



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-10381-2025 (O&M)
Date of decision: 22.12.2025

Anil Dhull *Petitioner*

Versus

Election Tribunal Bar Council of Punjab & Haryana at Chandigarh & others
..... *Respondents*

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present:- Mr. Vikram Singh, Advocate and
Ms. Sumitra, Advocate for the petitioner.

Mr. Birinder Singh Rana, Senior Advocate with
Mr. Nayandeep Rana, Advocate and
Mr. Neeraj Maan, Advocate for respondent No.1.

Mr. Shobhit Rapria, Advocate for respondents No.2 and 3,
(*through video conferencing*)

Mr. Nikhil Sheoran, Advocate for
Mr. Harinder Pal Singh Ishar, Advocate and
Mr. Bijender Dhankhar, Advocate for respondent No.4.

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GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 4.4.2025 (Annexure P-5) passed by respondent No.1 - Election Tribunal, Bar Council of Punjab and Haryana, vide which respondent No.1 has ordered for recounting of the votes pertaining to election to the post of President, District Bar Association, Sonipat. The petitioner also assails order dated 4.4.2025 (Annexure P-6)



passed by respondent No.1 vide which his application filed under Order-7, Rule-11 CPC, has been dismissed.

2. The petitioner had contested election to the post of President, District Bar Association, Sonipat for the year 2025-2026 and was declared elected. Respondent No.4 – Kamal Hooda an unsuccessful candidate, filed an election petition seeking recounting of votes wherein the Election Tribunal, vide order dated 11.3.2025, directed the petitioner to produce the relevant record. However, the petitioner approached Bar Council of India against the said order but was unsuccessful.
3. The relevant dates and events which need to be borne in mind, are stated chronologically herein-under:

16.12.2024 : Annual Election of the office bearers of the DBA Sonipat for the year 2025-26 was notified by the Bar Council of Punjab and Haryana (BCPH).

28.2.2025 : The election for the DBA Sonipat President post was conducted, and Anil Dhull was declared elected as President.

5.3.2025 : Kamal Hooda (Respondent No. 4) filed Election Petition before the Election Tribunal for recounting of votes.
(Annexure P-1)

11.3.2025 : The Election Tribunal (Respondent No. 1) issued a specific direction to Anil Dhull (Petitioner) to bring the entire record before it.**(Annexure P-2)**

17.3.2025 : The petitioner Shri Anil Dhull undertook before Election Tribunal to produce entire record pertaining to election on 19.3.2025. The Election Tribunal also made it clear that in case the record is not produced on said day, then appropriate order shall be passed. **(Annexure R-4/13)**



19.3.2025 : **(ORDER dated 19.3.2025 OF BCI)** The petitioner Anil Dhull had approached Bar Council of India assailing order dated 11.3.2025, passed by Election Tribunal, and had also moved an application seeking stay of proceedings being conducted before Election Tribunal pursuant to order dated 17.3.2025. However, the said prayer was declined and the Tribunal was granted liberty to Election Tribunal to proceed further while clarifying that if recounting is to be conducted, then entire process be undertaken in the presence of an observer appointed by Bar Council of India. **(Annexure R-4/8)**

19.3.2025 : **(ORDER dated 19.3.2025 of ELECTION TRIBUNAL)** : In the proceedings before the election Tribunal, the petitioner himself requested for re-counting of votes on the same day but said request was not acceded to as the Senior Returning officer who had sealed the ballot box it was him who had the keys to Ballot box, was not present.**(Annexure P-3)**

2.4.2025 : Sh. Kamal Hooda (Resp. no. 4) had filed a petition in this Court i.e CWP No. 9355 of 2025, challenging the jurisdiction of the Bar Council of India to entertain a petition against any interim order passed by Election Tribunal. However, the same was sought to be withdrawn and this Court while disposing off the same ordered that recounting be lawfully done after disposal of application under Order-7, Rule -11 CPC by the Election Tribunal by way of a speaking order. **(Annexure P-4)**

4.4.2025 : Pursuant to aforesaid order of this Court, the Election Tribunal passed the two impugned orders i.e. one dismissing Anil Dhull's application under Order 7 Rule 11 CPC **(Annexure P-6)**; and the other issuing directions to bring the ballot box for re-counting on 10.4.2025 **(Annexure P-5).**

4. As noticed above, the unsuccessful candidate i.e. respondent No.4 – Kamal Hooda had also approached this Court by way filing CWP-9355-2025, which was disposed off as withdrawn vide order dated 2.4.2025 (Annexure P-4),



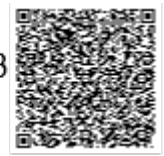
but while disposing off the said writ petition, following directions were issued:

“It is clarified that the recounting be lawfully ordered to be done only post a valid speaking order becoming passed by the Election Tribunal, on an application filed under Order 7 Rule 11 CPC by the respondent No.5.”

