

(2023) 05 DEL CK 0463
In the Delhi High Court
Case No : Civil Suit (OS) No. 705 Of 2022

Ranjan Dhingra

APPELLANT

Vs

Rotary International & Ors

RESPONDENT

Date of Decision : 09-05-2023

Acts Referred:

Code of Civil Procedure, 1908 — Order 39 Rule 1, Order 39 Rule 2
Indian Contract Act, 1872 — Section 23

Citation : (2023) 05 DEL CK 0463

Hon'ble Judges : Navin Chawla, J

Bench : Single Bench

Advocate : S.K.Dubey, Niharika Dubey, Venus Anand, J.P.Sengh, R.L.Sinha, Siddharth Dutta, Dayan Krishnan, Rishi Agrawala, Pranjit Bhattacharya, Shravan Niranjana

Judgement

Navin Chawla, J

I.A.18736/2022

1. This application has been filed by the plaintiff under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as the "CPC") praying for the following reliefs:

- "a) pass an ad-interim ex-parte order/direction restraining the Defendant nos. 1 & 2 from dealing with the affairs of the RI directors zone-4 (2023-25);
- b) pass an ad-interim ex-parte direction, directing Defendant No.1 not to permit the Defendant No.2 for using the designation of elected RI Director, Zone - 4 (2023-25), during the pendency of the present suit.
- c) pass an ad-interim ex-parte injunction restraining the Defendant No.1 from permitting the Defendant No.2 in participating various programs of training etc. or in any manner in the capacity of elected RI Director for Zone-4 (2023-25), during the pendency of the present suit."

I. Case of the Plaintiff:

2. The plaintiff has filed the present suit challenging the Election Result dated 04.03.2022 for the post of RI Director, Zone-4 (2023-25) of the defendant no. 1, declaring the defendant no.2 to be the Director for Zone-4. The plaintiff further challenges the Rotary International (in short "RI") Board Decision dated 17.08.2022, communicated to the plaintiff vide email dated 20.08.2022, rejecting the challenge of the plaintiff and the defendant no.3 to the said Election.

3. It is the case of the plaintiff that the defendant no.1, through its Director, vide email dated 01.07.2021, informed that the Nominating Committee for Zone-4 will meet on 02.10.2021 to nominate the next RI Director for the Zone-4 who would serve on the RI Board for the period from 2023-2025. It was further stated that the intending Clubs may submit a qualified Rotarian for consideration of the Nominating Committee for Director in the said Zone not later than 01.09.2021. The defendant no.3 submitted the name of the plaintiff for selection as the RI Director for Zone-4, to serve from 2023-2025. The Nominating Committee selected the plaintiff as the RI Director for Zone-4.

4. Vide an email dated 12.10.2021, and in terms of RI Bylaws 11.020.19, the District Governor and the Club Presidents in the Zone-4 were informed of the decision of the Nominating Committee and were further informed that unless another qualified Rotarian has been duly proposed as a challenging candidate before 1st December, 2021, the plaintiff shall be declared as the Director-nominee for Zone-4. The email further stated that if a valid challenge is received, the Secretariat will prepare and distribute the electronic ballot by 31st December, 2021, listing the choice of Zone's Nominating Committee and any challenging candidate who was endorsed by a majority of the Clubs in the district.

5. Vide a subsequent email dated 07.12.2021, all Club Presidents in the Zone-4 were informed that the RI General Secretary has received a challenge to the Director-nominee selected by the Zone 4 Director Nominating Committee, that is, the plaintiff herein, and as a result thereof, there will be a voting amongst Clubs to choose the Director-nominee. The voting was to be conducted electronically, and the various Clubs had to cast their votes electronically between 29.12.2021 to 01.03.2022.

