

Minutes of Meeting dated 08.10.2024, 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.)

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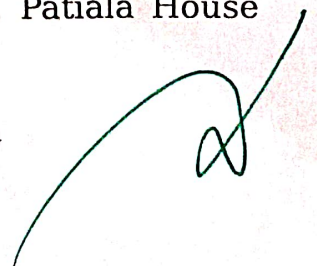
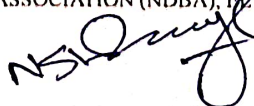
**Quorum:**

1. Sh. Devender Kumar Jangala, ASJ-05, Patiala House Courts-Chairperson.
2. Sh. Akshay AnandvAdvocate-Member.
3. Sh. Neeraj Shrotriya, Advocate-Member.

**Agenda:-1**      Letter dated 28.09.2024 of Sh. Jagdeep Vats, President, NDBA regarding request for 5 days extention for removal of objections of Voter's List.

The Office has placed a letter dated 28.09.2024 of Sh. Jagdeep Vats, President, NDBA, whereby it has been requested to extend 5 days more time for removal of Voter's List objection.

Earlier, 04 (Four) Lists i.e. A, B, C and D were issued vide minutes of meeting dated 24.09.2024 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 lists are as follow :

1. A Provisional Final Voter's List of New Delhi Bar Association Election -2024 (without any objection) as Annexure -'A'.
2. A list of Advocates/Members (having objections), for removal of objections as Annuxure -'B'.
3. A list of Members/Advocates who are not-entitled to vote in the NDBA Election -2024 as they are registered with NDBA after due date i.e. 31.07.2023 (In compliance of W.P. (C) 10363/2021 & CM Appls. 31884/2021, 17981/2022, 51769/2023 57075/2023, case titled as Lalit Sharma and Ors. Vs. Union of India and Ors.) as Annexure -'C'.
4. A list of Advocates/Members who have withdrawn their Declaration Form, as Annexure -'D'.

The Office has informed the Committee that most of the objections w.r.t to Annexure - 'B' has been removed by the concerned Advocates/Members of New Delhi Bar Association, New Delhi.

The Committee is of the view that in view of the date of election i.e. 19.10.2024, which is already fixed by the Hon'ble High Court of Delhi in case titled as Lalit Sharma and Ors. Vs. Union of India and Ors., above mentioned request for extention of date for removal of objection be declined. Hence declined.

**Agenda -:2** Letter dated 26.09.2024 of Sh. Jagdeep Vats, President, NDBA regarding follow up application to include the name of Adovocate Ms. Richa Gambhir in the Voter's List of NDBA.

The Committee considered the letter and it has been resolved that



request of Ms. Richa Gambhir is declined.

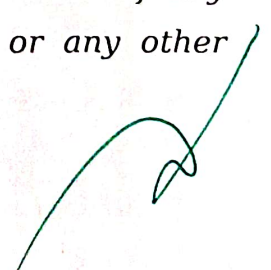
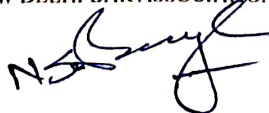
**Agenda-:3** Letter dated 25.09.2024 of Mohd. Azam, Advocate, New Delhi Bar Association, New Delhi regarding correction in the tentative voter's list of NDBA members by removing the objections with are not sustainable in Annexure -C.

The Office has placed a letter dated 25.09.2024 of Mohd. Azam, Advocate, New Delhi Bar Association, New Delhi regarding correction in the tentative voter's list of NDBA members by removing the objections with are not sustainable in Annexure -C.

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 in 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 in Case titled as Lalit Sharma Vs. UOI, which reads as under :

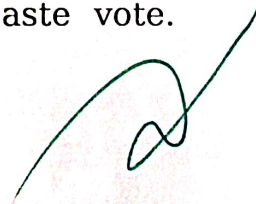
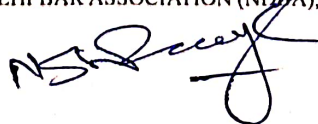
**Point No. 11.13:-** "The eligibility of the advocate to cast his/her vote in the election shall be considered as on 31st July of the year of the election."

**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', at Point No.11.13 and 11.14 has fixed the date of eligibility as 31<sup>st</sup> July of the year. The constitution of NDBA has laid down that a member enrolled with NDBA, one year before the election is entitled to cast vote.





Therefore, a harmonious interpretation of provision is made and it is held that keeping in view the date of 31<sup>st</sup> July of the year fixed as eligibility date 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.

**Additional Agenda:- 1**

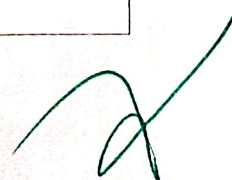
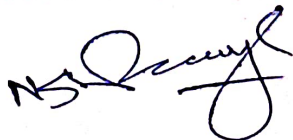
Further, Committee is of the view that any request made after 28.09.2024 for removal of objection by the any Advocate/Member of NDBA shall not be entertained as the date of removing objections has already expired, so that the Final List of Voter's can be prepared in time.

**Additional Agenda:- 2**

The Office has informed that entries of some declaration forms have not been made by the office of the New Delhi Bar Association but forms are lying in the Boxes provided by the NDBA. The Committee is of the view that such declaration forms may not be entertained.

In compliance of the judgemeint 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 Office has prepared a Final Voter's List of NDBA Election -2024 as under :

Sr. No.	Pariculars	Total Numbers	Annexures
1.	Final List of Voters	2640	A
2.	Objections	22	B



3.	Not Eligible	225	C
4.	Withdrawal	17	D
5.	Blank Sr. Number 1083	1	E
6.	Form Not available	5	F
7.	Double Entry	57	G
	<b>Total</b>	<b>2967</b>	

The Committee is unanimous of the view that Final List of Voters as Annexure -'A' as mentioned above be forwarded to the President, New Delhi Bar Association for necessary action.

Meeting ended with vote of thanks to the Chair.

*approved through WhatsApp*  
**(Akshay Anand)**  
 Advocate, Member

*NSD*  
**(Neeraj Shrotriya)**  
 Advocate, Member.

*Devender Kumar Jangala*  
**(Devender Kumar Jangala)**  
 ASJ-05/Chairperson/NDBA Election Committee -2024  
 Patiala House Courts, New Delhi.

*Jm*  
**Principal District & Sessions Judge,**  
 New Delhi District, PHC, ND.