5. It was pursuant to passing of the aforesaid order that respondent No.1 vide its order dated 4.4.2025 (Annexure P-6) considered and dismissed the application filed by respondent No.4 under Order 7 Rule 11 CPC. Thereafter on the same day, pursuant to dismissal of the aforesaid application, respondent No.1 passed another order dated 4.4.2025 (Annexure P-5) directing Shri Neeraj Malik, Advocate to produce the ballot box in safe custody before respondent No.1 on the next date of hearing and the matter was adjourned for 10.4.2025 for the purpose of recounting. The said order is reproduced herein-under:

“Vide detailed order three applications i.e. application filed under Order 7 Rule 11 as well as for impleading the assistant Returning Officer as well as for staying the working of respondent no.3 as President stand disposed off.

The statement of both the parties i.e. Sh. Anup Dahiya and Sh. Anil Dhull including that of Sh. Neeraj Malik, Advocate stand recorded. Since, there is a dispute with regard to tampering of the ballot box which have been sealed after counting and there is a two locks put over the said box. The said box is in custody of Sh. Neeraj Malik which has been handed over to him by the Bar Council on 20.03.2025. Now in order to resolve the said issue Sh. Neeraj Malik is requested to bring the said ballot box in safe custody on the next date of hearing. At the same time, Sh. Anup Dahiya and Sh. S.P. Verma are also requested to bring the keys for the said locks on the



next date positively. Sh. S.P. Verma has been informed on telephone by the Bar Council office today and his number is M. 94160-12008. After examining the said ballot box the committee will take decision on the next date. In case everything of the ballot box is found in order than the counting of the votes will be done at the same time. The office of Bar Council is directed to put cameras and arrange videography for counting of the votes, if any on the said date also.

Now to come up on 10.04.2025 at 2:00 PM and the parties mentioned above are requested to comply the said order otherwise serious consequences will follow.”

6. However, it appears that the date mentioned below the aforesaid order has been written incorrectly as ‘26.3.2025’, whereas the same ought to have been ‘4.4.2025’.
7. Learned counsel for the petitioner submitted that the order passed by respondent No.1 for recounting of votes has been passed without appreciating the relevant facts and has been passed in a mechanical manner without holding any inquiry and without calling for any evidence regarding any kind of impropriety or illegality in conduct of elections. Learned counsel further submitted that even his application under Order 7 Rule 11 CPC for rejection of the election petition filed by respondent No.4 has been dismissed without passing any speaking order although a specific direction in this regard had been issued by a Division Bench of this Court vide judgment dated 2.4.2025 passed in CWP-9355-2025 (Annexure P-4).
8. On the other hand, the learned counsel representing the contesting respondent no.4 and also the counsel representing respondent no.1, 2 and 3 argued that once the petitioner himself had opted for re-counting, he is estopped from objecting to the same. The learned counsel, in this regard have



referred to order dated 19.3.2025 (Annexure P-3) passed by respondent No.1, wherein there is reference of a request for recounting made by the petitioner himself.

9. It has further been submitted on behalf of respondents that impugned order dismissing application under Order-7, Rule-11, CPC is a fairly speaking order having been passed after perusal of relevant facts and that there is no such mandate that evidence is required to be recorded or lengthy order is required to be passed even for disposal of an application under Order-7, Rule-11, CPC filed before Election Tribunal inasmuch as the proceedings before such Tribunal are summary in nature to be disposed off within prescribed time-frame of two months prescribed in Rule 11 of “The Bar Associations (Constitution and Registration) Rules 2015.
10. We have considered rival submissions addressed before this Court. It is apposite to first of all refer to order dated 19.3.2025(Annexure P-3) passed by the Election Tribunal. The relevant part is extracted herein-under:

ELECTION TRIBUNAL OF THE BAR COUNCIL OF PUNJAB
AND HARYANA, CHANDIGRH.

Kamal Hooda Vs. Election Committee DBA Sonipat & others.

E.P. No. 03/2025

PRESENT : Sh. Kamal Hooda, petitioner in person along with Sh,
H.P.S. Ishar, Advocate-Counsel.

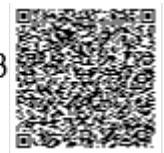
None for respondent no.1 and 2.

Sh. Anil Dhull, respondent no.3 in person along with
Sh. Ashish Vats, Advocate-Counsel.

