

Minutes of Meeting dated 23.11.2024, NEW DELHI BAR ASSOCIATION (NDBA), ELECTION COMMITTEE - 2024, (Constituted in compliance of the judgement passed by Hon'ble High Court of Delhi in WP (C) No. 8166/2010;titled P.K Dash, Advocate and Ors. versus- BAR Council of Delhi and Ors. dated-31.05.2016 & further modified vide orders dated 18.10.2016 and order dated 19.03.2024 in W.P. (C) 10363/2021 & CM Appls. 31884/2021, 17981/2022, 51769/2023 and 57075/2023, case titled as Lalit Sharma and Ors. Vs. Union of India and Ors.)

Minutes of Meeting dated 23.11.2024

Quorum:

1. Sh. Balwant Rai Bansal, Patiala House Courts- Chairperson.
2. Sh. Akshay AnandvAdvocate-Member. (through VC)
3. Sh. Neeraj Shrotriya, Advocate-Member.

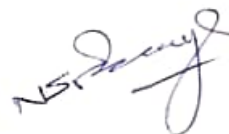
Vide order no. 30900-31010/Admn./Pr.D&S/J/NDD/PHC/2024 dated 04.11.2024 of Ld. Principal District & Sessions Judge, Patiala House Courts, New Delhi District, New Delhi, Sh. Balwant Rai Bansal, Ld. DJ-05 has been appointed as Chairperson of NDBA Election Committee-2004.

Agenda:-1 Letter dated 25.10.2024 of Sh. Jagdeep Vats, President, NDBA regarding request to withdrawal of the Declaration form of Sh. Rakesh Kumar Shukla, Advocate.

The Officer has placed a letter dated 25.10.2024 of Sh. Jagdeep Vats, President, NDBA, therewith, a request letter dated 25.10.2024 of Sh. Rakesh Kumar Shukla, Advocate has been sent to this office, whereby, Sh. Rakesh Kumar Shukla is requesting to withdraw his Declaration Form from the forthcoming Election of NDBA-2024.

Vide letter no. 27021/Election Committ./Genl./PHC/2024 dated 24.09.2024 of Sh. Devender Kumar Jangala, the then Ld. Chairperson, NDBA Election Committee-2024, whereby, in pursuance of minutes of meeting dated 24.09.2024, 04 (Four) Lists i.e. A, B, C and D were issued and all the Advocates/Members of New Delhi Bar Association/NDBA had been requested to clear objections, w.r.t. Voter's List as per Annexure -B of NDBA Election-2024 on or before 28.09.2024 till 05:00 PM in the General Branch, Patiala House Courts, New Delhi. It was asserted that if the objections are not removed by the concerned





Advocate/NDBA, the name of the Advocate will not be added in the Final Voter's List of NDBA Election -2024.

The Committee unanimously is of the view that as Sh. Rakesh Kumar Shukla, Advocate has moved the application to withdraw his Declaration Form from the forthcoming NDBA Election -2024 on 25.10.2024, after the last date of entertaining such application, request of Sh. Rakesh Kumar Shukla, Advocate is declined.

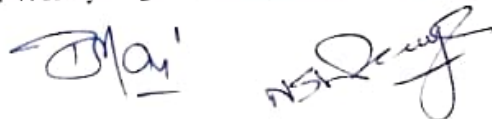
Further, the office has informed the Committee that some applications are pending for addition/deletion/withdrawal of names of advocates from the Final List of Voter's have been received i.e. as under :

S. No.	Name of Advocate	Date of Application
1.	Sh. Gyan Prakash Bansal	01.10.2024
2.	Sh. Ajay Saharan	07.10.2024
3.	Sh. Manoj Kumar	09.10.2024
4.	Sh. Sudhir Kumar	18.10.2024
5.	Sh. Suman Kumar Tyagi	30.09.2024
6.	Sh. Rahul Mehandru	30.09.2024
7.	Sh. Vinay Kumar Tyagi	30.09.2024
8.	Ms. Puja Keshwani	30.09.2024

Since, the Committee has already decided in Minutes of Meeting dated 08.10.2024 the cutoff date of entertaining such applications i.e. 28.09.2024, the Committee is of the view that the above mentioned application are declined and can not be entertained.

