

(2025) 05 DEL CK 0892

In the Delhi High Court

Case No : Writ Petition (C) No. 10363 Of 2021

Lalit Sharma And Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 16-05-2025

Acts Referred:

Bar Council of Delhi Rules, 1963 — Rule 5(ii)

Citation : (2025) 05 DEL CK 0892

Hon'ble Judges : Prathiba M. Singh, J;Navin Chawla, J;C. Hari Shankar, J

Bench : Full Bench

Advocate : Pradeep Kumar Yadav, Deepak Yadav, Anurag Jain, Sanjeev Kathuria, D.D. Pandey, Dharmendra Kumar Mishra, Lekha Suraj Gautam, Vipin K. Sharma, Anshu Dawar, Chandrika Singh, Sanjay Lao, Priyam Aggarwal, Aryan Sachdeva, Abhinav Kr. Arya, Aakarsh Srivastava, Anugya Gupta, Dr. Amit George, Dushyant Kishan Kaul, Ibansara Syiemlieh, T. Singhdev, Tanishq Srivastava, Abhijit Chakravarty, A. Hussain, Bhanu Gulati, Yamini Singh, Sourabh Kumar

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through hybrid mode.

CM APPL.30152/2025 in W.P.(C)-10363/2021

2. In the present writ petition, directions have been issued from time to time, in respect of conduct of elections to the Delhi High Court Bar Association as also the various Bar Associations in the District Courts. Vide order dated 21st February, 2025, finally, elections were fixed for being conducted in all Courts simultaneously on 21st March, 2025.

3. The elections to all the Bar Associations were concluded on 21st March, 2025, except in respect of the Saket Bar Association and the Shahdara Bar Association, which were called off due to various reasons. Accordingly, certain applications were filed in respect of these two Bar Associations which were considered by this

Court on 7th April, 2025 and the said applications were disposed of and necessary directions were issued for the conduct of elections to the two District Court Bar Associations, on 09th May, 2025.

4. Consequently, the elections to the Saket Bar Association have been successfully concluded on 9th May, 2025. However, certain applications were filed before this Court raising several grievances with respect to the conduct of elections to the Shahdara Bar Association. One such application was filed by Justice Talwant Singh (Retd.) who is the Chairperson of the Shahdara Bar Association Election Committee (hereinafter, 'the Chairperson').

5. All such grievances were duly considered by this Court and an order dated 8th May, 2025 was passed with necessary directions for the conduct of elections to the Shahdara Bar Association on 24th May, 2025. Relevant part of the order dated 8th May, 2025 has been extracted herein below:

"7. A report dated 7th May, 2025 has been filed by Justice Talwant Singh (Retd.), Id. Chairperson of the Election Committee, raising certain difficulties which are being faced in conducting the elections to Shahdara Bar Association. The said issues, which have been raised in the report are as under:

? Qua availability of EVMs. -

i. It is submitted by the Id. Chairperson that in furtherance to the directions of this Court in order dated 5th May, 2025, he contacted Mr. Mohinder Rupal, Id. Counsel for Delhi University and was informed that the EVMs from Delhi University have been requisitioned for the Saket Bar Association elections scheduled to take place on 9th May, 2025.

ii. However, Delhi University further communicated its willingness to provide the EVMs for conducting elections to the Shahdara Bar Association on 24th May, 2025. Hence, Id. Chairperson to the Shahdara Bar Association has sought directions from this Court for the election to be rescheduled for 24th May, 2025.

iii. Furthermore, the view of the Chairperson is that the paper ballot elections would be extremely complex and expensive as well. Thus, his recommendation is for conducting the elections through EVMs.

? Qua the expenses for the elections -

i. As per the report filed by the Id. Chairperson, the total expenses for the election to the Shahdara Bar Association would amount approximately to the tune of Rs.22 lakhs to 25 lakhs.

ii. A detailed breakup of the expenses has been furnished in the report filed by the Id. Chairperson. The Id. Chairperson has, therefore, sought directions to 34 candidates contesting for the post of President, Senior Vice President, Vice President (Male), Vice President (Female), respectively, to contribute Rs.65,000/- each in the bank account of the Election Committee to enable the conduct of the elections.

8. The Court has considered the report dated 7th May, 2025 filed by Justice Talwant Singh (Retd.), Id. Chairperson of the Election Committee. Having heard all concerned parties including Id. Counsel appearing for the Chairperson, the contesting candidates, Id. Standing Counsel (Crl.) appearing for Delhi Police as also Mr. Mohinder Rupal, Id. Counsel appearing for the Delhi University, this Court is of the opinion that it would be in the fitness of things to accept the recommendation of the Id. Chairperson of the Election Committee qua the postponement of election

9. Accordingly, the election to the Shahdara Bar Association shall now be conducted on Saturday, 24th May, 2025. The list of candidates who are required to deposit an amount of Rs. 65,000/- for covering the expenses of the elections, shall now also include the candidates contesting for the post of the Treasurer. The number of candidates contesting for the said posts are listed herein below:

S. No.

Post

Number of Candidates

1.

