



2025:DHC:2466-FB



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

Date of decision: 7th April, 2025

+ **W.P.(C) 10363/2021**

LALIT SHARMA AND ORS.

.....Petitioners

Through: Mr. Lalit Sharma, Petitioner in person.
Mr. Harshdeep Beniwal & Mr. Sanaf Khan, Advs.
Mr. Vipin K. Sharma & Ms. Anita Dhingra, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Viraj R. Datar, Sr. Adv. with Mr. R.S. Kundu, Ms. Avi Singh, Mr. Bhagat Singh, Ms. Shailja, Mr. Gaurav Kumar, Mr. Abhishek, Mr. Harit Yadav, Ms. Onisha Kathuria, Mr. R.V. Singh, Mr. Keshav Sharma, Ms. Shruti Mishra, Ms. Pooja Sharma, Ms. Reena, Mr. Kartik, Mr. Pranav Sharma, Mr. Harshdeep Beniwal, Mr. Satish Gulliya, Ms. Rashmi Tagala, Mr. V.K. Singh, Mr. Jagdish Kumar Verma, Mr. Nikhil Sharma, Ms. Sunita Bhaskar, Mr. Shubhash Tanwar, Mr. Sanjay Mishra, Mr. D.K. Sharma, Mr. Amit Sharma, Mr. Harshdeep Beniwal, Mr. Sanaj Khan & Mr. Arjun Singh Rathodhi, Advs. for Applicant.
Mr. Ruchir Mishra, Ms. Reba Jena Mishra and Ms. Harshita Sharma, Advs. for UOI.
Mr. T. Singhdev, Mr. Tanishq Srivastava, Mr. Abhijit Chakravarty, Mr. Bhanu Gulati, Ms. Anum Hussain, Mr. Sourabh Kumar & Ms. Yamini Singh, Advs. for BCD/R-3.



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Mr Sameer Vashisht, Standing Counsel (Civil) (GNCTD) with Ms Harshita Nathrani, Advs.

Mr. Puneet Mittal, Sr. Adv. with Ms. Sairila Raju and Ms. Adhya Goswami, Advs. (Amicus Curiae)

Mr. Piyush Beriwal, Mr. Kushagra K. Kansal, Mr. Vedansh Anand, Mr. Yash Tyagi and Mr. Nikhi Kumar Chaubey, Ms Jyotsna Vyas, Advs.

Mr. Ajay Kumar Agarwal, Adv. for BCD (Mob: 9810292253)

Mr. Mohit Yadav, Ms. Sunita Bhaskar & Mr. Rashid Hussain, Advs. in CM APPL. 19945/2025.

Ms. Shobha Gupta, Ms. Akshita Mishra, Ms. Sanskriti Shakuntala Gupta, Ms. Archana Kumari, Mr. Raman Sharma. Ms. Misika Chaudhary, Ms. Shailey Shukla & Ms. Shalini Singh, Advs. in CM APPL. 17397/2025.

Ms. Anita Dhingra, Adv. in person in CM APPL. 19945/2025

Mr. Karnail Singh, Mr. Moez Ali, Mr. Amir Pasha & Ms. Rukhsar Khan, Advs.

Ms. Kirti Madan, Adv. for Shahdara Bar Association.

Dr. Amit George, Mr. Arkaneil Bhaumik, Mr. Adhishwar Suri, Mr. Dushyant Kishan Kaul, Ms. Rupam Jha, Ms. Ibansara, Mrs. Suparna Jain and Ms. Medhavi Bhatia, Advocates for Delhi High Court with Mr. Ravinder Dutt Sharma, Registrar, Delhi High Court.

Mr. Amit Rathor & Mr. Kailash Rana,



Advs. for Intervener.

Mr. K.C. Mittal & Mr. Pramod Nagar,
Advs. in CM APPL. 17769/2025.

Mr. Pawan Sharma & Ms. Kanchan
Sharma, Advs.

