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

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

LALIT SHARMA AND ORS.

.....Petitioners

Through: Mr. Sanjay Jain, Sr. Adv. with
Mr. Piyush Beriwal, Mr.
Khushagrah Kansal, Mr.
Vedansh Anand, Mr. Yash
Tyagi, Mr. Neeraj, Mr. Sandip
Munian, Mr. Satya Ranjan
Swain, Mr. Kautilya Birat, Mr.
Rudra Paliwal, Mr. Sanjay Pal,
Mr. Soumyadip Chakraborty,
Mr. Puneet Dhawan, Mr.
Sachin Saraswat, Mr. Ajay
Kumar Agarwal, Mr. Gurmeet
Singh, Mr. Sushil Kumar
Pandey, Ms. Jyotsna Vyas &
Mr. Ankush Kapoor, Advs.

Versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Ruchir Mishra, Mr.
Mukesh Kumar Tiwari, Mr.
Sanjiv Saxena, Ms. Reba Jena
Mishra, Ms. Harshita Sharma,
Ms. Poonam Mishra, Advs. for
Resp./ UOI.
Mr. T. Singhdev, Mr. Tanishq
Srivastava, Ms. Yamini Singh,
Mr. Abhijit Chakravorty, Ms.
Anum Hussain, Mr. Bhanu
Gulati & Mr. Sourabh Kumar,
Advs. for BCD.
Mr. Ajay Kumar Agarwal, Adv.
for Resp./ Bar Council of Delhi.
Mr. Mohit Mathur, Mr.



Sandeep Sharma, Mr. Jatan Singh, Mr. Amit Chadha, Mr. Rakesh Tikku, Mr. Inderbir Singh Alag, Mr. Sanjay Dewan, Sr. Advs. with Mr. Naginder Benipal, Mr. Shyam Sharma, Ms. Bandana Kaur Grover, Mr. Dhan Mohan, Mr. Rajat Manchanda, Mr. Nishant Anand, Ms. Gayatri Puri, Mr. Nitesh Mehra, Mr. Siddharth Tripathy & Mr. Sandeep Kumar, Advs. for Delhi High Court Bar Association.

Dr. Amit George & Mr. Arkaneil Bhaumik, Advs. for Delhi High Court.

Mr. Amrish Kumar Gautam, President with Mr. Subhash Chandra Gupta, Secretary & Mr. Ravi, Adv. for Taxation Bar Association.

Mr. Sanjay Sharma, Mr. Vineet Bhatia & Dr. Rakesh Kumar, Advs. for Sales Tax Bar Association.

Mr. Navneet Kumar & Mr. Arvind K. Gupta, Adv. in CM 10935/2025.

Ms. Chaitali & Mr. Deepak Yadav, Advs. for applicant in CM 6085/2025.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

21.02.2025

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CM APPL. 6084/2025 (Ex.), CM APPL. 6086/2025 (Ex.), CM APPL. 6088/2025 (Ex.), CM APPL. 6212/2025 (Ex.)



Allowed subject to all just exceptions.

Applications stand disposed of.

CM APPL. 6083/2025 (Direction), CM APPL. 6085/2025 (Direction), CM APPL. 6087/2025 (Direction), CM APPL. 6211/2025 (Direction), CM APPL. 10935/2025 (Direction for Proximity Card), CM APPL. 10936/2025 (Direction for EVM), CM APPL. 10937/2025 (Direction)

1. We are informed that although the timelines as prescribed in our earlier order were breached, the final list of eligible voters insofar as the Delhi High Court Bar Association [“DHCBA”] is concerned, was published on 14 February 2025. In terms of the applicable Rules we would have to necessarily factor in a 21 day period for further processes being completed.

2. Mr. Mathur, learned senior counsel and the President of the DHCBA has also brought to our attention the discrepancies which exist between the final list which was published on 14 February 2025 and the proximity cards which have been issued. We in this regard only clarify that the list of 14 February 2025 would constitute the final and determinative list which would regulate the right of participation and on the basis of which proximity cards may be issued. In case, an individual’s name appears in that list but the proximity card application has come to be rejected for any reason, the concerned agency will ensure that remedial action is taken forthwith.

3. We also take cognizance of the fact that the DHCBA is yet to constitute its Election Commission [“Commission”]. We further bear in consideration the Executive Committee’s of respective Bar Associations being required to undertake the requisite exercise of sourcing an adequate number of Electronic Voting Machines



[EVMs'] for the smooth conduct of the elections and there thus being a necessity to extend the date fixed for elections as part of our final thrust to ensure that the elections are conducted in a conducive environment.

4. While various fresh dates for the conduct of elections were suggested including that of 19 March 2025, we have on due consideration come to the conclusion that rather than being faced with the spectre of yet another prayer for extension, it would be expedient to designate a date bearing in mind the preparatory steps that are yet to be completed, the impending Holi holidays as well as the imperative need of ensuring that court functioning is not disrupted. Our direction in respect of the fresh date for elections is thus guided by the aforementioned factors.

5. In view of all of the above, we pass the following final directions:

- (a) The DHCBA shall constitute the Commission latest by 22 February 2025.
- (b) That Commission shall place a complete schedule pertaining to the elections on our record by 24 February 2025.
- (c) Insofar as discrepancies between the final list published on 14 February 2025 and the issuance of proximity cards is concerned, we hereby provide that it shall be the list published on 14 February 2025 which shall be treated as determinative and shall prevail. The agency tasked with the issuance of proximity cards shall ensure that those are issued strictly in accordance with the aforementioned list.
- (d) Since in light of the aforementioned steps that are liable to be taken, and are indisputably unlikely to be completed by 28 February



2025, we provide that the elections for all the concerned Bar Associations shall now be held on 21 March 2025.

6. All applications shall stand disposed of on the aforesaid terms. We reserve the right of individual applicants to seek appropriate remedies in respect of any grievances which are voiced in accordance with law.

YASHWANT VARMA, J.

REKHA PALLI, J.

C. HARI SHANKAR, J.

FEBRUARY 21,2025/kk