



\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13634/2022 & CM APPLs. 31144/2024, 31610/2024**
ANIL BHASINPetitioner

Through: Ms. Aditi Gupta, Advocate with
Petitioner (in-Person).

versus

GAURAV GOGNA AND OTHERSRespondents
Through: Mr. Akshat Aggarwal, Advocate for
R-3.
Mr. Rakesh Tiwari, Advocate for R-5.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
13.12.2024

%

1. The present writ petition impugns order dated 17th September, 2018 whereby the Bar Council of Delhi observed that no *prima facie* case is made out on the Petitioner's complaint against five lawyers under Section 35 of the Advocates Act, 1961.
2. Counsel for the Respondent No. 5 submits that the present petition is not maintainable as there is a statutory remedy of appeal under Section 37 of the Advocates Act, 1961 before the Bar Council of India against the aforesaid order.
3. On this issue, counsel for Petitioner places reliance on order dated 17th August, 2022 passed in W.P.(C) 10466/2021 to state that the instant petition has been filed in terms of the liberty granted by the Division Bench.



4. Counsel for Respondent No. 3 apprises the Court that Respondent No.2, Mr. Rama Shankar has deceased on 3rd October, 2024.

5. The Court has considered the facts and contentions urged by the parties. The Petitioner has relied upon the liberty granted by the Division Bench to urge the maintainability of the present writ petition. The said order reads as follows:

“1. The present petition has been filed as a Public Interest Litigation by the Petitioner stating that he had filed a complaint against five Lawyers before the Bar Council of Delhi, and the said complaint has been dismissed by the Bar Council of Delhi by passing a non-speaking order dated 17.09.2018.

2. The Petitioner in the prayer clause of the present petition has not sought to challenge the order dated 17.09.2018 passed by the Bar Council of Delhi and has also not impleaded the said Lawyers against whom the complaint has been filed.

3. Confronted with the aforesaid fact, learned counsel appearing for the Petitioner, on instructions from the Petitioner who is present in the Court today, prays for withdrawal of the present petition with a liberty to file an appropriate petition, in accordance with law, challenging the order passed by the Bar Council of Delhi.

4. Liberty, as prayed for, is granted.

5. The petition is disposed of as withdrawn, along with pending application(s), if any.”

6. It must be noted that in the aforesaid petition was dismissed a withdrawn as the Petitioner had not impleaded the lawyers against whom the complaint was filed. It is evident that the liberty granted by the Division Bench was to file an “appropriate petition” which is “in accordance with law”. This cannot be construed to mean that the instant writ petition is maintainable.

7. Therefore, in light of the alternative efficacious remedy of appeal



being available with the Petitioner, this Court is not inclined to entertain the present petition.

8. Accordingly, the present petition, along with pending applications, is dismissed.

SANJEEV NARULA, J

DECEMBER 13, 2024

as