6. The voting accordingly took place, and on 04.03.2022, the result of the final round of voting was announced, as under:

Candidate

Total Weighted and Distributed Vote

T.N. (Raju) Subramanian

821

Ranjan Dhingra

809

7. On the next day, however, another email was issued with a modification in the total number of votes obtained by the defendant no.2, as under:

Candidate

Total Weighted and Distributed Vote

T.N. (Raju) Subramanian

823

Ranjan Dhingra

809

8. The plaintiff vide email dated 14.03.2022, relying upon the provision of Article 11 of the Bylaws of Rotary International (hereinafter referred to as "Bylaws") requested the Chair of Ballot Committee, Zone-4, Director Election, General Secretary Rotary International, inter alia, for permission to inspect the ballots and preservation thereof.

9. Vide an email dated 16.03.2022, the Manager of Corporate Governance of the Rotary International acknowledged that the Corporate Governance had received a list of 55 terminated Clubs in the Zone-4 on 20th January; these Clubs were then removed from voting; and that no Club was allowed to vote after the notice of their termination was received by the Corporate Governance. The email further stated that if a Club was later reinstated, a new voting link as sent out upon request.

10. The plaintiff claims that the above email itself was an acknowledgment of an illegality in the voting process inasmuch as the terminated Clubs could not have been allowed to cast their votes after the termination of their membership and even prior to 20.01.2022. Even the reinstated Clubs could not have been allowed to vote, and the decision to allow these Clubs to vote was contrary to the Bylaws and the RI Board Decision communicated vide email dated 04.10.2020, which provides that a suspended Club cannot be allowed to vote (Article 15.050.1 of the Bylaws) and that Clubs chartered or reinstated during the Rotary Year in which the selection takes place will be ineligible to participate in any aspect of the selection process (District Governance Selection Pilots).

11. The plaintiff alongwith the defendant no.3 submitted an Election Review Petition under Article 13.030.1 of the Bylaws, however, the same was rejected by the RI Board. Vide an email dated 20.08.2022, the plaintiff was informed that the RI Board met on 17.08.2022 and decided to dismiss the complaint based on the recommendation of the Election Review Committee which did not find any error in the balloting, electronic voting, and the counting procedure, and further found no credible evidence that the winning candidate or any other Rotarian violated the RI's Rules against campaigning, canvassing and electioneering.

12. The plaintiff claims that the decision of the RI Board is completely laconic, cryptic, non-speaking, and unsupported by any evidence. The plaintiff further claims that even the report of the Election Review Committee was not supplied to the plaintiff.

13. The plaintiff, vide an email dated 08.09.2022, raised further queries and requests regarding the election complaint, however, vide an email dated 14.09.2022, was informed that such information can be given only if the Club President submits the request, as the Club President is the proper party to submit this request.

14. The plaintiff claims that Mr.Ramesh Aggarwal, who was also a contesting candidate with the plaintiff, had also challenged the election result, however, by an email dated 10.09.2022, was informed that as the Election Review Petition of the plaintiff had already been dismissed, the matter is deemed to be closed.

15. The plaintiff claiming that the election, having been held contrary to the Bylaws, was liable to be set aside inasmuch as the Clubs whose membership had been terminated had been allowed to vote, and similarly, the Clubs whose membership had been reinstated had been allowed to vote in the elections. The plaintiff has claimed that even otherwise, irregularities were committed by the defendant no.2 in the elections in the form of canvassing, campaigning, electioneering, etc., however, for the purposes of the present application, the learned senior counsel for the plaintiff has confined the challenge to the aspect of the Clubs being improperly allowed to vote.

II. Case of the defendants:

16. In separate written statements filed by the defendant nos.1 and 2, they have primarily challenged the locus standi of the plaintiff to file the present suit. It is stated that the defendant no.1 organization is an association of the Rotary Clubs [32000 Clubs, having the membership of about 12 Lakh individuals] throughout the world. It is further stated that the defendant no.1 is a non-government organization and is duly registered as a "Not-for-Profit Association" under the Illinois General Not-for-Profit Corporation Act of 1986 of the United States of America, and is governed by its own Constitution and Bylaws. It is the Clubs who are the members of the defendant no.1 and not the individuals. It is stated that, therefore, the locus to challenge the elections, if at all, would be of the defendant no.3-the Club and not the plaintiff as an individual.