Agenda:-2 Letter no. 20500/DHC/Mgt. & Coord.-I/BMCC(District Courts) dated 23.10.2024 of Worthy Registrar General, Hon'ble High Court of Delhi, New Delhi forwarding a copy of letter dated 03.10.2024 of Sh. Jagdeep Vats, President and Sh. O.N. Sharma, Hony. Secretary, NDBA regarding extension of date for submission of declaration forms, registration of Proximity ID Cards and clearing of subscription dues for Election of NDBA.

The Office has placed a letter no. 20500/DHC/Mgt. & Coord.-I/BMCC(District Courts) dated 23.10.2024 of Worthy Registrar General, Hon'ble High Court of Delhi, New



Delhi forwarding a copy of letter dated 03.10.2024 of Sh. Jagdeep Vats, President and Sh. O.N. Sharma, Hony. Secretary, NDBA, for appropriate action, if any, at our end.

In the letter dated 03.10.2024 of Sh. Jagdeep Vats, President and Sh. O.N. Sharma, Hony. Secretary, NDBA, it has been stated as follows :

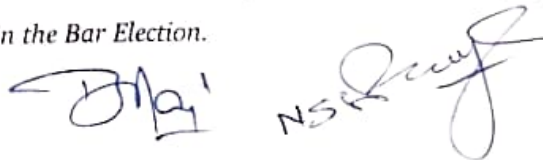
"It is most humbly submitted that we are formally requesting an extension of date for the registration of proximity ID Cards, submission of declaration forms and clearing of the subscription dues to 25th October, 2024. Due to the extension of the date of Election of all the District Courts, of Delhi to 13th December, 2024. An extension would greatly assist us in ensuring that all necessary documents and payments are completed accurately and comprehensively."

Agenda-:3 Letter no. 670/DHC/Mgt. & Coord.-I/BMCC(District Courts) dated 25.10.2024 of Worthy Registrar General, Hon'ble High Court of Delhi, New Delhi forwarding two copies of (i) :- letter dated 18.10.2024 of Sh. Jagdeep Vats, President and Sh. O.N. Sharma, Hony. Secretary, NDBA and :
(ii) :- Letter dated 21.10.2024 of Sh. Tarun Rana, Advocate, Chamber No. 165, Patiala House Courts, New Delhi.

Further, The Office has placed print out of letter no. 670/DHC/Mgt. & Coord.-I/BMCC(District Courts) dated 25.10.2024 of Worthy Registrar General, Hon'ble High Court of Delhi, New Delhi received through Whatsapp on 26.10.2024 (original not received officially) forwarding two copies of letter dated 18.10.2024 of Sh. Jagdeep Vats, President and Sh. O.N. Sharma, Hony. Secretary, NDBA and (ii) letter dated 21.10.2024 of Sh. Tarun Rana, Advocate, Chamber No. 165, Patiala House Courts, New Delhi, to look into the issue and take appropriate action, if any, at our end.

The crux of letter dated 18.10.2024 of Sh. Jagdeep Vats, President and Sh. O.N. Sharma, Hony. Secretary, NDBA is as follows :

"In New Delhi Bar Association, the Chairman of Election Committee has taken the cutoff date to 31.07.2024, which resulted in 225 member advocates to be considered ineligible because they have not completed 01 year of Bar Membership prior to the date of Election and since the Election date has been now postponed to 13.12.2024. As per constitution of New Delhi Bar Association, the member must be having 01 year membership from the date of Election to eligible to cast vote in the Bar Election.


The block contains two handwritten signatures. The first signature is in blue ink and appears to be 'Jagdeep Vats'. The second signature is in black ink and appears to be 'O.N. Sharma'.

Therefore, most humbly request to consider the issue involved and fix a definite cutoff date for eligibility to cast vote to promote transparency, consistency & uniformity but also uphold the democratic principles within our Associations."

The crux of letter dated 21.10.2024 of Sh. Tarun Rana, Advocate, Chamber No. 165, Patiala House Courts, New Delhi is as under :

"The Ld. Chairman, Election Committee impressed that they have taken the date of election as of 31.07.2024 in terms of para 35 of the Full Bench Judgment and accordingly allowed the members who have become the members of NDBA till 31.07.2024 to be eligible. It is submitted that aforesaid is not a proper interpretation of judgment of Hon'ble Full Bench and deprives approx. 200 members to cast their vote which is their fundamental rights. Ld. Chairman, Election Committee told that they have prepared the Voters List and any further amendment can only be done, if any orders are received either on Judicial side or on administrative side.

