



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1466 OF 2026

PETITIONER : Adv. Arvind Waghmare,
Age : 48 years, Occupation : Advocate, R/o.
Bharat Nagar, Nagpur.

..VERSUS..

RESPONDENTS : 1 **The Internal Sub Committee,**
Constituted under the Gender Sensitization
and Internal Complaints Committee
(GSICC), Through Presiding Officer and
Deputy Registrar, High Court of Judicature at
Bombay, Nagpur Bench, Nagpur.

2 **Adv. XYZ,**
Advocate, High Court of Judicature at
Bombay, Nagpur Bench, Nagpur.

Petitioner in-person Advocate Shri. Arvind K. Waghmare.
Ms. Radhika G. Bajaj, Advocate for Respondent No.1.

CORAM : **ANIL S. KILOR AND RAJ D. WAKODE, JJ.**

DATE : **5th MAY, 2026.**

ORAL JUDGMENT : (PER : RAJ D. WAKODE, J.)

1. Heard Advocate Shri. Arvind K. Waghmare, petitioner
in-person and Ms. Radhika G. Bajaj, learned counsel for respondent
No.1 - Committee.

2. **Rule.** Rule made returnable forthwith. The present
writ petition is heard finally with the consent of the parties.

3. The petitioner in-person has approached this Court seeking challenge to the orders dated 02.04.2025, 03.12.2025 and 24.12.2025 passed below Exhibits-111, 140 and 170 respectively in Inquiry No.1 of 2023 by the Internal Sub Committee under GSICC, Nagpur. The petitioner further seeks direction to the Internal Sub Committee under GSICC, Nagpur, to examine the witnesses mentioned in the application at Annexure – A-4.

4. Before we delve into the merits of the petition and the validity of the impugned orders passed by the Internal Sub-Committee, it is pertinent to mention that the aforesaid impugned orders were passed in the proceedings initiated against the petitioner by respondent No.1 at the behest of respondent No.2. The aforesaid proceedings are initiated under the Gender Sensitization and Sexual Harassment of Women at the High Court of Bombay (Prevention, Prohibition and Redressal) Regulations, 2014 (hereinafter referred to as, “the Regulations of 2014” for the sake of brevity). The aforesaid Regulations of 2014 were notified *vide* Notification dated 26.08.2015. Under the aforesaid Regulations, a Gender Sensitization and Internal Complaints Committee was constituted comprising not less than seven members and not more than thirteen members, including one or two Judges of the High Court of

Bombay, one Senior member of the High Court of Bombay Bar Association, and other eminent members. The aforesaid Committee, (hereinafter referred to as “GSICC” for the sake of brevity), is constituted under Section 4 of the Regulations of 2014. Section 7 of the Regulations of 2014 provides various functions of the GSICC and more particularly, Section 7(4) provides for redressal of complaints made to the GSICC by an aggrieved woman, which reads thus:

“7. Functions of the Gender Sensitization and Internal Complaints Committee.

(1)

(2)

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(3)

(i)

(ii)

(4) Complaint Redressal.- The GSICC shall ensure that every complaint of an aggrieved woman is adequately dealt with in accordance with the established procedure and with complete sensitivity. The GSICC shall have the power to inquire into and pass orders against the Respondent/Deviant/Delinquent in a complaint made in relation to any form of sexual harassment in the entire precincts of the High Court of Bombay, its Benches and High Court of Bombay at Goa.”

Chapter III Section 8 of the aforesaid Regulations of 2014 provides for a complaint of sexual harassment and the manner in which the aforesaid complaint can be made to the GSICC.

Section 9 of the aforesaid Regulations of 2014 provides for the procedure in which such complaint is required to be inquired into by the GSICC, and it reads thus:

“9. Inquiry into complaint.- (1) On receiving a complaint and upon being satisfied with regard to the genuineness of the Complaint, the GSICC shall constitute an Internal Sub-Committee to conduct a fact finding inquiry, which shall comprise of three members of the GSICC itself, or such other persons as to be so nominated by the GSICC in its meeting, with majority members being women, and at least one person being an outside member.

(1)(a) On receiving a complaint of sexual harassment at Benches or High Court of Goa and upon being satisfied with regard to the genuineness of the Complaint, the GSICC shall constitute an Internal Sub-Committee to conduct a fact finding inquiry, which shall comprise of three members of the GSICC itself, or such other persons representing the concerned Bar Association as to be so nominated by the GSICC in its meeting, with majority members being women, and at least one person being an outside member.

(2) The Internal Sub-Committee shall conduct an inquiry and shall hear and duly record the statements of the aggrieved woman, the Respondent, and any other person the said parties wish to examine, subject to the provisions of Regulation 13(2), and thereafter it shall prepare a Report and enclose therein the complete proceedings of the Inquiry.