17. It is further stated that the election for the post of the Director, RI for the Zone-4, was challenged by the defendant no.3. The Board of Directors rejected the said challenge after considering the detailed review process undertaken by its Election Review Committee, which found no merit in the challenge. Article 5.030 of the Bylaws provides for an internal appeal mechanism against the decision of the Board. The plaintiff is bound by the same, and having not availed the said remedy, cannot file the present suit.

18. The defendant no.1 further challenges the territorial jurisdiction of this Court to entertain the present suit. It is stated that the Impugned Decision of the Board of the defendant no.1 was passed in the State of Illinois, United States of America and, therefore, the cause of action, if any, can be said to arise only in Illinois, USA. The Rotary International South Asia Office (in short, "RISAO") is a separate legal entity incorporated under the Indian Companies Act, 1956, but has not passed the Impugned Decision. It is submitted that, therefore, this Court lacks territorial jurisdiction to entertain the present suit.

19. On merits, it is submitted that the complaint filed by the plaintiff alongwith the defendant no.3, against the election process was found to be without merit and same has rightly been rejected.

III. SUBMISSIONS OF THE LEARNED SENIOR COUNSEL FOR THE PLAINTIFF.

20. The learned senior counsel for the plaintiff, drawing reference to Articles 3.020.6 and 15.050.1 of the Bylaws, submits that a suspended Club cannot vote in the elections. Drawing reference to a table appearing at Page 114 of the documents, he submits that the membership of various Clubs was terminated with effect from 31.12.2021 on account of non-payment of dues. The defendant no.1 admits the said table in its affidavit of admission/denial of the documents. In the email dated 16.03.2022, the defendant no.1 admits that it is only with effect from 20.01.2022 that these Clubs were removed from the voting platform. He submits that the defendant no.1, therefore, admits that the Clubs whose memberships stood terminated with effect from 31.12.2021 were allowed to vote at least till 20.01.2022. He submits that this vitiates the entire election process and the result.

21. The learned senior counsel for the plaintiff further submits that in terms of Article 1(8) of the Constitution of the Rotary International, a "Rotary year" is defined as a period of 12 months beginning from 1st July. The defendant no.1 in its decision no.189 on June 2020, in relation to the District Governor Selection Pilot, has decided that Clubs chartered or reinstated during the Rotary Year in which the selection takes place will be ineligible to participate in any aspect of the selection process. He submits that the same embargo shall apply to the election of RI Director to a Zone, that is, the subject election. He submits that the communication dated 16.03.2022 admits that the Clubs whose membership had been terminated were given a fresh link to vote in the subject election on their reinstatement. He submits that there were Clubs which became members only in the Rotary Year applicable to the year of the subject election, but were allowed to vote in the subject election. He submits that this also vitiates the election process, for which the election result is liable to be set aside by this Court.

22. On the question of locus to file the present Suit and challenge the election result, the learned senior counsel for the plaintiff, placing reliance on the judgment of this Court in *Ashok K. Ghosh v. Rotary International*, 1993 SCC

OnLine Del 356, submits that a valuable right accrues to a candidate, that is the plaintiff herein, having been nominated by the Nominating Committee, and the plaintiff would, therefore, have the locus to challenge the election result.

IV. SUBMISSIONS OF THE LEARNED SENIOR COUNSELS FOR THE DEFENDANT NOS.1 AND 2

23. On the other hand, the learned senior counsels appearing for the defendant nos.1 and 2, placing reliance on the judgment of the Supreme Court in *T.P Daver v. Lodge Victoria No.363 S.C. Belgaum & Ors.* (1964) 1 SCR 1, submit that since the defendant no.1 is an association of Clubs and not of individuals, the plaintiff does not have the locus to challenge the decision of the Board. They submit that the plaintiff is bound by the Rules of the defendant no.1 organization, which grant a right to challenge a decision of the Board only in the form of an internal appeal and such right is vested only in the Club and not in the individual.

