



অসম অলিম্পিক সংস্থা ASSAM OLYMPIC ASSOCIATION

(Affiliated to Indian Olympic Association)



SECRET BALLOT ELECTION -2024 OF OFFICE BEARERS & MEMBERS OF EXECUTIVE COUNCIL FOR THE TERM 2024 TO 2028

MR. I. GOGOI
Advocate, Gauhati High Court
RETURNING OFFICER
Assam Olympic Association (AOA)
Mobile No. 9864451798

Ref. Order-1/Compl. -1/AOA-Elec-2024

OFFICE: -

DTRP Indoor Stadium, R. G. Baruah Sports
Complex, Nehru Stadium, Guwahati-781007,
Kamrup (M), Assam.

Date: - 11-09-2024

ORDER ON COMPLAINT OF SRI UTTAM KUMAR BRAHMA AGAINST PARTICIPATION OF ASSAM HANDBALL ASSOCIATION (AHA) IN THE SECRET BALLOT ELECTION-2024 OF ASSAM OLYMPIC ASSOCIATION (AOA)

A written complaint was received on 04/09/2024 from one Sri Uttam Kumar Brahma claiming himself to be the General Secretary, Assam Handball Association and hence on 05/09/2024, the said complaint was forwarded to the President/General Secretary of the alleged Assam Handball Association and requested them to submit their comment/reply on the same.

The complaint of Sri Uttam Brahma is that the Hon'ble High Court of Punjab and Haryana at Chandigarh vide Order dated 05/09/2023 passed in CWP No. 19665/2023 (Handball Federation of India-vs-Union of India & ors.) has stayed the recognition granted to the Handball Association India (HAI) for the sports discipline of Handball as a National Sports Federation and the operation of the said order is still continuing. The Complainant has enclosed the following documents in support of his contentions: -

- 1) Copy of the letter under Ref. No.HFI/2023-24/225 dated 06/10/2023 sent by the General Secretary of Handball Federation of India to the Directors of Sports Departments of all the States/Union Territories of India.
- 2) Copy of the Order passed by the Hon'ble Punjab and Haryana High Court in CWP No. 19665/2023 (Handball Federation of India-vs-Union of India & ors.)
- 3) Copy of the letter dated 05/07/2024 issued by the Under Secretary to the Govt. of India, Ministry of Youth Affairs & Sports.




RETURNING OFFICER (RO)
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- 4) Copy of the Order dated 09/05/2024 passed by the First Appellate Authority under RTI Act.
- 5) Copy of the affiliation letter dated 14/06/2023 issued by the Secretary General of Handball Association India.

Per Contra, in its reply, the Assam Handball Association (AHA), headed by Sri Amal Narayan Patowary, General Secretary has categorically denied the allegations, thereby stating inter-alia that their Association is a duly affiliated State Association under the Assam Olympic Association (AOA) and the stay Order dated 05/09/2023 passed by the Hon'ble Punjab High Court in CWP No. 19665/2023 is neither against the Assam Handball Association nor the Assam Olympic Association (AOA). The Assam Handball Association and/or the Assam Olympic Association are not made parties in the aforesaid matter pending before the Hon'ble Punjab High Court. Further, it is also contended that their Handball Association is duly Registered under the Societies Registration Act of 1860 vide Registration No. RS/945 1980-81 and is renewed by Sri Amal Narayan Patowary on 16/12/2023. It has further been stated that the Board of Sports, Govt. of Assam has given allotment of its Office at R. G. Baruah Sports Complex, Nehru Stadium, Ulubari, Guwahati-781007 and in support of the same, AHA has enclosed a copy of the Agreement along with its reply. Moreover, it is also stated that their Handball Association was allowed by the Government of Assam and Assam Olympic Association to send players and take part in the 37th National Games'2023 held at Goa and also sent players of the Assam Beach Handball Women team through Assam Olympic Association on direction of the Chairman of GTCC.




RETURNING OFFICER (R.O.)
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I have carefully perused the entire documents in hand and also gone through the Constitution and Election Bye Laws of the Assam Olympic Association and found nothing on record at this stage, which bars and/or restricts the alleged Assam Handball Association (AHA) duly affiliated under the Assam Olympic Association (AOA) from participating in the Elective Annual General Body Meeting-2024 of AOA. It is made clear here, that the Election Programme of AOA was declared on 28/08/2024, i.e., prior receipt of the Complaint on 04/09/2024 by the Complainant and thereafter the process of filing of Nomination has started from 02/09/2024. The Hon'ble Supreme Court has consistently held that the election process encompasses all stages from the notification of elections to the declaration of results and any disputes or challenges must wait until the election is concluded YASH MIDDHA VS STATE OF RAJASTHAN. In N.P. Ponnuswami v. Returning Officer, it was ruled that challenges to any stage of the election process must be deferred until after the election results are declared, emphasizing that the election process should not be interrupted. Moreover, the name of the Complainant is not found in the Electoral College and he is neither a Candidate for the election nor a Representative to participate in the election process and as such he has no locus standi. Consequently, I find no merit in the complaint received by me on 04/09/2024 from Sri Uttam Kumar Brahma and hence the same is rejected.




RETURNING OFFICER.
RETURNING OFFICER (RC)
Secret Ballot Election-2024
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