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

+ W.P.(C) 13842/2025 and CM APPLs.56752/2025, 56753/2025

SH. ABHISHEK GUPTA

.....Petitioner

Through: Mr. Abhishek Gupta (through v/c)

versus

BAR COUNCIL OF DELHI AND ANR

.....Respondents

Through: Mr. T. Singhdev, Mr. Tanishq
Srivastava and Ms. Yamini Singh,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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16.09.2025

1. The present petition has been filed by the petitioner, being aggrieved by an order dated 26.04.2024, passed by the respondent no.1 / Bar Council of Delhi (BCD), which, *inter-alia*, reads as follows:

ORDER DATED 26.04.2024

None for the Complainant. Complaint perused. Respondent is the Advocate of Complainant's wife and there is a matrimonial dispute going on between Complainant and his wife. The allegations of the Complainant against the Respondent are devoid of any merit as the Respondent is fulfilling his professional duties to defend the matter in favour of his client and that cannot be considered as misconduct by any side. In the backdrop, Council is of the view that prima-facie no case is made out. Hence the matter is dismissed.

2. The background of the case is that during a matrimonial dispute, the petitioner's wife was represented by respondent no. 2/Advocate Virag Agarwal, against whom the petitioner levelled serious allegations of professional misconduct, culminating in a complaint which was filed before the respondent no. 1/Bar Council of Delhi.



3. It is the case of the petitioner that the respondent no.1 has wrongly proceeded *ex-parte* without affording an opportunity of hearing to the petitioner to present his case. It is apprehended by the petitioner that the same was mischievously done with a view to favour respondent no.2.

4. It transpires during the course of the hearing that the petitioner seeks to file a revision petition with the Bar Council of India under Section 48A of the Advocates Act, 1961, against the aforesaid order dated 26.04.2024 passed by the respondent no.1/Bar Council of Delhi. The petitioner is aggrieved by the fact that, in terms of the extant procedures of the Bar Council of India, fees and charges for filing such revision petition is of approximately Rs.13,500/-.

5. In this regard, attention is drawn to an email dated 06.01.2025 addressed by the Bar Council of India, whereby the petitioner was intimated of the procedure for filing a revision petition. The said email reads as under:

Court Fee of filing litigation under 48A of Advocate Act

BCI Revision <bcirevision@gmail.com>
To: Abhishek Gupta <abhishek.gupta4786@gmail.com>

Mon, Jan 6, 2025 at 5:46 PM

As requested, the procedure for filing revision petition u/s 48-A of the Advocates Act, 1961 and other details are reproduced below:

The procedure for filing revision petition u/s 48-A of the Advocates Act, 1961 against the order/resolution passed by General House of the State Bar Council is given below: -

1. Revision Petition supported by an affidavit sworn before a Notary Public, Oath Commissioner or a Magistrate. You are required to file an English translation of any regional language documents, if any.
2. The Revision Petition should be filed with the Synopsis and list of dates and events.
3. An application for condonation of delay. The order which you have to challenge in present revision is out of limitation for revision as per rule. Hence, you are requested to send Petition for condonation of delay alongwith Affidavit, Rs. 5000/- in the form of Demand Draft, favouring Bar Council of India, Payable at New Delhi.



4. The fee for filing a Revision/Misc. Petition is Rs. 5,000/-,
Process fee Rs. 1500/- per respondent/per petitioner (except main
petitioner),
Delay of condonation Rs. 5000/-,
Stay Petition Rs. 5000/-
to be deposited in the form of Demand Draft in favour of Bar Council of
India, Payable at New Delhi.

5. Please supply us your Complaint filed before the State Bar
Council.

6. The Original Impugned order passed by the State Bar Council.

7. You are required to file all documents in English language
translation (1+5) sets alongwith index, address with pin code, contact
number (Whatsapp number) and email id of both the parties (petitioner
and respondent).

6. In the aforesaid conspectus, since the petitioner has exercised his
remedy/option of approaching the Bar Council of India to assail the
aforesaid order dated 26.04.2024 passed by the respondent no.1/Bar Council
of Delhi, the present petition is disposed of with a liberty to the petitioner to
pursue his revision petition before the Bar Council of India.

7. Considering that the petitioner has expressed difficulty in paying the
requisite charges to the Bar Council of India, it shall be open to the
petitioner to make a representation before the Bar Council of India for
waiver of the said charges, if so permissible under the applicable
rules/regulations/practice procedures.

8. Needless to say, once the necessary formalities are complied with, the
petitioner's revision petition shall be considered by the Bar Council of India
expeditiously and in accordance with law.

9. It is made clear that this order shall not be construed as an expression
of opinion of this Court as regards the merits of the case.



10. The petition is disposed of in the above terms. Pending applications also stand disposed of.

SEPTEMBER 16, 2025/r,ys

SACHIN DATTA, J