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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1056/2015**
SANTOSH KUMAR SHARMA

..... Petitioner

Through None.

versus

BAR COUNCIL OF INDIA & ORS

..... Respondents

Through Mr. K. Harshavardhan for Mr. Rajshekhar Rao, amicus curiae.
Mr. Aman Nadrajog, Adv. for R-2.
Mr. Atul Jha, Adv. for R-3.
Mr. A.S. Chadhiok, Sr. Adv. with Mr. Anukrit Gupta and Ms. A Sharma, Adv. for R-5.
Mr. Preet Pal Singh, Adv. for BCI.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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28.07.2016

C.M. No.25387/2016 & W.P.(C) 1056/2015, C.M. No.4304/2015

C.M. No.16572/2015

This is an application filed by respondent No.5 seeking a transfer of these proceedings to the Bar Council of India. Submission being that since one year has elapsed from the date of the initiation of the proceedings and the proceedings not having been concluded within that period of one year, in view of mandate of Section 36 (B) of the Advocates Act, 1961 as a necessary corollary, these proceedings must stand transferred to the Bar Council of India.

Section 36 (B) (i) of the Advocates Act, 1961 reads herein as under:-

“(1) The disciplinary committee of a State Bar Council shall dispose of the complaint received by it under section 35 expeditiously and in each case the proceedings shall be concluded within a period of one year from the date of the receipt of the complaint or the date of initiation of the proceedings at the instance of the State bar Council, as the case may be, failing which such proceedings shall stand transferred to the Bar Council of India which may dispose of the same as if it were a proceeding withdrawn for inquiry under sub-section (2) of section 36.”

Learned counsel assisting this Court (who had been appointed as amicus curiae) has a copy of this application. There is no dispute to the proposition as contained in Section 36 (B)(i) of the aforementioned Act.

The factual position is also correct. A complaint had been initiated against respondent No.5 on 10.07.2015 and had been referred by the Bar Council of Delhi to its Special Disciplinary Committee. The proceedings have admittedly not culminated. That being the position, in view of the provisions of Section 36 (B)(i) of the said Act, the proceedings now shall stand transferred to the Bar Council of India.

Parties to appear before the Bar Council of India on 29.08.2016 for directions at 10:30 am.

At this stage, learned senior counsel appearing for respondent No.5 submits that since the complainant in the FIR (No. 605/2015) (subsequently registered under Sections 420/467/468/471/120-B of the IPC PS Hauz Khas) was the Bar Council of Delhi, it may not be appropriate for the Bar Council of India to try these proceedings. This question is left open and shall be considered by the Bar Council of India.

This application is allowed. In view of the order passed on the application, this writ petition has become infructuous. Date of 26.09.2016 stands cancelled.

Petition disposed of in the above terms.

INDERMEET KAUR, J

JULY 28, 2016/A