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

+ **W.P.(C) 11107/2024**

CHARANJEET SINGH CHANDERPAL

.....Petitioner

Through: Petitioner in person

versus

VED PRAKASH SHARMA & ORS.

.....Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
with Mr. Rudra Paliwal, GP for UOI
Mr. Preet Pal Singh, Ms. Akanksha
Singh, Mr. Prateek Sharma, Mr.
Madhukan Pandey, Advocates for Bar
Council of India.

Mr. Rajat Kapoor, Advocate for Bar
Council of Maharashtra and Goa.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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14.08.2024

CM APPL. 45895/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 11107/2024 & CM APPL. 45894/2024 (for interim relief)

4. This is the second round of litigation pertaining to the present facts. The Petitioner had earlier filed a writ petition [W.P.(C) 7165/2024] wherein



the following reliefs were sought:

“Issue a writ of certiorari, and/or mandamus or any other appropriate writ, order or direction in favour of the Petitioner and against the Respondent no. 1- 3, 4 and 7 thereby quashing/setting aside the impugned order dated 19.03.2024 as passed in BCI TRFD DC CASE NO 7 OF 2015 passed by Respondent no. 1 to 3 at New Delhi and
b. Issue a writ of Mandamus or any other appropriate writ, order or direction in favour of the Petitioner to quash the complaint in BCI TRFD DC CASE NO 7 OF 2015 at the office of the Bar Council of India at New Delhi (original case no. 48 of 2011 transferred from Bar Council of Maharashtra and Goa.
c. Issue a writ of Mandamus or any other appropriate writ, order or direction in favour of the Petitioner and against Respondent no. 1- 3 and 7 that Disciplinary committees formed should be as per the interpretation of Section 9 read with Section 13 (2) of the Advocates Act and the co-opened member has to be an elected member of a different Bar Council other than Bar Council of India and the present Disciplinary Committee in BCI Trfd Case no. 7 of 1015 must be held to be illegal and coram non judice.
d. That the Ministry of Law be directed to frame rules for the conduct of Bar Council of India under Section 60 of the Advocates Act 1960, to formulate rules for dictation of orders in Disciplinary and Revision matters, akin to Court of Law and the same be updated online with Roznarna .
e. in that behalf pass such other orders as may be deemed fit, proper and necessary.”

5. The said petition was heard and disposed of by this Court on 28th May, 2024, in the following terms:

“1. After some arguments, the Petitioner who appears in person, seeks permission to withdraw the present writ petition. Permission is granted.
2. The writ petition is disposed of as withdrawn, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case. All rights and contentions of all the parties are left open.
3. It is made clear that all the issues raised by the Petitioner in the instant writ petition, including the question of limitation raised by the Petitioner are kept open for the Petitioner to raise before the Bar Council of India which the Bar Council of India will consider in accordance with law.”

6. In terms of the said order, the Petitioner’s case was taken up by the



Disciplinary Committee of the Bar Council of India (BCI) on 22nd July, 2024, and the following order was made:

