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

+ **CS(OS) 385/2024 & I.As. 10736-41/2024**

BASKETBALL FEDERATION OF INDIA Plaintiff

Through: Mr. Rajiv Nayar Sr. Adv with Mr. Rishi Agrawala, Mr. Anirudh Bakhru, Mr. Eklavya Dwivedi, Mr. Ankit Banati, Mr. Shravan Niranjana, Mr. Prabhav Bahuguna, Mr. Vikram Choudhary, Mr. T. Mahendhran, Mr. Raghunatha Sethupathy & Mr. Saurabh Seth, Advs.

versus

CAPTAINS PROFESSIONAL BASKETBALL LEAGUE PVT.

LTD. & ANR.

..... Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 10741/2024 (for exemption)

2. This is an application seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Delhi High Court (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the application is disposed of.

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I.A. 10740/2024 (for exemption)

5. Allowed, subject to all just exceptions. Accordingly, the application is disposed of.

I.A. 10737/2024 (Court fee)

6. This is an application seeking one week time to pay and place on record the court fee. Court fee is stated to have been filed with the Stock Holding Corporation Ltd. Let the court fee stamp be placed on record in one week. Accordingly, the application is disposed of.

I.A. 10738/2024 (u/S 12A(1))

7. This being not a Commercial Suit, the application seeking exemption from institution of pre-litigation mediation under Section 12A of the Commercial Courts Act, 2005 is not required. Accordingly, the application is disposed of.

I.A. 10739/2024(for appointment of Local Commissioner)

8. This is an application for the appointment of Local Commissioner. The same is not pressed at this stage. Accordingly, the application is disposed of.

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9. Let the plaint be registered as a suit.

10. Issue summons in the suit to the Defendants through all modes upon filing of Process Fee. Summons be served dasti.

11. Let the written statement to the plaint be filed within 30 days. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

12. Liberty is given to the Plaintiff to file replication within 15 days of the

receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

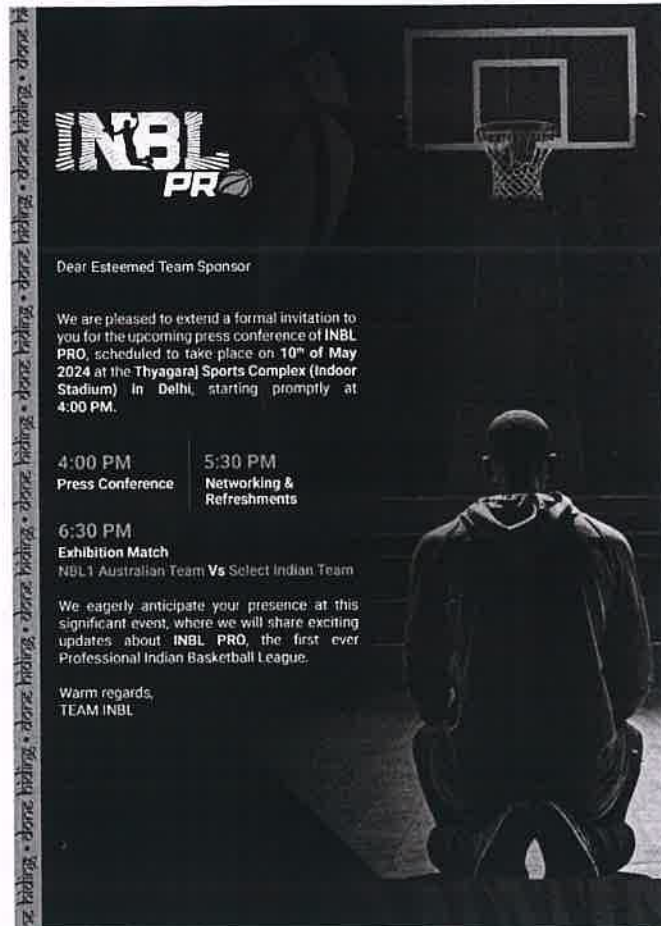
13. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

I.A. 10736/2024 (for stay)

14. The present suit has been listed today for urgent hearing upon mentioning in the typed supplementary list.

15. The present suit has been filed by the Plaintiff- Basketball Federation of India which is a National Sports Federation (NSF) which is stated to be recognised by the Ministry of Sports, Government of India. It has filed the present suit against two entities namely Captains Professional Basketball League Pvt. Ltd. Fatehgarh Sahib, Punjab and Headstart Arena (India) Pvt. Ltd. Fatehgarh Sahib, Punjab.