24. The learned senior counsels for the defendant nos.1 and 2 submit that the jurisdiction of the Court to interfere with the decision taken in the matters of the Club is rather limited and such challenge should be left to be adjudicated upon by the internal challenge mechanism provided by the Constitution of the Club. In support, they place reliance on the judgment of *Ramesh Chander v. Suresh Bhasin and Ors.*, MANU/DE/0773/2005, as upheld by the Supreme Court in its order in *Suresh Bhasin v. Ramesh Chander & Ors.*, MANU/SC/2845/2005.

25. They also place reliance on the judgment of the Supreme Court in *Supreme Court Bar Association & Ors. v. B.D. Kaushik.* ,(2011) 13 SCC 774, and of this Court *Ashok Kumar and Ors. SBI Officers Association and Ors*, MANU/DE/1010/2013, to contend that in the matters of internal management of an association, the Courts normally do not interfere, leaving it open to the association and its members to frame Rules in this regard.

26. During the course of submissions, the defendant no.1 has also filed an additional affidavit to place on record the report of the Election Review Committee, which has inter alia found that 25 of the 55 Clubs terminated on 31.12.2021 had voted prior to 20.01.2022. The Committee, however, observed that the result of the election did not change with the votes of these Clubs being removed. As far as the allegation that new or reinstated Clubs were allowed to vote, the Committee opined that the Governor Selection Pilot, relied upon by the plaintiff in the present suit, is not applicable to the subject elections. The Committee had also considered the other challenge made by the plaintiff, however, found the complaint not to be justified.

27. Placing reliance on the said report, the learned senior counsels for the defendant nos.1 and 2 submit that all complaints of the plaintiff having been considered through the Internal Redressal Mechanism, this Court would not interfere with the decision.

REJOINDER SUBMISSIONS OF THE LEARNED SENIOR COUNSEL FOR THE

PLAINTIFF

28. The learned senior counsel for the plaintiff, in rejoinder, while reiterating his submissions in the opening, submits that the finding of the Election Review Committee that the result would not change even by excluding the votes of the Clubs whose membership had been terminated, is not supported by any evidence and, in any case, cannot wash away the illegality attached to the election process.

29. On the question of the locus, he submits that the right to access to justice is a fundamental right of the citizen of this Country and cannot be denied. Any restriction of such right under the Bylaws shall be void in terms of Section 23 of the Indian Contract Act, 1872.

30. On the availability of the appellate forum to challenge the Board decision, he submits that in terms of Article 5.030, the right to appeal is available only to a Club with the concurrence of at least 24 other Clubs. The said right, therefore, cannot be said to be an adequate alternate remedy for the plaintiff. He submits that a suit cannot be said to be not maintainable only due to the availability of an alternate remedy in the Bylaws of the defendant no.1 organization.

31. On the decision of the Election Review Committee, he submits that the additional affidavit has been filed by Mr.Rajesh Anand, claiming himself to be the Power of Attorney holder of the defendant no.1. As a Power of Attorney holder, he cannot depose to the facts in dispute and as mentioned in the affidavit. He submits that, therefore, no reliance should be placed on the affidavit so filed.

ANALYSIS AND FINDINGS

32. I have considered the submissions of the learned senior counsels for the parties.

33. In T.P.Daver (supra), the Supreme Court has held that the jurisdiction of the Civil Court in decisions of a Club is rather limited. It cannot sit as a Court of Appeal from the decisions taken by such a Body, and can interfere only when it is found that the Body has acted without jurisdiction or not in good faith or in violation of the Principles of Natural Justice.

34. In Suresh Bhasin (supra), the Supreme Court while affirming the decision of the learned Single Judge of this Court in Ramesh Chander (supra), observed that ordinarily the Civil Courts do not interfere in the matters of disputes relating to Clubs, and that such disputes should be left to be adjudicated upon by the internal mechanism provided by the Constitution of the Club.

35. In B.D. Kaushik (supra), the Supreme Court has reiterated that in the matters of internal management of an association, the Courts normally do not interfere. Once a person becomes a member of an association, such a person loses his individuality qua the association and he has no individual rights except those given to him by the Rules and Regulations and/or Bylaws of the Association.

