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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 16633/2023 (*Disposed of case*)

DR. UMESH CHANDRA SHARMA Petitioner

Through: Mr. Anand Yadav, Advocate.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Vineet Dhanda, CGSC for
UOI. [M:-9811013810]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.04.2024**

CM APPLs. 24290-91/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

REVIEW PET. 176/2024 & CM APPL. 24289/2024 (condonation of delay)

1. The Union of India [respondent No. 1 in W.P.(C) 16633/2023] [“UOI”] seeks review of a judgment of this Court dated 21.12.2023 by which the writ petition was disposed of.

2. By the judgment under review, the Court passed the following directions with the consent of the learned counsel for the parties:-

“14. Having regard to the aforesaid submissions and with the consent of learned counsel for the parties, the writ petition, alongwith pending application, is disposed of with the following directions:

a. The petitioner and other members of VCI, who were elected under Section 3(3)(g) of the 1984 Act, as notified on 03.09.2020, will continue as members of VCI until their successors are notified pursuant to the ensuing elections.

b. The petitioner will continue as the President of VCI until



14.01.2024 i.e. until the period of three years from the date of his election to the office of President.

c. The members of VCI may thereafter elect a President from amongst their members under Section 3(4) of the 1984 Act.

d. The elections for the eleven members of VCI, required to be elected under Section 3(3)(g) of the 1984 Act, has already been notified on 25.10.2023. The election will be conducted as expeditiously as possible and practice in terms of the 1984 Act and the relevant rules and regulations.

e. For this purpose, at the request of learned counsel for the parties, Hon'ble Ms. Justice Asha Menon [Ph. No.:- (+91)9910384664] is appointed as a Court Commissioner. The learned Court Commissioner will act as the Returning Officer for the elections and the elections will be conducted under her supervision.

f. Learned counsel for the parties assure the Court that the parties will cooperate with the learned Court Commissioner for the expeditious conduct of the elections. The learned Court Commissioner will be paid a remuneration of Rs.4 lakhs per month, which is to be borne by the VCI.

g. It is expected that the new members will be notified within a period of four months from today."

3. It may be mentioned that UOI was represented by learned Standing Counsel, who also appeared for respondent No. 2 -Veterinary Council of India ["VCI"].

4. Mr. Vineet Dhanda, learned Central Government Standing Counsel, who appears for the UOI submits that the directions in the said order have been duly complied with and that the appointment of the learned Court Commissioner has been notified as the Returning Officer of the election by a notification dated 04.04.2024.

5. Mr. Dhanda seeks "relaxation" of the direction with regard to the elections for the post of President and Vice President of VCI for the remaining term until fresh elections are completed.

6. The aforesaid prayer does not fall within the scope of a review petition. No error apparent has been pointed out on the face of the



judgment under review.

7. Mr. Anand Yadav, learned counsel for the writ petitioner, who appears on advance notice, submits that the present petition has been instituted *mala fide*. He points out that the review petition has been filed only on 23.04.2024, after the petitioner has filed proceedings for contempt of the judgment under review being CONT.CAS.(C) 584/2024. He also submits that, neither in the review petition, nor in the application for condonation of delay has UOI disclosed that it had challenged the judgment under review by way of LPA 142/2024, which was permitted to be withdrawn by an order the Division Bench dated 21.02.2024. A copy of the appeal has also been handed up to submit that the UOI took a plea before the Division Bench that learned Central Government Standing Counsel had given consent without instructions. Mr. Yadav submits that this plea was evidently entered *mala fide* as the same learned Standing Counsel represents the UOI both in this review petition and in the contempt proceedings.

8. It is not necessary to enter into these aspects, as I find no ground for review of the judgment which, in any event, was passed with consent of learned counsel for the parties. Suffice it to say, that there is no suggestion in the review petition that the consent of the UOI vitiated in any manner, nor is any such any ground urged before me.

9. The review petition is therefore dismissed. The pending application also stands disposed of.

PRATEEK JALAN, J

APRIL 26, 2024/‘pv’/