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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

***PUBLIC INTEREST LITIGATION (L) No.60 OF 2015
WITH
NOTICE OF MOTION No. 254 OF 2016
IN
PUBLIC INTEREST LITIGATION (L) No. 60 OF 2015***

Devendra Nath Tripathi

...Petitioner

Vs.

***The Secretary Bar Council of
Maharashtra and Goa and Ors.***

...Respondents

Mr. D.V. Saroj for the Petitioner

Mr. P.A. Dubey i/b. Ms. Neeta Masurkar for Respondent No.4

***CORAM : V. M. KANADE &
SMT. SWAPNA S. JOSHI, JJ***

DATE : AUGUST 30, 2016

P.C. :

1. The Petitioner, who is a practicing advocate, has filed this petition under Article 226 of the Constitution of India by way of a PIL, seeking following reliefs:

“A] This Hon'ble Court be pleased to call for the Minutes of meeting dated September 26, 2010 & Resolution Nos.112 of 2010 of Bar Council of Maharashtra & Goa and after perusing the same

restrain/ stay the following points from further operation of the same through Respondent Nos. 1 to 4, till the final disposal of this Petition, from further charging such transfer fee without following the procedure established by the law i.e., Section 18 of the said Act;

- i. Charging Transfer Fee under Section 18;
- ii. Charging Transfer Fee with retrospective effect effect under Section 18;

B) This Hon'ble Court be pleased to direct the Respondent to refund the Transfer fee so charged to the Petitioner along with 18% interest herein;

C) This Hon'ble Court be pleased to direct the Respondents to produce before the Hon'ble Court the amount and figures charged or collected under Section 18 of the said Act till date, since inception and direct the Respondents to refund the same back to people/ Advocates.

D) That pending the hearing and final disposal of the Petition this Hon'ble Court be pleased to pass a mandatory order of injunction restraining the Respondents herein from exercising rights and powers under the Resolution dated September, 26, 2010 and further issuing any such or similar resolution, notification, circular and/or directive which would nullify the effect of Section 18 of the said Act.”

2. Since the Petitioner is aggrieved by the decision taken in the Minutes of meeting dated 26th September, 2010 and Resolution No. 112 of 2010 of the Bar Council of Maharashtra and Goa, imposing transfer fee of Rs.10,000/-, in our view, there is no public interest involved in this petition. Reserving the right of the Petitioner to take out an appropriate proceedings before the appropriate Court for the purpose of challenging the imposition of penalty and transfer fee, PIL is disposed of. Notice of motion filed in the PIL does not survive and is accordingly disposed of.

SWAPNA S. JOSHI, J.

V.M. KANADE, J.