36. In Ashok Kumar (supra), it was held that when a person joins the association

or forms an association, he enters into a contract in terms of the Bylaws; his rights are merged into the rights of the association as a whole; and he is subjected to the Bylaws of the association. His rights are governed by the Bylaws and beyond the same, there exists no independent legal right, including a right to get himself elected.

37. Applying the above principles to the facts of the present case, I find that the plaintiff has been unable to make out a prima facie case for grant of an interim injunction in his favour.

38. Some of the Articles of the Bylaws relevant to the adjudication of the present application, are reproduced herein below:-

3.020.6. Period of Suspension.

The board shall reinstate the membership rights of a suspended club or Rotaract club if it has:

- (a) paid all dues or other financial obligation to RI, or paid all required levies to the district fund;
- (b) terminated members who misused TRF funds or otherwise breached TRF's stewardship policies;
- (c) appropriately addressed any youth-protections allegations against a member or Rotaractor in connection with Rotary-related youth programs; or
- (d) resolved all issues that led to the suspension.

If the reason for suspension is not remedied within six months, the board shall terminate the club or Rotaract club.

"11.020. Selection of Director-nominee and Alternate by Nominating Committee Procedure.

11.020.4. Election.

Except as provided in subsections 11.020.9., 11.020.10., and 11.020.11., the member and the alternate member of the nominating committee shall be elected at the district conference in the year before the scheduled nomination. To participate in district voting for the selection of a member and alternate member of the nominating committee for director, a club shall have paid the required district levy for the Rotary year in which the voting is taking place and shall not be indebted to the district. The financial status of the club is determined by the governor.

11.020.5. Nominations.

Any club in a district may nominate a qualified member of the club for membership on the nominating committee if the member has indicated a willingness and ability to serve. The club shall certify the nomination in writing

and must include the signatures of the club president and secretary. The nomination shall be forwarded to the governor for presentation to the electors at the district conference. Each club shall designate one elector to cast all its votes. All votes from a club with more than one vote shall be cast for the same candidate. For votes requiring or utilizing a single transferable ballot with three or more candidates, all votes from a club with more than one vote shall be for the same-ordered choices of candidates. xxxx

11.020.15. Suggestions from Clubs to Committee.

By 1 July, the general secretary informs the clubs in the zone, or section, of the composition of the nominating committee, invites them to submit their suggestions for director from the zone, or section, and provides the address of the convener. Suggestions shall be submitted to the convener on a form approved by the board and include a photograph and background information about the suggested candidate's Rotary and other activities. Suggestions must be received by the convener no later than 1 September.

11.020.16. Committee Nominations.

The nomination of a director and alternate shall be made from among members of clubs in the zone, or section of the zone, whose names are suggested by clubs. If fewer than three names are suggested, the committee may also consider other qualified Rotarians in that zone or section for selection. The committee is responsible for nominating the best qualified persons available.

11.020.17. Meeting of the Nominating Committee.

The committee shall meet during the following September at a time and place determined by the board. A majority of the members is a quorum and all business shall be by majority vote, except in selecting the committee's nominee for director. The nominees for director and alternate must receive at least a 60 percent majority vote of the committee. The chair of the nominating committee may only vote for nominees for director and alternate or to break a tie vote.

xxxx

11.020.21. Proposal of Challenging Candidates.

Any club in the zone, or section, may propose a challenging candidate. The challenging candidate must have been suggested to the nominating committee. The name of the challenging candidate shall be submitted by a resolution of the club adopted at a regular meeting. The resolution must be concurred to by a majority of clubs in its district or, if its district is in more than one zone, a majority of clubs in its district which are in the same zone from which the director is to be nominated. The concurrence shall be obtained at a conference or through a club ballot. The concurrence must be certified to the general secretary by the district's governor. The resolution must include a written statement from the challenging candidate that the candidate is willing and able to serve, specific

biographical material (on a form prescribed by the board), and a recent photograph. The process must be completed by 1 December in the relevant year, or the challenging candidate is not eligible to contest the selection.

