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

+ **W.P.(C) 11098/2024, CM APPL. 45875-45876/2024**

CHARANJEET SINGH CHANDERPAL,Petitioner

Through: Petitioner in person.

versus

VED PRAKASH SHARMA & ORS.Respondents

Through: Mr. Preet Pal Singh, Ms. Akanksha Singh, Mr. Prateek Sharma and Ms. Madhukar Pandey, Advocates for Bar Council of India.
Mr. Ripu Daman Bhardwaj, CGSC with Mr. Abhinav Bhardwaj, GP for UOI.
Mr. Rajat Kapoor, Advocate for Bar Council of Maharashtra and Goa.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
14.08.2024

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1. The Petitioner filed a complaint on 6th May, 2013, under Section 35 of the Advocates Act, 1961¹ before the State Bar Council of Maharashtra & Goa. The said complaint was adjudicated finally on 13th July, 2022. This decision was thereafter assailed by way of a revision petition before the Bar Council of India (BCI) under Section 48A of the Act. The said revision petition has been decided through the impugned order dated 20th April, 2024, as ratified by the BCI in a meeting held on 5th May, 2024.

¹ “the Act”



2. The Petitioner has assailed the aforementioned orders on several grounds. Primarily, it is argued that the revisional authority, i.e. BCI, has not considered the Petitioner's ground of challenge premised on Section 36B of the Act, which mandates that any complaint has to be decided by the State Bar Council within a period of one year from the date of its filing, failing which the proceedings must be transferred before the BCI. Since more than one year had lapsed when the decision was rendered, the State Bar Council could not have passed the impugned order dated 13th July, 2022. This aspect has also been overlooked by the BCI, as there is no discussion on this aspect in their impugned order dated 20th April, 2024. In addition to this ground, further contentions have also been raised on the merits of the case.

3. The Court has examined the impugned orders and indeed, as also confirmed by Mr. Preet Pal Singh, counsel representing BCI, there is no discussion or analysis by the BCI on the jurisdictional issue raised by the Petitioner regarding the applicability of Section 36B of the Act. Considering the above, in the opinion of the Court, the present petition deserves to be allowed as the Petitioner's contention regarding the jurisdiction goes to the root of the matter and must be considered by the BCI.

4. Accordingly, the present petition is allowed with the following directions:

4.1. The impugned order dated 20th April, 2024, as ratified by the BCI in meeting held on 5th May, 2024, is set aside.

4.2. The matter is remanded back for fresh *de novo* consideration by the BCI. The BCI shall now consider Petitioner's jurisdictional objection relating to Section 36B of the Advocates Act, 1961, and also the merits of the case, and pass a fresh order.



5. It is clarified that the Court has not examined the merits of the case, and all rights and contentions of the parties are left open. Once a decision is rendered by the BCI, the parties shall be at liberty to avail of any appropriate remedy in accordance with law.
6. The petition is disposed of with the following directions.

SANJEEV NARULA, J

AUGUST 14, 2024

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