Mr. Akash Kaushik, Mr. Balbir & Mr.
Varnit Bhardwaj, Advs. for SBA.

Mr. Vishal Raj Sehajpal & Mr. Vineet
Baliya, Advs. for Election Committee.

Mr. Nitin Sharma, Adv. for Shahdara
Bar Association.

Mr. Harmesh Kumar, Adv. for
Applicant.

Mr. Adarsh Verma, Adv. for Shahdara
Bar Association.

Mr. V.K. Singh, Mr. Shaurya Sethi,
Mr. Nikhil Sharma & Mr. Deepak
Tomar, Advs. for Shahdara Bar
Association.

Mr. Abbas Khan, Mr. Saleem Khan,
Mr. Kaushal Sharma, Mr. Zuhaib
Khan, Mr. Adnan Admed, Advs. for
Shahdara Bar Association.

Mr. Ravinder Chhabra, Adv. for Saket
Bar Association.

Mr. Vishal Sharma, Mr. C.B. Sharma,
Mr. G.P. Sharma, Mr. B.P. Gaur, Mr.
Arun Kumar, Mr. Sachin Rewaria, Mr.
Varun Goswami, Advs. for Saket Bar.

Mr. Aman Usman, Adv. for Sekher
Kumar, Adv. for Saket Bar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE NAVIN CHAWLA

JUSTICE C. HARI SHANKAR



Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 17397/2025(for directions), CM APPL. 17398/2025(stay), CM APPL. 17643/2025(for issuance of proximity card) CM APPL. 17784/2025(for directions), CM APPL. 17769/2025(for directions),CM APPL. 20428/2025 (for directions), CM APPL. 19945/2025 (for directions) in W.P.(C) 10363/2021

2. In the present writ petition, directions have been issued from time to time, in respect of conduct of elections to the Delhi High Court Bar Association as also the various Bar Associations in the District Courts. Vide order dated 21st February, 2025 finally, elections were fixed for being conducted in all Courts simultaneously on 21st March, 2025.

3. The elections to all the Bar Associations were concluded on 21st March, 2025 except in respect of the Saket Bar Association and the Shahdara Bar Association, which were called off due to various reasons. Accordingly, certain applications were filed in respect of these two Bar Associations which were considered by this Court on 26th March, 2025 and appropriate directions were passed.

“Saket Bar Association

5. *Applications have been filed being **CM APPL. 17397/2025 & CM APPL. 17784/2025** in which various issues have been raised in respect of the recent elections held on 21st March, 2025 for the Saket Bar Association.*

6. *The issues highlighted include grievances in respect of appointment of the concerned Returning Officers by the erstwhile Executive Committee of the Saket Bar Association.*



7. *It is also alleged that there were various irregularities in the conduct of the elections on 21st March, 2025. The said allegations include:*

i. *Presence of a large number of persons in the Court complex and in the election area who were impersonating as lawyers. Such persons included law students and other persons with unknown antecedents who had entered the Court premises as also the nomination hall.*

ii. *The proximity cards have been obtained by various persons from verified voters in exchange for a monetary sum with the assurance that the same will be returned after completion of the voting process.*

iii. *It is also alleged that on the day of the election the security could not be maintained and the entry gate to the voting premises was broken open.*

8. *Due to all of the above stated reasons, the said election had to be called off on the said date.*

9. *Let copies of these applications be sent to the ld. Principal District & Sessions Judge for the South District Court, New Delhi - Ms. Madhu Jain.*

10. *Let a report be submitted by the ld. PDJ in respect of the allegations raised in these applications as also any other concerns which the ld. PDJ would wish to address so that the election to the Saket Bar Association can be conducted in a peaceful manner, as may be directed by this Court.*

11. *Let the said report be filed by 1st April, 2025.*

12. *The Court is informed by ld. Sr. Counsels and ld. Counsels appearing for the parties today that a tentative date i.e., 5th April, 2025, has been fixed by the concerned Election Committee for conduct of elections for the Saket Bar Association.*