(3) The fact finding inquiry into a Complaint shall be conducted and completed within 90 days of the Constitution of the Internal Sub-Committee:

Provided that the validity of any inquiry shall not be called into question upon the inquiry not being completed within the stipulated period due to reasons beyond the control of the Internal Sub-Committee.”

5. After such complaint is inquired into by the Internal Sub-Committee, upon completion of the inquiry, the Internal Sub-Committee shall submit its inquiry report of its findings to the

GSICC under Section 10 of the aforesaid Regulations of 2014, on the basis of which orders are passed by the GSICC under Section 11 of the aforesaid Regulations. Section 9 provides that the GSICC shall constitute an Internal Sub-Committee to conduct a fact-finding inquiry into the complaint received under Section 8 of the aforesaid Regulations of 2014. Respondent No.1 is such an Internal Sub-Committee (hereinafter referred to as “the aforesaid Committee” for the sake of brevity). Relevant sub-section (3) of Section 9 provides that the fact-finding inquiry into a complaint shall be conducted and completed within 90 days from the constitution of the Internal Sub-Committee. Thus, it is only a period of three months in which the aforesaid inquiry has to be completed and the report has to be submitted, as provided under Section 9 of the aforesaid Regulations of 2014.

6. So far as the present case is concerned, the complaint under Section 8 of the aforesaid Regulations of 2014 was submitted by respondent No.2 to the GSICC on 23.08.2023. The GSICC, in compliance with Section 9 of the aforesaid Regulations of 2014, constituted the Internal Sub-Committee on 05.09.2023. It is now more than two years and eight months that the aforesaid Committee is not able to complete the inquiry and submit the inquiry report.

7. The aforesaid delay, in our considered opinion, is attributable to the various applications and consequential challenges raised by the petitioner and the delay caused in deciding the same, apparently with the sole intention of protracting the aforesaid proceedings. Our aforesaid opinion is substantiated by one such application below Exhibit-170 preferred by the petitioner in Inquiry No.1 of 2023, wherein the aforesaid Committee has recorded the conduct of the petitioner as follows:

“3. The complainant has argued the matter. The matter was kept for argument of respondent on Exh. 170 on 11.12.2025. The respondent neither appeared nor filed any application for adjournment, therefore, the application Exh. 170 was kept for order on 16.12.2025. The respondent remained absent on 16.12.2025 and filed a pursis Exh. 173 and thereby requested for supply copy of reply of the complainant and also sought adjournment. The copy of reply Exh. 172 was supplied to the clerk of the respondent Shri Narendra Bhokare on 16.12.2025. Thereafter, again the matter was posted for order on 17.12.2025 and the date was also noted by the clerk of the respondent. The respondent did not appear on 17.12.2025 and sent message through clerk for adjournment. The Committee considered his request in respect of argument and observed that the matter would be closed for order and the respondent would be at liberty to file written notes of argument till 24.12.2025. But, the respondent is absent today and he has neither filed any application for adjournment nor filed written notes of argument.

4. Having noticed the above facts, we are of the considered view that the respondent is deliberately protracting the proceeding especially adjudication of application Exh. 170 is concerned.”

8. In our considered opinion, it is such tactics adopted by the petitioner because of which, the aforesaid proceedings are still

pending in the year 2026, though they were initiated in 2023, i.e., for almost three years, now whereas the statute provides that such proceedings shall be completed within a period of three months. Immediately after the commencement of the aforesaid proceedings by respondent No.1 - Committee, the petitioner had challenged few orders passed by respondent No.1 - Committee before this Court in Writ Petition No.1758 of 2024. However, the aforesaid challenge was withdrawn by the petitioner on 15.03.2024. The order passed by this Court in the aforesaid writ petition is at record page No.38 (Annexure-A-2) and is heavily relied upon by the petitioner.

9. The contention is that this Court has granted liberty to the petitioner to establish his defence before the Committee in accordance with the provisions of the aforesaid Regulations of 2014 and that the aforesaid liberty is violated by respondent No.1 – Committee.

10. It is pertinent to note here that after the order passed by this Court in Writ Petition No.1758 of 2024, the petitioner led evidence in his support before the aforesaid Committee and has examined as much as 15 defence witnesses in his support. The petitioner has placed on record copies of the depositions of such

defence witnesses at record page No.39 (Annexure–A-3). The aforesaid fact clearly reveals that the respondent - Committee has granted enough opportunity to the petitioner to substantiate his defence by examining as much as defence witnesses as he desired.