11.020.22. Declaration of Director-nominee, Selection in Club Ballot.

If there is no eligible challenging candidate by 1 December, the president shall declare the committee's nominee as the director-nominee from the zone. The announcement shall take place no later than 15 December. If the general secretary receives the requirements for a challenging candidate by 1 December, selection of a director from among the challenging candidates and the committee's nominee shall be made in a club ballot in accordance with section 11.030.

11.030. Club Ballot Procedure.

The procedure for selecting a director-nominee in a club ballot pursuant to section 11.020. shall be as provided below.

11.030.1. Voting.

All clubs within the zone shall participate in the balloting except in those zones where the nominating committee is to be selected from the districts within a section pursuant to the provisions of subsection 11.020.1. or 11.020.2. In those zones, only clubs within the section from which the RI director is to be nominated shall participate in the balloting.

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11.030.4. Club Voting.

The number of a club's votes is determined by the formula in subsection 15.050.1.

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13.030.4. Candidate Declaration of Campaigning Provisions.

On all forms suggesting candidates to elective office, candidates shall sign a declaration that they have read, understood, accepted, and agreed to be bound by the provisions of the bylaws.

39. In terms of Article 11.020, the Director-nominee and alternate are to be selected by the Nominating Committee Procedure. In terms of Article 11.020.5, any Club in a district may nominate a qualified member of the Club for membership on the Nominating Committee, if the member has indicated a willingness and ability to serve.

40. In terms of Article 13.030.4, each candidate has to sign a declaration that he/she has read, understood, accepted and agreed to be bound by the provisions of the Bylaws.

41. In terms of Article 11.020.17, the Nominating Committee selects the Director and alternate, who must receive at least 60% majority vote of the Committee. Article 11.020.21 provides that any Club in the Zone may propose a challenging candidate. Such a resolution must be concurred to by a majority of the Clubs in its district or if the district is in more than one zone, a majority of the Clubs in its district which are in the same zone from which the Director is to be nominated. The challenging candidate has to certify that he/she is willing and able to serve. In case of such challenge, the Director is then elected through a voting process where the Clubs vote. The number of the Clubs' votes are determined by the formula in Sub-Article 15.050.1, which is reproduced herein below:

"15.050.1. Electors.

Each club shall select and certify at least one elector to its conference and legislation meeting (if held). A club with more than 25 members has one additional elector for each additional 25 members or major fraction thereof. That is, a club with a membership of up to 37 members is entitled to one elector, a club with 38 to 62 members is entitled to two electors, a club with 63 to 87 members is entitled to three electors and so on. Membership is determined by the number of members in the latest club invoice before the vote, except that a suspended club has no vote.

Each elector shall be a member of the club. To vote, an elector must be present at the conference or legislation meeting. To participate in any voting by electors at the district conference, a club shall have paid the required district levy for the Rotary year in which the voting is taking place and shall not be indebted to the district. The financial status of the club is determined by the governor.

42. Article 13.030.1 states that a complaint about the selection process for an RI elective office or the result of an RI election shall be considered by the Board only if it is made by a Club with the concurrence of at least five other Clubs or a current officer of RI or by a President's representative to a district or zone meeting. The same is reproduced hereinbelow:

"13.030.1. Complaints.

A complaint about the selection process for an RI elective office or the result of an RI election shall be considered by the board only if it is:

- (a) made by a club with the concurrence of at least five other clubs or a current officer of RI; or by a president's representative to a district or zone meeting;
- (b) in writing; and
- (c) filed with the general secretary within 21 days after the election results are announced."

43. On the complaint, the Board of RI takes a decision in terms of the power vested in it in terms of Article 13.030.2, reproduced herein below:-

13.030.2. Board Consideration.

The general secretary shall act upon a complaint pursuant to board procedures. The board may dismiss the complaint, disqualify the candidate for the elective office sought or future RI elective offices (or both) for such period as the board determines, or take any action against any Rotarian it deems fair and just. A two-thirds vote is required to disqualify a candidate. The board shall promptly transmit its decision to the interested parties.

