, 2023/R