13. *Considering the facts presented today, a report has been sought from the concerned Id. PDJ. Accordingly, it is directed that the concerned Election Committee shall not take any steps in respect of conducting the said election and no election shall be held on 5th April, 2025.*

14. *List these applications on 4th April, 2025.*

Shahdara Bar Association

15. *This application being CM APPL. 17769/2025 raises issues in respect of the recent elections at the Karkardooma Courts for the Shahdara Bar Association, which were held on 21st March, 2025.*

16. *Allegations in respect of the election have also been raised which inter alia, include:*

i. *Unauthorised scanning and no proper verification of proximity cards.*

ii. *There are some grievances being raised that some of the lawyers' proximity cards have been taken away after casting of votes and have not been handed over to the concerned lawyers.*

iii. *Some photographs have also been placed on record alleging that certain proximity cards held by eligible voters were destroyed and the Scanners/Electronic Voting Machines were also mishandled.*

iv. *The entry gate which was closed for the purpose of smooth and efficient conduct of elections were forcefully opened and it is estimated that thousands of persons had entered the Court complex after breaking open the said gates.*

v. *The barricades which were set up for senior citizens and women voters were also removed.*

17. *In respect of the proximity cards, let Dr. Amit*



George, Id. Counsel who appears on behalf of the Delhi High Court, seek instructions from the concerned agency which is responsible for preparing the proximity cards, as to whether in respect of those lawyers whose proximity cards are not working or have been taken away, the earlier cards can be deactivated and fresh proximity cards can be issued or not and if so, the process thereof be also provided along with the costs for the same.

18. Let a copy of this application be sent to the Id. Principal District & Sessions Judge for East District Court, Delhi -Ms. Shail Jain.

19. Let a report be submitted by the Id. PDJ in respect of the allegations raised in this application as also any other concerns which the Id. PDJ would wish to address so that the election in the Shahdara Bar Association shall be conducted in a peaceful manner, as may be directed by this Court.

20. Let the said report be filed by 1st April, 2025.

21. Election Committee appointed in respect of the elections at the Karkardooma Courts shall also not take any further steps towards the conducting of the election.

22. The election schedule and the process for the same shall be directed by this Court on the next date.

23. List this application on 4th April, 2025.”

Saket Bar Association & Shahdara Bar Association:

4. These applications being **CM APPL. 17397/2025, CM APPL. 17398/2025, CM APPL. 17643/2025, CM APPL. 17784/2025** relate to elections in the Saket Bar Association. On the last date of hearing being 26th March, 2025, the applications were considered and a report was sought from the concerned Id. Principal District & Sessions Judge for the South District



Court, New Delhi - Ms. Madhu Jain. The said report dated 29th March, 2025, has been received by this Court.

5. Applications being **CM APPL. 17769/2025 and CM APPL. 20428/2025** relate to elections at Karkardooma Courts for the Shahdara Bar Association. On the last date of hearing being 26th March, 2025, the applications were considered and a report was sought from the concerned Id. Principal District & Sessions Judge for the South District Court, New Delhi - Ms. Shail Jain. The said report dated 1st April, 2025, has been received by this Court.

6. The Court has perused both the reports furnished by the concerned Id. Principal District & Sessions Judge for both District Courts.

7. The Court has also heard all the Id. Senior Counsels and the Id. Counsels appearing in the matter.

8. Dr. Amit George, Id. Counsel for the Delhi High Court has appeared and submits that he has sought appropriate instructions from the concerned agency - M/s SEC Communications Pvt. Ltd. with respect to the directions passed by this Court on 26th March, 2025. In furtherance to the same, he has also furnished a report on the feasibility of deactivating the Proximity Cards or issuing fresh Proximity Cards, in case such situations arise.