In view of the aforesaid facts, you are most humbly requested to kindly intervene into the issue which impacts the fundamental voting right of approx. 200 advocates members of NDBA and in light of the correct interpretation of judgments of this Hon'ble Court, pass necessary direction to the Election Committee to amend the voters list by including the members who have wrongly been put in the category of 'Not Eligible Voters'."

Vide Minutes of Meeting dated 08.10.2024, a similar representation dated 25.09.2024 of Sh. Mohd. Azam, Advocate, New Delhi Bar Association, New Delhi regarding correction in the tentative voter's list of NDBA members by removing the objections which are not sustainable in Annexure -C was considered, wherein the same issue had been raised as raised in the above said letters under agenda no. 2 and 3. In pursuance of that, Ld. Committee in the meeting dated 08.10.2024 has already resolved as follows:

"This Committee is functioning in compliance of the judgment passed by Hon'ble High Court of Delhi in WP (C) No. 8166/2010: titled "P.K Dash, Advocate and Ors. versus- BAR Council of Delhi and Ors." dated-31.05.2016 & further modified vide orders dated 18.10.2016 and order dated 19.03.2024 in W.P. (C) 10363/2021 & CM Appls. 31884/2021, 17981/2022, 51769/2023 and 57075/2023, case titled as "Lalit Sharma and Ors. Vs. Union



of India and Ors.)”.

The Committee has perused the Para No. 26 of Judgment Case titled as “Lalit Sharma Vs. UOI”, which reads as under :

“Consequently, with the consent of all the District Court Bar Associations, Delhi High Court Bar Association and all Bar Association annexed with Tribunals in Delhi, it is directed that election to their Executive Committee shall henceforth be held simultaneously i.e. on the same day and term/tenure of all such Executive Committees shall be for a uniform period of two years. It is clarified that the aforesaid directions are consensual directions and have not been passed in view of any direction or order issued by the Bar Council of Delhi or any other Association. It is further clarified that the electoral rolls and elections to the Executive Committee of all such Bar Associations shall be prepared and held in accordance with their own Rules, Regulations and Bye-laws.”

The Committee has also perused the Point Nos. 11.13 and 11.14 of Para No. 35 of Judgment for Case titled as “Lalit Sharma Vs. UOI”, which reads as under :

Point No. 11.13:- “The eligibility of the advocate to cast his/her vote in the election shall be considered as on 31st July of the year of the election.”

Point No. 11.14:- “Only those eligible advocates who are not in the arrears of their subscription as on 31st July of the year of the election shall be entered in the Voters List.”

The Constitution of NDBA has also been considered. Rule 51 of NDBA Constitution, which reads as under :

“A member enrolled with NDBA at least for one year before the elections will be entitled to cast their/his vote. There will be two types of membership i.e. sitting and ordinary membership. Voting right shall be given only to the sitting members.”

The committee deliberated on this issue and has unanimously taken the decision to decline the request made in the letter dated 25.09.2024 of Mohd. Azam Advocate, on the ground that Hon'ble Delhi High Court in the judgment 'Lalit Sharma Vs. Union of India', Point No.11.13 and 11.14 has fixed the date of eligibility as 31st July of the year. The constitution of NDBA laid down that a member enrolled with NDBA, one year before the election is entitled to cast vote. Therefore, a harmonious interpretation provision is made and it is held that keeping in view 31st July of the year fixed as eligibility by Hon'ble High Court and considering 1 year prior membership of NDBA from the said date, a member who is enrolled with NDBA before

31.07.2023 shall be eligible to cast his/her vote.”

In view of the earlier decision taken in the Minutes of Meeting dated 08.10.2024 wherein the similar issue was involved as referred in the above request letters, the Committee unanimously is of the view that request via letter dated 18.10.2024 of Sh. Jagdeep Vats, President and Sh. O.N. Sharma, Hony. Secretary, NDBA and letter dated 21.10.2024 of Sh. Tarun Rana, Advocate, Chamber No. 165, Patiala House Courts, New Delhi is declined as the said issue already stands decided.

Let the above Minutes be uploaded on the official website of this Court for necessary information.

Meeting ended with vote of thanks to the Chair.

approved through whatsapp
(Akshay Anand)
Advocate, Member

Neeraj Shrotriya
(Neeraj Shrotriya)
Advocate, Member.

Balwant Rai Bansal
(Balwant Rai Bansal)
DJ-05/Chairperson/NDBA Election Committee -2024
Patiala House Courts, New Delhi.

[Signature]
Principal District & Sessions Judge,
New Delhi District, PHC, ND.