

05.02.2025
Item No.20
RP/SM
Ct. No.01

MAT 106 of 2025

Mrs. Sanjukta Samanta
Vs.
Smt. Malabika Saha & Ors.

Mr. Romit Dutta
Mr. Arkadeb Nag

....For Appellant

Ms. Malabika Saha

....Respondent No.1 (in person)

Ms. Sabnam De
Mr. Samrat Paul

....For West Bengal Bar Council

1. This intra-Court appeal is directed against the interim direction issued by the learned writ Court on 20th December, 2024 in WPA 25661 of 2024. The writ petition is still pending. The matter concerns a complaint lodged against the writ petitioner no.1 who appears in person along with her junior. Learned writ Court by the impugned order directed that the writ petitioners shall be permitted to defend themselves in the disciplinary proceedings through the virtual mode and the learned advocate appearing for the Bar Council of West Bengal shall immediately communicate the order to the Bar Council so that the petitioners may be permitted to attend hearing virtually, which was scheduled to be held on 20.12.2024.

2. We find no reason to interfere with the interim order passed by the learned Single Bench wherein only a facility, which is well accepted facility in pan India, had been directed to be provided to the writ petitioners. We are told that a contempt application has been filed by the writ petitioners in which an order has passed on 24th January, 2025.
3. After hearing the learned advocate for the appellant, the petitioner appearing in person and the learned advocate appearing for the Bar Council of West Bengal we express our total dissatisfaction and surprise that the West Bengal Bar Council does not have the required infrastructure for conducting virtual hearing resulting in not providing virtual link to the petitioners. The Bar Council of West Bengal is a regulatory body constituted under the provisions of Advocates Act and when all the Courts in the State have video conferencing facility we are at a loss to understand as to why the West Bengal Bar Council has not been providing such facility. Given the current circumstances, it is not very expensive to arrange virtual hearing of proceedings and, therefore, we cannot accept any other explanation from the West Bengal Bar Council for not providing virtual link to the petitioners. Accordingly, we direct the West Bengal Bar Council to install technical facility in their premises for conducting virtual hearing not

later than 14th February 2025 and after installing such facility video link shall be provided to the writ petitioners, complainant and the respondent no.6 and all other concerns and fix a date for hearing in the week commencing from 17th February, 2025.

4. Considering the above direction we are of the view that the proceedings need not be stayed and the proceedings can proceed on the virtual mode. Learned advocates appearing for the parties are requested to place a copy of this order before the learned Single Bench taking up the contempt petition.
5. In the result, the appeal and the connected application are disposed of.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)