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

*Date of Decision: 25<sup>th</sup> April, 2025*

+ **W.P.(C) 10363/2021 & CM APPLs. 14007/2025, 24283/2025, 24284/2025, 24285/2025, 24439/2025**

LALIT SHARMA AND ORS.

.....Petitioners

Through: None.

versus

UNION OF INDIA & ORS.

.....Respondents

Through:

Mr. Ruchir Mishra, Mr. Mukesh Kumar Tiwari and Ms. Reba Jena Mishra Advocates, Advs. for UOI.

Mr. T. Singhdev, Ms. Yamini Singh, & Mr. Tanishq Srivastava, Mr. Abhijit Chakravarty, Ms. Anum Hussain, Advs. for BCD.

Dr. Amit George & Mr. Arkaneil Bhaumik, Advs.

Mr. Charanjit Singh & Mr. Rajeev Thampi, Advs. in CM APPL. 24283/2025

Mr. Anshu Dawar, Adv. in CM APPL. 24439/2025

Mr. Vikram Singh Panwar & Ms. Chandrika Gupta, Advs. for DHCBA.

**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.24285/2025 (for exemption)**

2. Allowed, subject to all just exceptions. Application is disposed of.

**CM APPL. 24439/2025 (for modification of order), CM APPL.**



**24283/2025 (for direction), CM APPL. 24284/2025 (for issuance of proximity card) in W.P.(C) 10363/2021**

3. 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 21<sup>st</sup> February, 2025 finally, elections were fixed for being conducted in all Courts simultaneously on 21<sup>st</sup> March, 2025.

4. The elections to all the Bar Associations were concluded on 21<sup>st</sup> 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 7<sup>th</sup> April 2025 and the said applications were disposed on following terms:

*“9. After hearing all the ld. 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, 9<sup>th</sup> 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."*

**CM APPL. 24439/2025 (for modification of order)**

5. This application has been filed under Section 151, CPC, 1908 on behalf of Mr. Justice Talwant Singh (Retd.), who was appointed as the Chairperson of the Election Committee for Shahdara Bar Association by the order dated 7th April, 2025 passed by this Court.

6. *Vide* this application, the Hon'ble Chairperson has prayed that he may be permitted to discharge his obligations as the Chairperson of the Election Committee for the elections fixed for 9th May, 2025, on a *pro-bono* basis.

7. This Court, while gratefully acknowledging the services of the Hon'ble Chairperson, allows the present application. The Chairperson may discharge



his obligation on a *pro-bono* basis.

8. Accordingly, the application is disposed of in said terms.

**CM APPL. 24283/2025 (for direction)**

9. The application has been filed by Mr. Mahesh Sharma, a member of the Shahdara Bar Association and one of the candidates for the post of President in the elections to the Shahdara Bar Association (*hereinafter, 'the elections'*).

10. The grievance of the Applicant herein is that for the post of President in the elections to the Shahdara Bar Association, one Mr. Jagdeep Sharma has been permitted to contest elections without having a valid Proximity Card.

11. Thus, the Applicant has approached this Court to seek issuance of appropriate directions on the issue as to whether a candidate can contest elections without having a valid Proximity Card or not.

12. Considering the nature of the application and the fact that in terms of the order dated 7th April, 2025 passed by this Court, the elections are scheduled for 9<sup>th</sup> May, 2025 and the Hon'ble Chairperson of the Election Committee has already been appointed, the present application is referred to the Hon'ble Chairperson to take a decision upon the said issue in accordance with law.

13. Application is disposed of in said terms.

**CM APPL. 24284/2025 (for issuance of proximity card)**

14. The present application has been filed by four members of the Shahdara Bar Association who are alleged to have not been issued their Proximity Cards.

15. The ground for filing the present application is that the names of the said four persons were reflected in the electoral roll prepared by the Office of



the Principal District and Sessions Judge, East District, Karkardooma Courts, for the election that was earlier scheduled on 21<sup>st</sup> March 2025. However, despite the said fact, they have not been issued Proximity Cards.

16. A perusal of the application and the documents attached thereto would show that the said members, namely, Ms. Mahetaba Asrar, Mr. Kuldeep Kumar Gaur, Mr. Amar Singh and Mr. Yashpal Sharma had initiated the process of submission of their registration form on the online portal managed by M/s SEC Private Limited (*hereinafter, 'the agency'*).

17. After partial submission of the registration form, the Applicants were in fact permitted by the agency *vide* separate emails to edit their respective forms and finally submit the same for issuance of their Proximity Cards.

18. However, the Applicants accessed the said online portal on various dates being 12<sup>th</sup> September, 2024, 17<sup>th</sup> September, 2024 and 18<sup>th</sup> September, 2024 and made certain edits to their profiles but never submitted their final registration forms.

19. Dr. Amit George, Id. Counsel submits that, even prior to the previously scheduled elections to the Shahdara Bar Association which were to take place on 21<sup>st</sup> March, 2025, the Applicants were never issued their Proximity Cards.

20. The directions passed by this Court in order dated 7<sup>th</sup> April, 2025 are clear to the effect that only those persons who were already issued Proximity Cards were entitled to duplicate cards, in case they had misplaced or lost the same. Hence, the request for issuance of fresh Proximity Cards to the applicants who were never issued the Proximity Cards initially, cannot be acceded to at this stage, as the elections are already scheduled for 9<sup>th</sup> May, 2025.

21. The application is accordingly dismissed.



**CM APPL. 14007/2025 (for impleadment)**

22. The present application has been filed under Order I Rule 10(2) and Section 151 of CPC, 1908 read with Articles 226 and 227 of the Constitution of India for impleadment of the applicant as a party in the present petition.

23. *Vide* the present application, the impleadment of the Election Commission, Tis Hazari Courts has been sought.

24. The elections to the Tis Hazari Bar Association have already been concluded on 21st March, 2025. Thus, this application has become infructuous.

25. The application is thus dismissed and disposed of in said terms.

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

26. Petition is already disposed of. No further orders are called for.

**PRATHIBA M. SINGH  
JUDGE**

**NAVIN CHAWLA  
JUDGE**

**C. HARI SHANKAR  
JUDGE**

**APRIL 25, 2025**

*Rahul/ss*