O R D E R

19.03.2025

“ Today, a box containing Election record has been produced by Sh.
Neeraj Malik, Advocate



..... The respondent no.3 requested to re-counting the voting today itself, however the petitioner objected to the same by stating that senior RO Sh. Anup Singh Dahiya who sealed the box and all seals bear his signatures and it is only Sh. Anup Dahiya who can tell that whether seals or record were intact or not. Moreover the key of one lock is also with Mr. Dahiya and in his presence [*sic*] , neither it is possible nor it is justified to recount the votes.”

(emphasis supplied)

11. The aforesaid order reveals that the petitioner himself opted for recounting of votes. As such, it does not lie in his mouth to object to the same at this stage. Even this Court in its order dated 2.4.2025 (Annexure P-4), while disposing off the petition, directed that recounting is to be conducted only after disposal of application filed by petitioner under Order-7, Rule -11, CPC.
12. As regards proceedings of an election petition, while no specific procedure is prescribed for trial of an election petition by Tribunal constituted by Bar Council of Punjab and Haryana, the broad principles of CPC would be applicable subject to specific provisions the rules applicable. Rule 11 of “The Bar Associations (Constitution and Registration) Rules 2015”, framed by the Bar Council of Punjab and Haryana, relevant to the controversy in hand is reproduced herein-under:

“11. ROLE OF THE BAR COUNCIL:-

- a) In case of any dispute in connection with the voter list in elections of the office bearers, the matter will be taken up by the Bar Council suo-moto or on the basis of complaint filed by any affected member and the decision of the Bar Council will be final. There will not be any additions/ alternations after the finalization of the voter list as per rule 6B(i).
- b) That in order to resolve the above said dispute or to decide any dispute the Chairman of the Bar Council will constitute a committee of three members of the Bar Council whose decision will be final.



- c) In case any dispute arises after the declaration of the result, the aggrieved party shall approach the Bar Council by way of Election petition within 15 days of the declaration of the result accompanied by a fee of Rs.5000/-.
- d) After the receipt of the Election Petition, the Chairman of the Bar Council shall constitute an Election Tribunal consisting of three elected members of the Bar Council and the said Election Petition will be decided expeditiously preferably within 2 months and the decision of the Tribunal shall be final.”

13. A perusal of Rule 11, as reproduced above would show that no strict procedure is prescribed for disposal of an election petition. It is, thus apparently the principles of natural justice and equity which have to be followed by the tribunal to ensure that disputes with regard to elections are resolved fairly. The time frame prescribed indicates that such petitions should be disposed off summarily.

14. Coming to disposal of an application under under Order 7 Rule 11 CPC, any such application would have to be considered in light of defects, if any, apparent on the face of the petition, such as lack of cause of action, undervaluation, insufficient stamp duty, or being barred by law (like limitation). The tribunal would primarily be required to look only at the averments made in the petition and the attached documents and not the defendant's defence so as to decide if it merits trial or should be dismissed summarily at the threshold, especially if it fails to plead material facts for corrupt practices. If the petition provides some material facts, even if briefly, requiring evidence to prove them, it's a matter for trial, not rejection. In the instant case, the respondent no.4, in his election petition specifically alleges that while counting the votes, petitioner in collusion with the members of election committee had fraudulently transferred 3 bundles of votes of 50 votes each of the respondent no. 4 to the petitioner's count and that although an



CWP-10381-2025 (O&M) (9)

objection was raised by the election agent of the Respondent no. 4 before the election committee but the respondent No. 2 ignored the objection and declared the result.

15. The order dated 4.4.2025 (Annexure P-6) passed by respondent No.1, dismissing application Order-7, Rule -11, CPC. can not be said to be suffering from any infirmity not can it be said that the same is an absolutely non-speaking order so as to justify any interference. As regards recounting of votes, while ordinarily it is not to be not resorted to merely at the asking without there being any justifiable reasons, but given the fact that the petitioner himself had opted for the same as is specifically evident from order dated 19.3.2025 (Annexure P-3) passed by respondent no.1, Election Tribunal and that even Hon’ble Division Bench of this Court vide judgment dated 2.4.2025 passed in CWP-9355-2025 had also directed that recounting be done *‘post a valid speaking order becoming passed by the Election Tribunal, on an application filed under Order 7 Rule 11 CPC’* and the same having now been disposed off, we do not find any ground to interfere with the impugned order. The instant petition, as such, is sans merit and is hereby dismissed.
16. Pending application(s), if any, shall also stand disposed off.

(GURVINDER SINGH GILL)
JUDGE

22.12.2025
Pankaj

(RAMESH KUMARI)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No