

\$~

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision:- 22.02.2018

+ **W.P.(C) 1038/2018**

AMISH AGGARWALA Petitioner
Through Dr.Adish C.Aggarwala, Sr.Adv with
Mr.Amish Aggarwala, Mr.Virinder Vashist, Adv.
versus

BAR COUNCIL OF DELHI Respondent
Through Mr.T.Singh Dev with
Col..R.Balasubramaniam, Mr.Amandeep Kaur, Adv.

+ **W.P.(C) 1111/2018 & C.M.Nos.4656/2018&5616/2018.**

SANJEEV YADAV Petitioner
Through Mr.Rajiv Khosla, Adv. with Mr.Rajesh
Kumar with Mr.Sanjiv Yadav, Adv.

versus

BAR COUNCIL OF DELHI AND ANR. Respondent
Through Ms.Priyam Mehta, Adv for BCI with
Mr.Nalin Raj, Asst. Sec.
Mr.T.Singh Dev with Mr.R.Balasubramaniam,
Mr.Amandeep Kaur, Adv for R-1.
Mr.Sushil Kumar Pandey for applicant in
C.M.No.5616/2018.

+ **W.P.(C) 1357/2018 & C.M.Nos.5612/2018& 5613/2018**

RAJESH CHUGH

..... Petitioner

Through Mr.Pavan Narang with Mr.Gaurav Puri,
Adv.

versus

SECRETARY, BAR COUNCIL OF DELHI

..... Respondent

Through Mr.T.Singh Dev with
Mr.R.Balasubramaniam, Mr.Amandeep Kaur, Adv
for R-1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. This batch of writ petitions seeks similar relief relating to the ensuing elections to the Bar Council of Delhi to be held on 16th/17th March, 2018. Since the facts in all the writ petitions are similar, for the sake of convenience, only the facts of WP (C) No.1038/2018, are taken up for consideration.

2. The petitioner, an Advocate, being desirous of contesting the elections to the post of Member, Bar Council of Delhi had approached this Court by way of the present writ petition under Article 226 of the Constitution of India with the following prayers:-

“1. The polling to the forthcoming BCD elections, 2018 shall simultaneously take place at the following premises:

- a. Supreme Court Complex*
- b. Delhi High Court Complex*

- c. *Tis Hazari Court Complex*
- d. *Patiala House Court Complex*
- e. *Karkardooma Court Complex*
- f. *Rohini Court Complex*
- g. *Dwarka Court Complex*
- h. *Saket Court Complex*
- i. *National Consumer Disputes Redressal Commission Complex*
- j. *Debt Recovery Tribunal Complex*
- k. *Income Tax Office*
- l. *Central Administrative Tribunal Complex*

1. *Increase in the number of days of polling and direction that polling should take place at all venues simultaneously.*
2. *Extending the polling to a Sunday.*
3. *District Judges to oversee the elections in each of their respective District Courts.*
4. *Use of technology to prevent duplicity of voting by CCTV surveillance and interconnected computer systems at all polling stations.”*

3. Upon notice, parties were heard at length on 12.02.2018 and 13.02.2018. On 13.02.2018, all the parties had agreed that the matter be re-examined by the Special Committee appointed by the Bar Council of Delhi after hearing 15 Advocates, whose names were mentioned in the said order. Pursuant to the directions passed by this Court, a meeting of the Special Committee of the Bar Council of Delhi was held on 15.02.2018 and 17.02.2018 in which 9 out of 15 Advocates named in the last order, had also participated in the deliberations with the Committee.

4. The minutes of the meeting held on 15.02.2018 and 17.02.2018 have been placed on record by the learned counsel for the respondent.

The said minutes show that a detailed interaction had taken place between the members of the Special Committee, Bar Council of Delhi and the 9 learned Advocates whose names have been recorded therein.

5. The Committee, after deliberations, came to a conclusion that subject to the petitioners before this Court securing/obtaining approval from the Hon'ble Supreme Court for holding elections at Tis Hazari Courts premises on 23.03.2018 and 24.03.2018 expeditiously and at an earliest possible date, the Committee would endeavour to provide additional polling facilities at Tis Hazari Courts premises between 9:30 am to 5:30 pm on 23rd and 24th of March 2018.

6. Learned counsel for the petitioners say in unison that though they are not fully satisfied by the minutes of the meeting, but they would still, in order to avoid any further delay, approach the Hon'ble Supreme Court by relying on the minutes of the meeting of the Committee held by the Bar Council of Delhi on 15.02.2018 and 17.02.2018 and seek appropriate directions from the Hon'ble Supreme Court.

7. It is made clear that in case any of the parties approach the Hon'ble Supreme Court, they would not be bound by the minutes of this meeting and will be free to make any other prayer, as deemed fit. It is however expected that as and when an application is moved by the petitioners, the Bar Council of Delhi will not oppose the prayer for holding elections on 23.03.2018 and 24.03.2018 additionally at Tis

Hazari Courts premises in accordance with the minutes of the meeting dated 15.02.2018 and 17.02.2018.

8. The Court appreciates the conduct of the Bar Council of Delhi in trying to assist the Court to arrive at an amicable resolution of the issue which concerns the entire legal fraternity.

9. The writ petition is accordingly disposed of with the aforesaid directions.

Dasti under the signatures of the court master.

REKHA PALLI, J

FEBRUARY 22, 2018/sr