



2024:UHC:6732-DB

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

HON'BLE THE CHIEF JUSTICE MS. RITU BAHRI  
AND  
HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**18<sup>TH</sup> SEPTEMBER, 2024**

**WRIT PETITION (PIL) No. 76 OF 2023**

Satya Dev Tyagi.

...Petitioner

Versus

State of Uttarakhand and others.

...Respondents

Counsel for the petitioner. : Dr. Kartikey Hari Gupta and Ms. Pallavi Bahuguna, learned counsel.

Counsel for respondent no. 1. : Ms. Mamta Bisht, learned Deputy Advocate General for the State of Uttarakhand.

Counsel for respondent no. 2. : Mr. Piyush Garg, learned counsel.

Counsel for respondent no. 3. : Mr. Sandeep Tiwari, learned counsel.

Counsel for respondent no. 4. : Mr. Manoj Kumar, learned Standing Counsel for the Union of India.

**JUDGMENT** : (per Ms. Ritu Bahri, C.J.)

Petitioner is a retired government teacher, and is a social-welfare activist. He is aggrieved by Resolution No. 20 passed on 15.05.2022 and Resolution No. 21 proposed on 27.11.2021 in the Bar Council of Uttarakhand (Annexure No. 1), whereby they have increased the fixed fee, for initiating disciplinary cases against the Advocates, from Rs. 1750 to Rs. 5500. Petitioner has placed on record the Bar Council of India Rules, Part VIII as Annexure No. 5.



2. As per the above-said Rules – Annexure No. 5, no fee is more than Rs. 200 and Rs. 250 till date. Counsel for the petitioner submits that the Resolutions – Annexure No. 1 are *ultra vires* provisions of Section 6(1)(c) of the Advocates Act, 1961.

3. On notice of this petition, a counter affidavit has been filed by respondent no. 2 – Bar Council of Uttarakhand. They have placed on record the letter sent by the Bar Council of India to all the State Bar Councils informing about the modification of the Rules – Annexure No. S.C.A.-1, whereby the fee for the purpose of disciplinary action was increased from Rs. 450 to Rs. 1750 w.e.f. 04.02.2013. They have further placed on record the Resolution dated 27.11.2021 and 14.05.2022 – Annexure No. S.C.A.-2, whereby the State Bar Council decided to enhance the fee from Rs. 1750 to Rs. 5500, and this letter has also been sent to the Bar Council of India for its approval. This counter affidavit is dated 07.06.2023.

4. Subsequently, an affidavit dated 25.07.2023 was also filed by respondent no. 2, and in this affidavit, it is stated that on 10.07.2023, a statement was made by the counsel appearing for the State that, since the



2024:UHC:6732-DB

proposal for enhancement of fee to Rs. 5500, for entertainment of complaint, is pending with the Bar Council of India, the enhanced amount will not be charged from the complainants. It is further stated that in total there were 20 complaints, which were pending, where Rs. 5500 have been charged from the complainants. The details of the said 20 complaints have been given. Further, it is stated that in future the Bar Council of Uttarakhand will not charge any complainant beyond Rs. 1750, unless the proposal made by the Bar Council of Uttarakhand, for enhancement of fee to Rs. 5500, is approved by the Bar Council of India.

5. One counter affidavit has been filed by the State of Uttarakhand dated 15.09.2023 stating that the State Government has no role to play in addressing the grievance of the petitioner, and no relief can be granted *qua* the answering respondent.

6. In paragraph no. 4 of the rejoinder affidavit filed by the petitioner, it is stated that the Bar Council of Uttarakhand has charged Rs. 5500 from 20 complainants, and they have also placed on record a Bankers Cheque of Rs. 5500 dated 26.05.2023 – Annexure No. 1.



2024:UHC:6732-DB

7. In the present case, respondent no. 2 has already filed their counter affidavit stating that in future they will not charge the enhanced fee of Rs. 5500, unless the Resolutions passed by them is approved by the Bar Council of India.

8. At this stage, this Writ Petition (PIL) is being disposed of by observing that, pending the decision of the Bar Council of India on the Resolutions – Annexure No. 1, the complaints against the Advocates will be entertained only on the payment of fee of Rs. 1750. A further direction is being given that, with regard to the 20 complainants, who have paid Rs. 5500 towards fee, steps will be taken by the Bar Council of Uttarakhand to return the remaining amount to all the 20 complainants after deducting Rs. 1750 from Rs. 5500.

9. Pending application(s), if any, also stand disposed of accordingly.

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**RITU BAHRI, C.J.**

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**ALOK KUMAR VERMA, J.**

Dt: 18<sup>th</sup> September, 2024  
Rahul

Digitally signed by RAHUL PRAJAPATI  
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