President

8

2.

Sr. Vice President

8

3.

Vice President (Male)

7

4.

Vice President (Female)

5

5.

Hon. Secretary

6

6.

Treasurer

Total

38

10. Each of the candidates contesting for the above mentioned posts shall contribute a sum of Rs. 65,000/- in the bank account of the Election Committee by 13th May, 2025. Those candidates who do not deposit the said amount will not be allowed to contest the elections, by the Election Committee. The court is compelled to take this extreme step as the second round of elections was necessitated due to the irregularities in the first round leading to the same being countermanded. For the first round substantial expenses had already been incurred by the Shahdara Bar Association and currently the Association is stated to be having only approx. 3 lakhs in its bank account. If there is no contribution by candidates, the elections cannot be held. Accordingly, the candidates contesting for the posts set out above shall ensure that their obligation to contribute to the election is duly discharged."

As can be seen from the above order, the Chairperson had stated that more than Rs. 25 lakhs was required for conduct of elections to the Shahdara Bar Association Election Committee and the Bar Association did not have any funds. Therefore, directions were issued to the contesting candidates to deposit Rs. 65,000/- each for defraying the expenses.

6. The present application has been moved by three Applicants namely Mrs. Lekha Saroj Gautam, Mr. Vipin Kumar Sharma and Mr. P.S. Tomar, being the members of the Shahdara Bar Association, seeking directions for permitting the candidates to contest the elections to Shahdara Bar Association without payment of Rs. 65,000/-, as mandated by this court in the order dated 8th May, 2025. The prayers in the application are as under:

"(a) Allow the present application and pass the direction to the LD. Chairperson of the Current Election Committee to reconsider the petitioners candidature to contest the election without submit amount of RS 65,000/- and to conduct the election with the SBA funds.

(b) Issue a direction that the election of the Shahdara Bar Association must be conducted by the personal ballot as per the Rule 5(ii) of the Bar Council of Delhi Rules, 1963.

(c) Issue any such other further order(s) or direction(s) as this Hon'ble Court may deem fit and appropriate on the facts and circumstances of this case to secure the ends of justice."

7. The Court has heard Mr. Pradeep Kumar Yadav, Id. Counsel for the Applicants as also the Id. Counsel appearing for the Chairperson.

8. The reason why the Court, vide the order dated 8th May, 2025 had directed the above stated candidates to deposit the sum of Rs. 65,000/- each, was

because of the submissions made on behalf of the Ld. Chairperson, stating that there were not enough funds with the Shahdara Bar Association for conduct of the elections.

9. Upon submissions to such effect, it was further recorded by this Court in order dated 8th May, 2025 that the previous elections to the Shahdara Bar Association had been cancelled due to various reasons and thereafter, the Shahdara Bar Association did not have enough funds to conduct elections for the second time.

10. The Court was, therefore, constrained to pass the order dated 8th May, 2025, that all the candidates contesting for the post of President, Sr. Vice President, Vice-President (Male), Vice-President (Female), Hony. Secretary & Treasurer would contribute Rs.65,000/- each, failing which they would not be able to contest the elections.

11. Today, Id. Counsel appearing for the Chairperson informs the Court that out of a total of 38 candidates contesting for the above mentioned posts, 28 candidates have already deposited Rs.65,000/- each, which has now brought the funds of the Shahdara Bar Association to a total of approximately Rs.21.87 lakhs. However, 10 candidates are yet to deposit the money. It is further submitted that an approximate estimate of the total expenses for the elections are over Rs.25 lakhs.

12. It is further clarified that while passing the order dated 8th May, 2025, a large number of the candidates who are contesting the elections were present before the Court and most of them agreed to deposit the said amount of Rs.65,000/- each. Accordingly, the order dated 8th May, 2025 was passed to such effect.

13. However, the Ld. Counsel for the Applicants submits that the three Applicants were not present before the Court on 8th May, 2025 and had not given their consent. This statement is taken on record. In elections of this nature where directions were issued, after hearing in open Court, that too with a large number of persons attending the hearing physically and virtually, all the candidates were aware of the directions issued. No objection was raised by anyone in respect of the direction to deposit Rs.65,000/-.

14. Upon query from this Court, the Applicants have submitted that they are not willing to deposit the said amount of Rs. 65,000/-. In fact, Applicant No.2 is not even a candidate in the elections to the Shahdara Bar Association. Thus, the Court is not inclined to revisit the order dated 8th May, 2025. Accordingly, the candidates, who are not willing to deposit the money shall stand disqualified from contesting the elections to the Shahdara Bar Association.

15. The application is disposed of in these terms.

16. The petition is already disposed of. No further orders are called for.

17. Dasti.