9. After hearing all the Id. Counsels appearing for the parties and considering the reports filed, it is directed as under:

- i) The elections for the Shahdara Bar Association and the Saket Bar Association shall now be held on the same date i.e., **Friday, 9th May, 2025**;
- ii) The elections shall be conducted in both these Bar Associations



by an Election Committee headed by the following Retired Judges of this Court:

- Justice R.K. Gauba for Saket Bar Association;
 - Justice Talwant Singh for Shahdara Bar Association.
- iii) The respective Chairpersons of the Election Committees shall be free to nominate two Returning Officers (ROs) for each of the Bar Associations and three further Members to the Committee for assistance in the conduct of the elections;
- iv) There shall be no change in the Nominal Roll or the list of Proximity Card holders whose names are already finalized;
- v) For the purpose of the elections, the details of the arrangements shall be finalized by the concerned Election Committee and shall be published on the notice boards in both the said Courts along with the schedule of elections;
- vi) The only purpose of appointing the abovementioned Election Committee is for the peaceful and smooth conduct of elections. No fresh nominations shall be accepted *qua* any post;
- vii) The arrangements for the elections in terms of the security that would be required, while bearing in mind the happenings of the previous elections, shall also be directed by the Election Committee. The Commissioner-Delhi Police and the DCPs of the areas concerned shall also extend the necessary co-operation to the Chairperson of the Election Committee for smooth conduct of elections by providing them the required force;
- viii) The Election Committee is free to decide whether the elections



shall be conducted by paper ballot or by EVMs. However, EVMs shall be preferred for the same;

ix) Since there are various issues raised in respect of the Proximity Cards which are alleged to have been either destroyed, taken or misplaced, insofar as Proximity Cards are concerned, the following directions are issued:

- a) The agency - M/s SEC Communications Pvt. Ltd. shall furnish a complete list of the Proximity Card holders who had been issued Proximity Cards in both these Bar Associations in the next two days to Mr. Ravinder Dutt Sharma, Registrar, Delhi High Court;
- b) The said list shall be uploaded on the Delhi High Court's website by *15th April, 2025*;
- c) All such Advocates who were already issued the Proximity Cards and whose names appear in the above stated list, would write an email on the email address mentioned in the circular which is to be uploaded on the Delhi High Court's website, if they require the issuance of fresh Proximity Cards, giving the reasons thereof briefly. The deadline for writing such email and for requesting the issuance of a fresh Proximity Card is *22nd April, 2025*.
- d) Upon receiving the emails, the same shall be compiled by M/s SEC Communications Pvt. Ltd. and fresh Proximity Cards shall be prepared to be handed over to the Chairperson of the Election Committee appointed today by the Court;
- e) The Proximity Cards shall be handed over to the



Chairperson of the Election Committee by *2nd May, 2025* and all the Advocates who have applied for the Proximity Cards shall be free to collect the same from the Election Committee.

10. The fee of the Chairpersons of both the Election Committees is fixed at Rs.2 lakh each. The Chairperson shall fix the remuneration of ROs and other staff members who may be engaged. The fee shall be borne by the concerned Bar Association.

DRT Bar Association:

11. An application being *CM APPL. 19945/2025* has been filed by the Applicant for seeking issuance of appropriate directions for appointing a new independent Election Committee and for conducting elections afresh to the DRT Bar Association.

12. It is noted by this Court that the elections to the DRT Bar Association have already been held on 21st March, 2025 and a new Bar Association has been elected. Insofar as any objections in respect of the said elections are concerned, the Applicant is free to avail its remedies in accordance with law.

Armed Force Tribunal Bar Association:

13. A letter dated 1st April, 2025 has been received from the Armed Forces Tribunal, Principal Bench, filed by the Joint Registrar & Chairperson, Election Committee, AFT (PB), Bar Association, New Delhi.

14. The said letter has been sent to inform this Court that the election to the Armed Force Tribunal (PB), Bar Association has been successfully conducted on 21st March, 2025. The said communication is taken on record.



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15. Accordingly, all applications are disposed of in the above said terms.

PRATHIBA M. SINGH, J.

NAVIN CHAWLA, J.

C. HARI SHANKAR, J.

APRIL 07, 2025/Rahul/ss