*“ Proceeding dated 22.7.2024
Matter taken up through hybrid mode.
Mr. Charanjeet Singh Chanderpal, Respondent-1, through VC. Mr. Anil Kumar AR for Mr. Charanjeet Singh Chanderpal. Mr. Charanjeet Singh Chanderpal is the sole respondent in this matter as respondent-2, has already passed away.
This committee had passed an order on maintainability of the complaint on 19.3.2024, thereby holding that the present complaint was maintainable, however, only on the restricted aspect of the complaint as detailed in para 7 and 12 of the order dated 19.3.2024 filed by the complainant.
The aforesaid order passed by this committee was called in question by the respondent Mr. Charanjeet Singh Chanderpal by filing a Writ Petition before the Hon’ble Delhi High Court.
The aforesaid Writ Petition bearing WP (c) 7165/2024 was disposed of by the Hon’ble Delhi High Court on 28th May, 2024, which order would show that the present respondent who was petitioner before the Hon’ble Delhi High Court in the said writ petition withdrew the writ petition.
Hon’ble Delhi High Court had stated in the aforesaid order dated 28.5.2024 that all issues raised by the petitioner (Charanjeet Singh Chanderpal) in the said Writ Petition including the question of limitation raised by him were to be kept open to be raised before this committee and they are to be considered in accordance with law.
We have asked the complainant, Mr. Shiv Kumar Jagdishchand Khera as to what evidence he proposes to lead in support of the allegations made in the complaint pertaining to para-7 to 12 of the order.
Mr. Shiv Kumar Jagdishchand Khera, submits that he would lead oral and documentary evidence, including certified copies of the relevant documents.
Mr. Charanjeet Singh Chanderpal, respondent submits that he wants to file an application before this committee on question of limitation and also about the constitution of the DC of the Bar Council of India.
This committee, with a view to give full opportunity to the respondent to make his submission allows him to file an application on those points with advance copy to the complainant within a weeks from today who shall be at liberty to submit reply to the same within a weeks thereafter.
Let this matter be listed for further proceedings and disposal of the application, if any, proposed to be filed by the present respondent on 18.8.2024.
The respondent wants a date in third weeks of August, which request is opposed by the complainant on the ground that this is only a ploy to delay the proceedings.
List on 18.8.2024.”*



7. In the above background, the Court will now consider whether the instant petition seeking the following reliefs is maintainable. The reliefs sought in the present petition are as follows:

“(1) This Honorable High Court may issue a Writ of Mandamus or Certiorari or an appropriate Writ or direction under Article 226 of the Constitution of India;

(2) To the Bar Council of India (Respondent no. 7), represented by a Committee formed in compliance with Section 9 read with Section 3(2) of the Advocates Act 1961 to decide application no. 3 to 7 of this petition individually and separately by individual/ separate consideration of the points raised therein, before proceeding with the matter - BCI TRfd case no. 7 of 2015 , as preliminary issues, in accordance with order dated 28.05.2024 issued by this Honorable Court in Writ Petition no. 7165 of 2024 and allow the petitioner sufficient time to appeal/ remedy if aggrieved by the orders of the said committee of Respondent no. 7 before proceeding with the case.

(3) That, after due consideration/discretion keeping in mind the peculiar facts of the case, direct that the Case BCI transferred. Case 7 of 2015 with all its proceedings be quashed; and

(4) Alternatively, this Honorable Court may decide Annexure 3, Annexure 4, Annexure 5 and 6 attached to this petition, along with Annexure 7 , by treating every point on its own merits and separate consideration.

(5) Costs of Rs. 500000 be imposed on the First Respondent - MrVed Prakash Sharma, in terms of his behaviour as explained in the memo of petition, supra for precipitating issues to this extent.

(6) Pending hearing and final disposal of this petition, this Honorable Court may stay further proceedings in BCI Trfd Case no 7 (48 of 2011) before the Bar Council of India,

(7) Such other order”

[sic.]

8. The Petitioner’s contentions are that the Bar Council of India should be directed to consider the applications filed by the Petitioner, which have been annexed to the present petition and marked as Annexures P-3 to P-7. However, in the opinion of the Court, the present petition is wholly unnecessary. The Disciplinary Committee of the BCI, in their proceedings dated 22nd July, 2024, as extracted above, has allowed the Petitioner to file



applications on all the points advanced by him, with a copy to the complainant, within a week from the said date. Nonetheless, Mr. Charanjeet Singh Chanderpal, Petitioner in-person, submits that when he presented the said applications, the same were returned. This contention is strongly controverted by Mr. Preet Pal Singh, counsel representing the BCI.

9. Without entering into the controversy, since the applications (Annexures P-3 to P-7) have been annexed to the instant petition, Mr. Preet Pal Singh is requested to forward the same to the BCI. Such applications shall now be considered by the Disciplinary Committee of the BCI, in terms of the proceedings dated 22nd July, 2024, on the next date fixed, i.e., 18th August, 2024.

10. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

AUGUST 14, 2024/ab