16. The Basketball Federation of India claims to be functioning since 1950 and registered as a society under the Societies Registration Act, 1860. The case of the Plaintiff is that it is the apex body in India for the sport of Basketball. The Plaintiff is currently aggrieved by the Defendants' launch of a league by the name INBL PRO, with its first match scheduled to be tomorrow, i.e., 10th May, 2024, at 4:00 p.m. As per a poster for the said event annexed as a document with the suit, the said Exhibition Match and other associated activities are to take place at Thyagaraj Stadium Complex (Indoor Stadium). The said poster is set out below:



17. Mr. Nayar, Id. Sr. Counsel appearing for the Plaintiff-Basketball Federation of India ('BFI') submits that the said Defendants are claiming rights under a Master Rights Agreement dated 15th February, 2023. According to the Plaintiff, the said agreement which was purportedly entered into by and between Plaintiff and the Defendant No.1 is an agreement which is *void ab initio* inasmuch as the same was not duly approved by the federation. The same was signed on 15th February, 2023, by one Mr. Chander Mukhi Sharma on behalf of the Plaintiff as the Secretary General of the BFI. However, the said Mr. Chander Mukhi Sharma had ceased to be the Secretary General with effect from 13th February, 2023

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itself i.e., two days before the date of the agreement.

18. It is the submission of Id. Sr. Counsel that recently, vide letter dated 8th May, 2024, the Plaintiff has terminated the said agreement, which was purportedly executed. The urgency for the present, is the announcement of INBL PRO League by the Defendants giving the impression that there is a match which is going to be held between the Indian national team with Australia. This would result in enormous injury to the Basketball players as also the BFI, as the players may be tempted to believe that the Defendants are the recognised Indian team organizers or selectors or connected to the BFI.

19. The submission of the Plaintiff is also that the use of the word Indian as also poaching of players of the Plaintiff and using terminologies such as '*Select Indian Team*' in the name and the team description would cause hardship and irreparable injury to sportspersons as also the BFI, especially in view of the forthcoming international tournament to be held in May, 2024.

20. It is also brought to the notice of the Court that insofar as the Plaintiff itself is considered, a detailed order was passed by a Id. Single Judge of this Court in various writ petitions which were preferred and vide order dated 2nd May, 2023 elections to various positions of office bearers to the BFI, were held and a duly constituted body is now running the Plaintiff- BFI.

21. It is also the submission of Id. Sr. Counsel for the Plaintiff that the Defendants, through their communications are disseminating information about the launch of their league, and are in effect now competing with the Plaintiff by attempting to launch a league directly in competition with the Plaintiff's league which is in the process of being launched through a tender

process. It is submitted that a retired Judge of the Supreme Court has also been appointed to oversee the tender process for the launch of the league. Under such circumstances, for the moment, the Plaintiff prays for an injunction against the Defendants from using the word 'India', 'Select Indian' or 'Indian' and from enticing the players who are already playing for the Basketball Federation of India from participating in the INBL Pro league which is stated to be commencing tomorrow.

22. The Court has heard ld. Sr. Counsel for the Plaintiff and perused the record. Advance copies of this suit are stated to have been served today at 10:30 a.m. on the Defendants at various email addresses including rupinderbrar@yahoo.com and cs.mahindru@gmail.com. It is submitted that these two individuals are running the Defendant companies and there are no other employees. Considering the overall facts and keeping the interest of the sport of Basketball in India, there being no doubt that the Plaintiff being the recognised federation in India, the use of the word India, 'Select Indian' or 'Indian' or even poaching Indian basketball players would *prima facie* be contrary to the Sports Code as also the applicable regulations.

23. Under such circumstances, a *prima facie* case is made out to issue an *ex-parte ad-interim* injunction to restrain the Defendants. In the present factual matrix, the balance of convenience also clearly lies in favor of the Plaintiff, as allowing the Defendants to proceed with its Exhibition Match with the team name 'Select Indian Team' would cause confusion and mislead the players as also the public, undermining the authority of the BFI as the apex body for basketball in India and giving an impression to the public that an official Indian team is playing the said Exhibition Match. In addition, irreparable harm would be caused to the Plaintiff association's


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credibility, and preparation for the upcoming international tournament if the Defendants are not restrained from using misleading the public and enticing players away from the national camp.

24. Accordingly, the Defendants shall stand restrained from using the word 'India' or '*Select Indian Team*' or 'India' any other expression that would give the impression that the Defendants are the officially recognised national body for the sport of basketball or are holding their Exhibition Match and also the league in association with the BFI. Ordered accordingly.

25. The Defendants shall also be restrained in any manner enticing or poaching any of the national basketball players to play in a '*Select Indian Team*' in the INBL PRO League which is supposed to commence tomorrow i.e., 10th May, 2024.

26. Issue notice in the interim injunction application. Let reply be filed within four weeks. Rejoinder, thereto, be filed within two weeks.

27. Compliance of Order XXXIX Rule 3 CPC,1908 be done by 10:00 a.m. tomorrow i.e., 10th May, 2024.

28. List before Court on 29th July, 2024.

29. Copy of this order be given *dasti* under signatures of Court Master



PRATHIBA M. SINGH, J.

MAY 9, 2024

dj/am



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