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

*Date of Decision: 22<sup>nd</sup> May, 2025*

+ **W.P.(C) 10363/2021 & CM APPL. 31566/2025**

LALIT SHARMA AND ORS.

.....Petitioners

Through: Ms. Ramandeep Kaur, Mr. Aniket Vashisht, Mr. Raghavan Udaya, Ms. Monica Chauhan & Ms. Ruchi, Advs. for Application in CM APPL. 31566/2025.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. T. Singhdev, Mr. Tanishq Srivastava & Ms. Anum Hussain, Advs. for BCD.  
Mr. Anshu Davar, Adv. for Chairperson, Shahdara Bar Association.

**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. 31566/2025 (for directions)**

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. Subsequently,



the elections to the Saket Bar Association were successfully held on 9th May, 2025 and the elections to the Shahdara Bar Association are scheduled to take place on 24th May, 2025.

4. The present application has been filed by – Mr. Deepanshu Mudgal under Section 151, CPC, seeking directions for implementation of the biometric verification process in the elections to the Bar Council of Delhi (*hereinafter, 'the BCD'*).

5. The application has been filed by the Applicant stating that the elections to the BCD are due to be held in the next six months and that the biometric verification process ought to be implemented for the same.

6. In the opinion of this Court, the scope of the present writ petition pertains to elections to the various Bar Associations in Delhi as is clear from a reading of the judgment dated 19<sup>th</sup> March, 2024.

7. As stated above, the elections to all the Bar Associations in District Courts and in the Delhi High Court have been conducted except the Shahdara Bar Association which is scheduled on 24<sup>th</sup> May, 2025.

8. Since the elections to the Bar Council of Delhi are not the subject matter of this petition, the application is disposed of with the direction that the Applicant is free to avail of the remedies in accordance with law.

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

9. Pursuant to the several orders passed by this Court for the elections to the Shahdara Bar Association scheduled to be held on 24th May, 2025, a report has been received from Justice Talwant Singh (Retd.), Chairperson of the Election Committee (*hereinafter, 'the Chairperson'*), informing the Court that in compliance with the order dated 20th May, 2025, passed by this Court, Mr. D.D. Pandey, contesting for the post of Secretary in the Shahdara Bar



Association has deposited the said amount of Rs.65,000/-.

10. However, due to his candidature, the recalibration of the Electronic Vending Machines (*hereinafter, 'EVMs'*) had to be undertaken and the costs for the election has increased by Rs.1,05,000/-.

11. The said report also states that two other candidates i.e., Ms. Lekha Saroj Gautam and Mr. P.S. Tomar approached the Election Committee yesterday i.e., on 21<sup>st</sup> May, 2025 after 2:00 p.m. seeking to deposit the sum of Rs.65,000/- and consequently be permitted to contest for the elections to the Shahdara Bar Association.

12. Insofar as the said two candidates are concerned, they had already filed an application i.e., *C.M. APPL. No. 30152/2025* which was listed before this Court on 16<sup>th</sup> May, 2025. On the said date, the Court had clearly held that without deposit of the sum of Rs. 65,000/-, their candidature would remain disqualified.

13. At that stage, when the Court was hearing the matter, the said candidates were given the option to deposit the said amount. However, the Applicants had clearly represented that they do not wish to deposit the same. The relevant paragraphs of the said order reads as under:

*“13. However, the Ld. Counsel for the Applicants submits that the three Applicants were not present before the Court on 8th May, 2025 and had not given their consent. This statement is taken on record. In elections of this nature where directions were issued, after hearing in open Court, that too with a large number of persons attending the hearing physically and virtually, all the candidates were aware of the directions issued. No objection was raised by anyone in respect of the direction to deposit Rs.65,000/-.*



**14. Upon query from this Court, the Applicants have submitted that they are not willing to deposit the said amount of Rs. 65,000/-. In fact, Applicant No.2 is not even a candidate in the elections to the Shahdara Bar Association. Thus, the Court is not inclined to revisit the order dated 8th May, 2025. Accordingly, the candidates, who are not willing to deposit the money shall stand disqualified from contesting the elections to the Shahdara Bar Association”**

14. Thus, at this stage, when the elections are scheduled to be held after 2 days, no further deposit and addition of candidates can be permitted, considering that the same would require recalibration of EVMs as the elections are scheduled on 24<sup>th</sup> May, 2025. This is more so in view of the fact that these two candidates were given an opportunity to deposit the sum of Rs. 65,000/- on 16<sup>th</sup> May 2025 which they had declined. Moreover, allowing these two candidates at this stage may put the entire election process itself in jeopardy as re-calibration of EVMs would be required and the Delhi University is then seeking that the elections be postponed. The relevant portion of the report is set out below:

*“5. It is further brought to the notice of the Hon'ble Court that two disqualified candidates, namely, Ms. Lekha Saroj Gautam and Mr. RS. Tomar, had approached the Election Committee after 2:00 PM today, i.e., on 21.05.2025, for allowing them to deposit Rs.65,000/- each and to permit them to contest the elections. These two candidates were Applicant Nos. 1/ Mrs. Lekha Saroj Gautam and 3/ Mr. P.S. Tomar in C.M. APPL. No. 30152/2025 that was listed on 16.05.2024, when this Hon'ble Court was pleased to dismiss the said application because they categorically declined to deposit Rs. 65,000/- each, as directed by the Hon'ble Court. Under these circumstances the said*



*request of the aforementioned two candidates was rejected in view of the order dated 16.05.2025.*

*6. If is pertinent to mention here that it will be very difficult for the EVM Team of Delhi University to further recalibrate the EVM machines and to get the stickers containing names, ballot numbers and photographs of the candidates reprinted for pasting them on the EVM machines at the last hour due to paucity of time. Further, this will incur additional expenses that the Election Committee of Shahdara Bar Association is not able to bear due to paucity of funds.”*

15. Under these circumstances, the candidature of these two candidates shall stand rejected. The report of the Chairperson is taken on record.

**PRATHIBA M. SINGH  
JUDGE**

**NAVIN CHAWLA  
JUDGE**

**C. HARI SHANKAR  
JUDGE**

**MAY 22, 2025/Rahul/ss**