

77 07.02.2024
Ct. No. 01
AN

MAT 249 of 2024
with
IA No. CAN 1 of 2024

Somabrata Mondal
Vs.
Asoke Kumar Dhar & ors.

Mr. Mainak Bose, ld. Sr. Adv.
Mr. Ajay Chaubey
Ms. Amrita Pandey
Mr. Shantanu Chatterjee
Mr. Soumava Mukherjee
Ms. Vedika Bhotika
Mr. Vinayak Chaubey
Mr. Indranil Munshi
Ms. Anushka Sarkhel
Mr. Chandan Mishra

... for the appellant

Mr. S. N. Mookherjee, ld. Sr. Adv.
Mr. Soumya Roy Chowdhury
Ms. Iram Hasan

... for the respondent no. 1

Mr. Abhratosh Majumder, ld. Sr. Adv.
Mr. Avra Majumder
Mr. Samrat Das

... for the respondent no. 3
State Bar Council

Mr. Avinash Kankani

... for the Bar Council of India

1. We have heard learned counsel for the respective parties at length.

2. This intra-court appeal filed by the 3rd respondent is directed against the interim order dated 15.01.2024 passed in WPA 709 of 2024. The reason for moving the present appeal before this Court is on the ground that after the interim order was granted by the learned Single Judge dated 15.01.2024, the West Bengal Bar Council has issued notice of hearing and the

disciplinary authority has fixed the hearing today (i.e. 07.02.2024) at 05.00 P.M. The proceedings which are impugned in the writ petition at the instance of the first respondent herein, is an order passed by the Bar Council of India dated 18.12.2023 calling for the records of the complaint pending before the West Bengal Bar Council for the purpose of disposal of the same. The learned Single Judge has assailed such reasons and granted the order of stay. By virtue of order of stay, it would not be permissible for the West Bengal State Bar Council to proceed with the matter since the legal issue pending in the writ petition is the correctness of the order passed by the Bar Council of India dated 18.12.2023 withdrawing the proceedings/complaint to its file which was earlier pending before the State Bar Council.

3. Therefore, by virtue of the order of stay, the State Bar Council cannot proceed with the matter and all further proceedings initiated by the West Bengal Bar Council shall remain stayed till the disposal of the writ petition. The learned Single Judge has granted the appellant/respondents to file their affidavit-in-opposition within three weeks from 15.01.2024 and reply thereto, if any, within a week thereafter.

4. It appears that the affidavit-in-opposition is yet to be filed and the time for filing such affidavit-in-opposition is extended by three weeks from date. Reply thereto, if any, to be filed within a week thereafter. Let the writ petition be listed before the learned Single Judge after a

period of four weeks from date.

5. It is, however, made clear that the time from the date of filing of this appeal till the disposal of the writ petition shall be excluded for the purpose of computation of limitation that may arise in the writ petition as such an issue has been raised in the writ petition with regard to the period within which the State Bar Council would be entitled to initiate action on a complaint lodged before it.

6. In the result, the appeal stands **disposed of**. Consequently, the connected application also stands disposed of.

(T. S. Sivagnanam)
Chief Justice

(Supratim Bhattacharya, J.)