

**MINUTES OF MEETING OF THE NDBA ELECTION COMMITTEE
HELD ON 25.04.2022, UNDER THE CHAIR OF SH. SANJIV JAIN,
DISTRICT JUDGE (COMMERCIAL COURT-03), PATIALA HOUSE
COURTS COMPLEX, NEW DELHI DISTRICT.**

QUORUM:-

- Sh. Sanjiv Jain, District Judge (Commercial Court-03)/Chairperson
- Sh. Akshay Anand, Advocate / Member

In presence of Sh. Ajit Singh, JA

Subject: **Verification of the Declaration Forms and preparation of list of the members eligible to vote as per the directions given in Para 52 (a) of the judgment passed by the Hon'ble Delhi High Court in the case titled as "P. K. Dash, Advocate & Ors Vs. Bar Council of Delhi & Ors" W. P. (C) No. 8106/2010 on 18.10.2016.**

The Committee has noted that Sh. Sandeep Verma, Member is not present in the meeting. On enquiry, Sh. Ajit Singh, JA informed that Sh. Sandeep Verma was apprised / informed of the today's meeting.

On the direction of the Committee, Sh. Ajit Singh, JA called Sh. Sandeep Verma, Member on his mobile. He informed him that he would be present within 10-15 minutes.

The Committee waited for him till 4:45 PM but he was not present. The Committee, thereafter decided that the meeting be held with a Quorum of two Members out of three Members including the Chairperson, since, the objectors / participants have been called for hearing to resolve the objections / issues raised by them. This decision has been taken by the Committee to expedite the process of NDBA elections.

In the meeting held on 20.04.2022, the Office had placed a letter dated 11.04.2022 received from the Hony Secretary, Bar Council of Delhi and a list received from the Bar Council of Delhi of the Members, who have passed / not passed their All India Bar Examination (AIBE) enrolled w.e.f. 2010. There were 12 Members, who have not passed the AIBE. The Committee, after discussions had decided to call those Members personally with proofs as to their

Sanjiv Jain
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Amit Singh

eligibility, in the next meeting. The Committee had also decided to call Sh. Mukesh Chand Vashisth for consideration of his representation.

Pursuant to the notice issued to the above Members, following Members were present:

1. Maninderjeet Singh Arora,
2. Sh. Ashish Sharma,
3. Ms. Biji Anil,
4. Sh. Shyam Sunder Sharma
5. Sh. Mukesh Chand Vashistha

The Committee also received the letter / representation of Ms. Ruchika Verma and Sh. Suraj Bhan.

The Committee heard the Members and considered their representations.

(i) Sh. Maninderjit Singh Arora, Enrol No. D-1911/2015 in his representation dated 25.07.2022 has stated that he had passed the LLB examination from Delhi University in 1998.

As per the Bar Council of India Rules and circular BCI:D: 1516/STBC CIR No. 4/2013 (COUNCIL) dated 12.04.2013, the candidates who do not pass AIBE shall not get benefits of the various welfare schemes of the State Bar Councils or the Bar Associations..... Those candidates should not get right of voting and if any Association decides to admit them as its member, their membership should be totally provisional with no voting right. Vide circular BCI:D: 564/2017[AIBE/Council] dated 31.01.2017, it has been clarified that any advocate, who has graduated after 1st July 2010 can appear in All India Bar Examination (AIBE) for as many times as it requires him or her to pass such exam irrespective of the fact that he or she has been enrolled for more than two years as an Advocate on a State Bar Council Roll. Bar Council of India Rules provides that no advocates enrolled under Section 24 of the Advocates Act 1961 shall be entitled to practice unless such advocate successfully passes



the AIBE conducted by the Bar Council of India. The Bar examination shall be mandatory for all law students graduating from academic year 2009-10 onwards and enrolled as advocate under Section 24 of the Act meaning thereby that AIBE is to be qualified by those law graduates who have obtained their Law Degree from academic year 2009-10 onwards. Those who have obtained the law degree before 2009-10 are not required to appear in AIBE.

The Committee, after deliberations is of the view that Sh. Maninderjit Singh Arora, who has passed his LLB examination in 1998 and enrolled himself as an Advocate in September 2015 was not required to appear in AIBE. He is thus eligible to participate in the NDBA elections 2022.