11. On 02.05.2024, the petitioner submitted an application below Exhibit–111 before the respondent - Committee, which is at record page No.87 (Annexure–A-4). In the said application itself, the petitioner has referred to one application stating that such application is duly exhibited as Exhibit-53 during the course of evidence before the aforesaid Committee. By virtue of the aforesaid application, the petitioner was seeking issuance of summons by respondent - Committee to all the signatories, i.e., 24 Advocates who had signed the aforesaid application.

12. A perusal of the aforesaid application reveals that the petitioner has not given any explanation as to the relevancy of the evidence of the said signatories in support of his defence, nor he has pointed out the specific aspects on which he intended to examine the aforesaid witnesses. The respondent - Committee had specifically directed the petitioner to provide such details and give an explanation regarding the relevancy of examining the aforesaid

24 Advocates as witnesses for proving the aforesaid application. The most relevant fact, so far as the aforesaid application is concerned, which is required to be borne in mind, is that the aforesaid application was already duly proved and exhibited document on record. The findings recorded by the respondent - Committee in the order dated 03.12.2025 passed below Exhibit-140 substantiate the aforesaid facts, which read thus:

“Having gone through the record, it seems that the document Exh. 53 was produced by the respondent with his reply. The said document i.e. representation Exh. 53 was referred to the complainant and it was exhibited too. It also seems from the cross-examination that the questions were asked to the complainant on the said document Exh. 53. So, it seems that the document has been confronted to the rival party.”

13. The aforesaid finding clearly reveals that the document at Exhibit-53 was produced by the petitioner himself and it was referred to the complainant, i.e., respondent No.2, during her cross-examination and thus, accordingly, it was exhibited and was confronted to respondent No.2. In spite of such fact that the document below Exhibit-53 was duly proved, the application below Exhibit-111 filed by the petitioner in order to examine the Advocates who had signed the aforesaid document apparently appears to be an attempt to protract the aforesaid proceedings.

14. The respondent - Committee, in view of the fact that the petitioner could not explain the relevance of the evidence of the aforesaid signatories in support of his defence, and in view of the fact that the petitioner had failed to attend the proceedings in order to give such explanation and was repeatedly seeking adjournment time and again, decided the aforesaid application on 02.04.2025. The aforesaid order dated 02.04.2025 passed below Exhibit-111 is at record page No.92 (Annexure-A-6). The respondent-Committee, in view of the fact that the petitioner has utterly failed to attend the proceedings and further failed to explain the relevance of the evidence of the signatories in support of his defence and the reason for calling the signatories of a document which is already proved and exhibited, rejected the aforesaid request of the petitioner for calling such 24 Advocates as witnesses. However, in the interest of justice and fairness, the respondent - Committee has granted liberty to the petitioner to produce evidence of any of the aforesaid 24 Advocates by way of an affidavit, with a rider that the aforesaid evidence must be relevant either to his defence or to prove the allegations made in the complaint. The relevant findings recorded by the respondent - Committee in paragraph 7 of the aforesaid order read thus:

"7. However, if the respondent wishes to produce any of the witnesses, he must provide sufficient details regarding

their relevance to the inquiry. To ensure fairness, the respondent is granted the liberty to produce evidence from any of 24 Advocates by way of an affidavit which must be relevant to his defence or to disprove the allegations made in the complaint. Therefore, the Committee Members have unanimously decided not to grant the request of the respondent for the issuance of witness summons to the witnesses cited in paragraph no. 2. The respondent is permitted to submit an affidavit, as stated above, on the next fixed date without fail. Hence, the application is decided in accordance with the observations made in the body of this order.”

15. Thus, the respondent–Committee, *vide* Clause (2) of the operative portion of the order, granted liberty to the petitioner to file an affidavit of any of these witnesses in support of his defence. Thus, essentially, the aforesaid grievance of the petitioner was acceded by the respondent–Committee and he was granted liberty to examine any of the Advocates as mentioned in the application below Exhibit-111 as a defence witnesses. However, till date, the petitioner has not filed an affidavit of any of these witnesses before the respondent–Committee. Instead, the petitioner has challenged the aforesaid order dated 02.04.2025 by filing various proceedings like application below Exhibit - 140 for recalling of such order, the application below Exhibit – 170 for review of such order and the present writ petition.

16. Shri. Arvind Waghmare, petitioner in-person, while challenging the aforesaid order dated 02.04.2025, has vehemently

argued that the respondent–Committee, while passing the such order dated 02.04.2025, has failed to consider Order XVI of the Code of Civil Procedure, which lays down the procedure for summoning witnesses. Shri Waghmare further argued that the respondent–Committee, by passing the order dated 02.04.2025, has acted in complete disregard of the directions issued by this Court in Writ Petition No.1758 of 2024 and has accordingly deprived the petitioner from his right to establish his defence.