44. Article 13.030.5 expressly provides that the election review procedure in the Bylaws is the exclusive method to cover the elections or result of an RI election. In fact, it further states that a Rotarian candidate or a Club acting for a candidate which does not follow and complete the election review procedure before seeking intervention of any non-Rotarian agency or other dispute resolution system, shall be disqualified for the election in question and from contest of any election office of RI. Article 13.030.5 is reproduced below:-

13.030.5. Completion of Election Review Procedure.

The election review procedure in the bylaws is the exclusive method to contest the right to an elective office or the result of an RI election. If a Rotarian candidate or a club acting for a candidate does not follow and complete the election review procedure before seeking the intervention by any non-Rotary agency or other dispute resolution system, the Rotarian candidate shall be disqualified from the election in question and from contesting any elective office of RI for a period determined by the board. If a club or a Rotarian fails to follow and complete the election review procedure before seeking the intervention of any non-Rotary agency or other dispute resolution system, the board may take appropriate action pursuant to subsection 3.020.1.(c).

45. Article 5.030 provides for an appeal from a decision of the board. Such an appeal can be filed only by a Club, with the concurrence of at least 24 other Clubs. Article 5.030 is reproduced herein below:-

5.030. Appeal of Board Decisions.

Board decisions may only be appealed to the representatives of the council on legislation, under rules set by the board. Any club, with the concurrence of at least 24 other clubs, may appeal by writing the general secretary within four months after a board decision. At least half the concurring clubs must be in districts other than that of the appealing club. The appeal shall be by a resolution adopted at a regular club meeting, certified by the president and secretary. Within 90 days of receipt, the general secretary shall hold a vote of the council representatives. The only question for the representatives is whether the decision of the board should be sustained. If, however, an appeal is received by the general secretary within three months before the next regularly scheduled meeting of the council on legislation, the appeal shall be submitted to the council on legislation to decide whether the decision of the board should be sustained.

46. A reading of the above Articles would show that the Bylaws recognize only the Clubs for not only the nomination for the Director, RI for a Zone but also for voting in the elections and the challenge to the election process. An individual is not vested with any right either to contest the election or to challenge the result thereof.

47. Though, in view of the judgment of Ashok K. Ghosh (supra), as a nominee selected by the Nominating Committee, the plaintiff may have a locus to challenge the election process, the fact that he acts merely as a representative of a Club in such election process, and the absence of the Club joining the plaintiff in the challenge to the election process, would weigh with this Court against the plaintiff while considering the relief of an interim injunction prayed by the plaintiff.

48. On the question of the terminated Clubs having been allowed to vote, the defendant no.1 has placed on record the report of the Election Review Committee which states that as far as the terminated Clubs are concerned, no difference in the election result would take place by excluding their votes. As held by the Supreme Court in the judgments cited hereinabove, this Court would not act as a Court of Appeal against such decision. For the purposes of considering the prayer of the plaintiff for grant of an interim relief, therefore, the above decision would weigh with this Court to decide against the plaintiff.

49. Equally, the Election Review Committee has also rejected the claim of the plaintiff on account of the newly enrolled Clubs or reinstated Clubs being allowed to vote in the election process, by holding that the District Governance Pilots would not be applicable to the subject elections. Though, the learned senior counsel for the plaintiff has submitted that the Rules as applicable to the Governor's Election apply also to the Director Election as well, prima facie I am unable to find support to this submission. Nomination and Elections for Governors is governed by Article 12 of the Bylaws. The document relied upon by the learned senior counsel for the plaintiff refers only to the Governor's election. It is only by a matter of stretched interpretation that the said document can be said to also apply to the Director's election. This may not be the stage for the same. It would necessarily have to await the parties leading their evidence on this issue.

50. In view of the above, I find that the plaintiff has not been able to make out a prima facie case in his favour.

51. The present application is accordingly dismissed.

52. It is made clear that any and all observations made hereinabove are only prima facie in nature and shall not bind this Court while adjudicating the suit.

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53. List on 17th July, 2023 before the learned Joint Registrar (Judicial).