(ii) **Sh. Ashish Sharma, Enrol No. D-2437/10** has produced a certificate of practice, as per which he was enrolled as an Advocate vide Enrol No. D-2437/2010 and he has successfully qualified the AIBE in March 2011.

The Committee considered the certificate and is of the view that Sh. Ashish Sharma meets all the requirements to participate in the NDBA examination. He is thus eligible to participate in the NDBA elections 2022.

(iii) **Ms. Biji Anil, Enrol No. D-2304/2010** has produced a certificate of practice, as per which she was enrolled as an Advocate vide Enrol No. D-2304/2010 and she has successfully qualified the AIBE in March 2011.

The Committee considered the certificate and is of the view that Ms. Biji Anil meets all the requirements to participate in the NDBA examination. She is thus eligible to participate in the NDBA elections 2022.

(iv) **Sh. Shyam Sundar Sharma Enrol No. D-2871/2018** has shown a letter dated 16.09.2019 issued by the Bar Council of India, whereby it has been clarified that the one who has graduated

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after 01.07.2010 is required to appear in AIBE and pass such examination. The one who has cleared the LLB examination in the month of June 2010 is not required to appear in AIBE.

The Committee finds that Sh. Shyam Sunder Sharma has passed the LLB examination in the month of June 2010, as per final year LLB marksheet dated 27.06.2010 and thus obtained LLB degree before 01.07.2010.

The Committee is of the view that Sh. Shyam Sunder Sharma is eligible to participate in the NDBA election 2022.

(v) **Sh. Mukesh Chand Vashisht, Enrol No. D-387/1985** has filed an affidavit stating that he never submitted any declaration form in Rohini Court Bar Association. Someone has forged his signature and paid the subscription there. He has stated that for the last three years, he has not visited the Rohini Court nor submitted any declaration form in RCBA for the election held in 2021.

The Committee considered his affidavit and is of the view that Sh. Mukesh Chand Vashisht be allowed to participate in the upcoming NDBA Elections 2022. He is however explained that in case, any information given in the affidavit is found incorrect, the matter will be referred to Bar Council of Delhi for disciplinary action, if any.

(vi) **Ms. Ruchika Verma, Enrol No. D-2343/2010** has sent a letter dated 22.04.2022 issued by the Hony. Secretary, Bar Council of Delhi, stating therein that AIBE is not applicable in the case of Ms. Ruchika Verma, Advocate.

The Committee considered the letter and is of the view that Ms. Ruchika Verma is eligible to participate in the elections of NDBA 2022.

(vii) **Sh. Suraj Bhan, Enrol No. D-3377/2015** in his representation dated 22.04.2022 has stated that he had passed his LLB in the year 1983. He was entitled to vote in the NDBA elections 2018

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Suraj Bhan

in terms of the decision of the Election Committee vide Sr. No. 79 thereof. He has enclosed the copy of same.

The Committee considered the representation and is of the view that Sh. Suraj Bhan is eligible to participate in the NDBA elections 2022.

(viii) **Sh. Abhilash Tyagi, Enrol No. D-8901/2018** has confirmed on phone that he has not passed the AIBE. He is thus not eligible to participate in NDBA election 2022.

(ix) **Sh. Deepak Sharma, Enrol No. D-1771/2017.** The office has informed that no response has been received from Sh. Deepak Sharma. As per the list received from the Bar Council of Delhi, he has not cleared the AIBE. As per the information gathered from the Bar Council, he had passed his LLB examination in 2015.

The Committee is of the view that he is not eligible to participate in NDBA elections 2022.

Sh. Sanjeev Kumar Rana, Enrol No. D-1617/2013. The office has informed that he was contacted on phone. He has expressed his unavailability to participate, even through video conferencing. No representation has been received from him qua his eligibility. As per the list received from the Bar Council of Delhi, he has not cleared the AIBE. Information was also gathered from the Bar Council. He had passed his LLB examination in 2015.

The Committee is of the view that he is not eligible to participate in NDBA elections 2022.

