



**\$~Full Bench**

**\* IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**+ W.P.(C) 10363/2021**

**LALIT SHARMA AND ORS**

..... Petitioners

Through: Mr.Shailander Verma with  
Mr.Subhash Chandra Gupta,  
Mr.Amrish Kumar, Mr.Davinder  
Singh and Mr.Siddhartha Verma,  
Advocates.

versus

**UNION OF INDIA AND ORS**

..... Respondents

Through: Mr.Ruchir Mishra, Mr.Mukesh Kr.  
Tiwari, Ms.Reba Jena Mishra,  
Advocates for UOI  
Mr. Anurag Ahluwalia, CGSC with  
Mr. Abhigyan Siddhant, Advocate  
and Mr.Rohit Kumar GP for DHC.  
Mr. T. Singhdev, Advocate with  
Ms.Anum Hussain and Mr.Tanishq  
Srivastava, Advocates for BCD.  
Mr.Ajay Kumar Agarwal, Advocate  
for BCD.  
Ms.Sarabjeet Kaur, Deputy Registrar  
with Mr.Vikas Dhawan,  
Administrative Officer (J) for DHC.  
Mr.Yomesh Dutt Sharma, Advocate  
with Ms.Tripti Goswami, Ms.Archana  
Kumari, Mr.Deepak Kumar,  
Advocates in CM APPL.57323/2024.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**  
**HON'BLE MR.JUSTICE VIBHU BAKHRU**  
**HON'BLE MR.JUSTICE YASHWANT VARMA**

**ORDER**

**%**

**27.09.2024**

**CM APPL.55377/2024**

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.



### **CM APPL.55324/2024**

3. Present application has been filed on behalf of Taxation Bar Association seeking modification of Para 35(11.17)(iv) of the judgment dated 19<sup>th</sup> March, 2024 insofar as it requires twelve appearances in a year to be eligible to vote in elections.

4. Learned counsel for the applicant states that the majority of the member advocates of the applicant are engaged in filing of GST Returns and Income Tax Return etc. and appear in proceedings in tax matters which are faceless and do not require physical presence.

5. He states that due to Para 35(11.17)(iv) of the judgment, such members have become ineligible to vote. He prays that the requirement of twelve appearances may be modified to the extent of twelve Income Tax filings/GST filings in one year rather than twelve Court appearances for the member advocates of the applicant.

6. Keeping in view the aforesaid, the members of Taxation Bar Association are exempted from the requirement of filing proof of twelve appearances. They are, however, directed to file an affidavit duly self-attested stating that they have filed a minimum of twelve Income Tax filings/GST filings in the last one year. The details of filing shall also be specified in the said affidavit. Let the said affidavit be filed on or before 30<sup>th</sup> September, 2024. With the aforesaid direction, the present application stands disposed of.

### **CM APPL. 57323/2024**

7. Present application has been filed on behalf of the applicants viz. Vishnu Dutt Sharma and Indraj Singh, Advocates, seeking a direction to the Election Committee to incorporate the applicants in final voter list and permit them to contest and cast their votes in the Delhi Bar Association Elections, 2024.



8. Learned counsel for the applicants states that applicants are bonafide practicing advocates and are not in arrears of their subscriptions as on 31<sup>st</sup> July, 2024. He states that the applicant Vishnu Dutt Sharma paid subscription of Rs. 1500 vide receipt no.225606 on 27<sup>th</sup> June, 2024. He further states that Indraj Singh paid subscription of Rs. 2100 vide receipt no. 223065 on 27<sup>th</sup> June, 2024. He states that the applicant had attempted to pay the subscription through UPI but the accountant/clerk informed the applicant that the same can be deposited in cash.

9. He states in terms of para 35 of the judgment, it has been stated that cash deposit of subscription shall not be accepted. He states that vide notification dated 09<sup>th</sup> September, 2024, an objection with respect to payment of subscription in cash was raised. He states that on 17<sup>th</sup> September, 2024, the applicants made a representation to Chairperson Election Committee, DBA. He however states that the representation was dismissed in terms of para 35 of the judgment. He contends that DBA was aware of the bar on payment by cash but no directions were given by DBA to their clerks/accountant pertaining to mode of accepting subscription. He states that the applicants have made a bonafide mistake.

10. Having heard learned counsel for the applicant, this Court is of the view that the directions issued by this Court in para 35 of its judgment and order dated 19<sup>th</sup> March, 2024 are clear and categorical.

11. At this eleventh hour to permit the applicants to contest and cast their votes in the Delhi Bar Association elections would amount to amending the final voters' list and would result in postponement of the elections scheduled to be held on 19<sup>th</sup> October, 2024. It would also open a pandora's box as a large number of members are similarly situated.



12. Accordingly, the present application is dismissed.

**ACTING CHIEF JUSTICE**

**VIBHU BAKHRU, J**

**YASHWANT VARMA, J**

**SEPTEMBER 27, 2024**  
**TS**