17. The aforesaid ground raised by the petitioner as to the non-compliance of the Order XVI of the Code of Civil Procedure is based upon Rule 14 of the aforesaid Regulations of 2014. Rule 14(3) of the aforesaid Regulations of 2014 provides that, for the purpose of making an inquiry, the GSICC and the aforesaid Committee shall have the powers vested in a Civil Court under the Code of Civil Procedure, 1908. True it is that by virtue of Rule 14 of the aforesaid Regulations of 2014, the respondent–Committee has been conferred upon with the powers as vested in a Civil Court under the Code of Civil Procedure, 1908. However, the petitioner has referred only to Order XVI of the Code of Civil Procedure, which provides for summoning and attendance of the witnesses. However, the petitioner has conveniently ignored the Order XVIII, which pertains

to the examination of witnesses. Order XVIII Rule 4 of the Code of Civil Procedure specifically provides the manner in which the evidence of a witness is to be recorded. Order XVIII Rule 4 of the Code of Civil Procedure reads thus :

***“4. Recording of evidence.-** In every case, the examination-in-chief of a witness shall be on affidavit and copies thereof shall be supplied to the opposite party by the party who calls him for evidence:*

Provided that where documents are filed and the parties rely upon the proof and admissibility of such documents which are filed alongwith affidavit shall be subject to the orders of the Court.

(2) The evidence (cross-examination and re-examination) of the witness in attendance, whose evidence (examination-in-chief) by affidavit has been furnished to the Court shall be taken either by the Court or by the Commissioner appointed by it:

Provided that the Court may, while appointing a commission under this sub rule, consider taking into account such relevant factors as it thinks fit :

(3) The Court or the Commissioner, as the case may be, shall record evidence either in writing or mechanically in the presence of the Judge or of the Commissioner, as the case may be, and where such evidence is recorded by the Commissioner, he shall return such evidence together with his report in writing signed by him to the Court appointing him and the evidence taken under it shall form part of the record of the suit.

(4) The Commissioner may record such remarks as it thinks material respecting the demeanour of any witness while under examination:

Provided that any objection raised during the recording of evidence before the Commissioner shall be recorded by him and decided by the Court at the stage of arguments.

(5) The report of the Commissioner shall be submitted to the Court appointing the commission within sixty days from the date of issue of the commission unless the Court for reasons to be recorded in writing extends the time.

(6) The High Court or the District Judge, as the case may be, shall prepare a panel of Commissioners to record the evidence under this rule.

(7) The Court may by general or special order fix the amount to be paid as remuneration for the services of the Commissioner.

(8) The provisions of rules 16, 16-A, 17 and 18 of Order XXVI, in so far as they are applicable, shall apply to the issue, execution and return of such commission under this rule.

18. The aforesaid Rule 4 of Order XVIII of the Code of Civil Procedure was incorporated by way of the amendment in the year 2002 and specifically provides for recording of evidence by way of an affidavit in lieu of examination-in-chief. It is in compliance of this Order XVIII Rule 4 of the Code of Civil Procedure that the respondent–Committee has directed the petitioner to prove his defence by filing affidavit of witnesses and thus, the ground raised by the petitioner loses its force.

19. This Court, in its order dated 15.03.2024 passed in Writ Petition No.1758 of 2024, had specifically mentioned that the withdrawal of the aforesaid petition shall not have any adverse impact on the right of the petitioner to establish his defence before the Committee in accordance with the provisions of the aforesaid Regulations of 2014. It is in compliance with the aforesaid order passed by this Court and the procedure established as per law that the respondent–Committee has permitted the petitioner to examine as much as 15 defence witnesses in his favour and also by virtue of

the impugned order dated 02.04.2025, permitted the petitioner to examine any of the witnesses in support of his defence as mentioned in the application below Exhibit–111.

20. Thus, in our considered opinion, the grievance as raised by the petitioner in the present petition is devoid of merit. The orders passed by the respondent–Committee below Exhibit–140 (application for recalling of the order dated 02.04.2025) so also below Exhibit–170 (application for review of the order dated 02.04.2025 passed by the respondent–Committee) are self-explanatory and consequential orders having been passed mainly on the premise that the petitioner failed to point out any error apparent on the face of the record. The aforesaid orders clearly provide that the respondent–Committee, while dealing with an application for review, cannot act as an Appellate Authority and cannot substitute the view already taken by the Committee.

21. The petitioner seems to have filed the aforesaid applications solely for the purpose of delaying the aforesaid proceedings and has successfully prolonged the aforesaid proceedings for another year after rejection of the application below Exhibit–111 on 02.04.2025. In our considered opinion, such tactics

adopted by the petitioner deserve to be strongly deprecated by this Court.

22. For the reasons stated above, there is no merit in the grounds raised in the present writ petition and accordingly, the petition is **dismissed**.

23. Rule is discharged accordingly. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)