Sh. Mohinder Singh Tokas, Enrol No- D-1195/2019. The office has informed that no response has been received from Sh. Mohinder Singh Tokas. As per the list received from the Bar Council of Delhi, he has not cleared the AIBE. Information was also gathered from the Bar Council. He had passed his LLB examination in 2014.

The Committee is of the view that he is not eligible to participate in NDBA elections 2022.

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Sh Mohit Luthra, Enrol No. D-7274/2018. The office has informed that no response has been received from Sh. Mohit Luthra. As per the list received from the Bar Council of Delhi, he has not cleared the AIBE. Information was also gathered from the Bar Council. He had passed his LLB examination in 2017.

The Committee is of the view that he is not eligible to participate in NDBA elections 2022.

Sh. Abhishek Sharma, Enrol No. D-1173/2019. The office has informed that he was contacted on phone and he has expressed his unavailability to participate, even through video conferencing. No representation was received from him qua his eligibility in NDBA elections. As per the list received from the Bar Council of Delhi, he has not cleared the AIBE. Information was also gathered from the Bar Council. He had passed his LLB examination in 2017.

The Committee is of the view that he is not eligible to participate in NDBA elections 2022.

In the meeting held on 04.04.2022, the office had placed a list of Members eligible to vote as per the directions given in Para 52 (a) of the judgment passed by the Hon'ble Delhi High Court in the case titled as "*P. K. Dash, Advocate & Ors Vs. Bar Council of Delhi & Ors*" W. P. (C) No. 8106/2010 on 18.10.2016, after verification of declaration forms received from the New Delhi Bar Association vide letters dated 08.03.2022 & 09.03.2022, which were numbered from 1 to 2165. The requisite records (Voter's records viz a viz Elections of the Bar Associations) were also received from the different Bar Associations and after scrutiny of the declaration forms so received viz a viz the records received from the other Bar Associations, tentative voter list was prepared after cross checking / rechecking and it was found that there were 51 objections against the names of the Members of NDBA, who had filed the declaration forms.





It was decided in the meeting that one week clear time i.e. from 05.04.2022 to 12.04.2022 (both days inclusive) be given to all concerned for filing objections, if any with the Committee. It was also resolved that the objections have to be in writing by the Objector himself and the Objector along with the objections shall file the copy of his / her I-card with mobile number with Sh. Ajit Singh, JA / Officer of this Committee from 10:00 am to 4:00 pm from 05.04.2022 to 12.04.2022 at General Branch, Administrative Block, Ground Floor, New Delhi District, Patiala House Courts, New Delhi. It was also resolved that a notice to that effect that "Tentative / Proposed Voter List" is displayed inviting "objections", be displayed and notified informing one and all, as to how, where and when, the objections, if any may be filed. The objections, so received shall be considered by the Committee on the next working day i.e. 13.04.2022 and thereafter the final list of voters will be prepared.

In the meeting held on 20.04.2022, it was informed by the office that the tentative voter list was displayed on the notice board of NDBA and New Delhi Courts on the same day for inviting objections. The minutes of 04.04.2022 were also uploaded on the website of New Delhi District Court as well as NDBA. Vide letter dated 06.04.2022, Hony Secretary, Bar Council of Delhi was also requested to verify the tentative voter list from the records and inform whether the Advocates / Members shown in the tentative voter list enrolled w.e.f. 2010 have cleared the AIBE or not.

On 11.04.2022 as informed by the office, a list was received from the Bar Council of Delhi, as per which, 12 Members, whose names were appearing in the tentative voter list had not cleared the AIBE.

The Committee after deliberations viewed that before taking any action, those Members be personally called with proofs.

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27/4/22

Ajit Singh

The office had informed that against the tentative voter list, 9 representations amongst 51 ineligible candidates were received. The Committee in the meeting held on 20.04.2022 heard those Members in person / considered their representations one by one and allowed the following Members to participate in the NDBA elections 2022:

- (i) Sh. Ramzan Ahmad Ansari
- (ii) Sh. Mahavir Singh
- (iii) Sh. Deepak Tanwar
- (iv) Sh. Kirti Singh Panwar
- (v) Sh. Deepak Kumar (joined through video conferencing)
- (vi) Ms. Astha Gupta
- (vii) Sh. Mukesh Chand Vashisht

Sh. Malay Swapnil was found to be not eligible to participate in the NDBA election, since he had participated in DBA elections held in 2019.

Sh. Kshitij Kumar had cast his vote in the election of Delhi Bar Association. He has opted to cast his vote in DBA in forthcoming elections. He was thus found ineligible to participate in the NDBA elections 2022.

Two more representations were received, one from Sh. Chandan Mishra, Enrol No. D-2142/2008 vide letter dated 23.02.2022 and other from Sh. Kishan Nautiyal, Enrol No. D-309/1996 vide letter dated 05.04.2022. Since, Chandan Mishra was found to be the Member of Karkardooma Bar Association and that he has been contesting the elections there, he was allowed to withdraw his declaration form. There were some inadvertent typographical mistake in the enrollment no. of Sh. Kishan Nautiyal, which has been corrected.

Today, the Committee has received a letter from Sh. Chandan Kumar Singh, Adv, Enrol No. D-231/2018 on 25.04.2022, whereby, he has requested for withdrawal his declaration form. Similar letters have been received from Sh. Neeraj Jha, Adv, Enrol No.

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Amr Singh

D-3405/09 on 25.04.2022 and Sh. Ghanshyam Kumar Sharma, Adv, Enrol NO. D-549/84 on 19.04.2022 regarding withdrawal of their declaration forms.

The Committee deliberated on the withdrawal letters and is of the view that since, the withdrawal letters have been received after the last date i.e. 12.04.2022, these letters be not considered for withdrawal and their requests be declined.

The Committee after scrutiny, cross checking and considering all the representations made by the Members has drawn a final list of the eligible Members to participate in the NDBA election 2022. The final list has been drawn, after further scrutiny of the list of 2165 Members submitted by the NDBA on the basis of the declaration forms, where, duplication of names of 23 Members were found. As per the final list, **2091 (Two Thousand Ninty One)** Members are found eligible to participate in the NDBA election 2022.

The final voter list (including the names of the Members entitled / not entitled to vote / withdrawn) **2142 (Two Thousand One Hundred Forty Two)** for the NDBA election 2022 is enclosed as **Annexure "A"**.

List of the Members found entitled to vote i.e. **2091 (Two Thousand Ninty One)** in the elections of NDBA 2022 is enclosed as **Annexure "B"**.

List of the Members found not entitled to vote / withdrawn i.e. **51 (Fifty one)** in the elections of NDBA 2022 is enclosed as **Annexure "C"**.

The Committee is of the unanimous view that the entire record i.e. declaration forms, draft voter's list, objections received from the Members, various letters received during the period, tentative and final voter list be digitized. The final list of the voter list be uploaded on the website of New Delhi District and the copy be forwarded to the NDBA for its records. The final list be also handed

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25/4/22

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over to the Returning Officer to be appointed by NDBA, who may satisfy himself about the identity of the voters in the best manner as may be possible for him.


The office has placed representation of Sh. Virender Kumar and Ms. Sahisfa Aslam, whereby, request has been made that the entire GBM and the election process of RO may be concluded under the watch and supervision of the Chairman of the Election Committee or a duly delegated person by him. The entire process be video recorded for any further / future reference and only the eligible members be allowed to participate in the GBM.

The Committee is of the view that in terms of the judgment of *P. K. Das, Advocate & Ors (supra)*, the function / purpose of the committee is only to finalize the list of members, who are eligible to participate in the elections process. Further action has to be taken by the Returning Officer to be appointed by the NDBA.


The meeting ended with vote of thanks.

The minutes be uploaded on the official website of NDBA and New Delhi District.


25/4/22
AKSHAY ANAND
Advocate / Member


25/4/22
SANJIV JAIN
District Judge (Commercial Court-03)
Chairperson, Committee for Election of
NDBA, New Delhi

The minutes be placed before Ld. Principal District & Sessions Judge, New Delhi District for approval.


25/4/22
SANJIV JAIN
District Judge (Commercial Court-03)
Chairperson, Committee for Election of
NDBA, New Delhi


Principal District & Sessions Judge,
New Delhi District, Patiala House Courts,
New Delhi.