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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17189/2025 & CM APPL. 70683/2025**
AVIMUKT DAR AND ORSPetitioners

Through: Mr.Amit Sibal, Sr.Adv with Mr.Saket
Sikri, Mr.Raghav Sabharwal,
Mr.Harsh Vardhan Singh, Mr.Ajay
Pal Singh and Mr.Darpan Sachdeva,
Advs.

versus

BAR COUNCIL OF INDIA AND ANRRespondents
Through: Mr.Preet Pal Singh, Mr.Tannupreet
Kaur, Ms.Medha Navami and
Mr.Nitesh Baliyan, Advs for BCI/R-1.
Mr.Abhishek Gupta, CGSC,
Mr.Shaswat Kumar Pandey and
Mr.Kumar Kartikeya, Advs for
UoI/R-2.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
13.11.2025

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1. Issue notice to the respondents.
2. On behalf of respondent no.1, Mr.Preet Pal Singh, learned counsel has put in appearance whereas, Mr.Abhishek Kumar Pandey, learned CGSC has put in appearance on behalf of respondent no.2 and accepts notice.
3. We have been informed that the Show Cause Notice ('SCN') was issued to the petitioners on 05.08.2025, requiring the petitioners to file their response. The notice further states that the written response to be filed by the petitioners must include:-

“(a) a full, accurate, and detailed account of the nature, scope, and operational terms of any partnership, collaboration, alliance, or business



relationship, whether formal, informal, contractual, de facto, or otherwise, between CMS and INDUSLAW;

(b) complete copies of all agreements, memoranda of understanding, correspondence, or other documentation evidencing, facilitating, or contemplating such a relationship;

(c) a clear declaration on whether legal services, whether advisory, transactional, or litigation-related, are being rendered jointly or in any coordinated manner between the said entities; and

(d) a full disclosure of any shared or coordinated infrastructure, branding, financial arrangements, personnel, referral systems, or client servicing models operated jointly or in a connected fashion between the said firms.”

4. Learned counsel for the petitioners state that in response to the said SCN the petitioners have requested for providing the material/documents on which the SCN is based, however, without providing the said material/documents, now, a notice has been issued on 04.11.2025, requiring the personal appearance of the petitioners on 16.11.2025 for participation in the proceedings.

5. It has been stated by learned counsel for the petitioners that without the material/documents which is the basis of the impugned SCN being made available to the petitioners, they have been deprived of their right of effective reply and as such, an interim direction may be issued to the Bar Council of India to provide the said material/documents and only then proceed further in the matter.

6. Our attention has been drawn to Rule 10 of Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2025 (*Annexure P-1*) (*‘Rules, 2025’*) which is in relation to disciplinary issues and penalties.

7. Sub-rule (2) of Rule 10 provides that upon receipt of a complaint or otherwise, if the Bar Council of India has reason to believe that any foreign law firm is guilty of professional or other misconduct or has violated the



terms, conditions or provisions of the Rules, 2025, the Council shall exercise its authority to handle the said matter. Clause (a) of Sub-rule (2) of Rule 10 provides that the Council shall first conduct a preliminary inquiry to assess the merits of the allegations and during the process of this preliminary inquiry, the foreign lawyer or foreign law firm shall be provided a reasonable opportunity to present their case, submit evidence and also to respond to the allegations. It clearly states that such preliminary inquiry shall aim to establish whether there exists a *prima facie* case of misconduct or violation warranting any further action. It also further prescribes in Clause (a)(i) of Sub rule (2) of Rule 10 that in case the Council, after such preliminary inquiry, determines that misconduct or violation is minor or technical in nature, a warning or reprimand may be issued or any penalty which may be deemed appropriate may also be inflicted.

8. Clause (a)(ii) of Sub-rule (2) of Rule 10 also provides that in case the Council finds that misconduct or violation is serious in nature, it may impose a penalty which may be deemed appropriate, and/or suspend the registration of the foreign lawyer or the foreign law firm.

9. *Prima facie*, it is beyond comprehension that in case the purpose of conducting the preliminary inquiry is to assess the merits of the allegations alone, then without any further inquiry, how a penalty like suspension of registration may be imposed. In case the Rules, 2025 envisage only one inquiry which has been termed as preliminary inquiry, in that eventuality, the foreign lawyer or foreign firm needs to be given an opportunity of hearing and adducing evidence and responding to the allegations, which cannot be an empty formality. Such opportunity would necessarily include providing the material/documents on the basis of which the inquiry has been initiated.



10. We also notice that Clause (a) of Sub-rule (2) of Rule 10 clearly states that the preliminary inquiry shall aim to establish whether there exists a “*prima facie*” case of misconduct and accordingly, it is also *prima facie*, beyond comprehension that on establishment of only a “*prima facie*” case of misconduct, how can a penalty like suspension of registration, be imposed.

11. In any case, if the inquiry being conducted by the Council in the instant case is the only inquiry, conceived in the Rules 2025, in that eventuality, principles of natural justice would warrant that whatever materials/documents are being relied upon by the Council for conducting the inquiry and levelling the allegations, the same should be provided to the petitioners, which despite demand have not been provided.

12. Learned counsel representing the Bar Council of India prays for and is granted time till the next date of listing to complete his instructions.

13. In the meantime, we provide that proceedings before the Council fixed on 16.11.2025 shall be deferred, however, by the said date, the petitioner shall submit the material/documents which have been mentioned in the SCN and have been extracted in paragraph 3 hereinabove.

14. List along with *W.P.(C) 12656/2025* on 18.11.2025.

15. Let the matter be placed ‘High on Board’.

16. We further provide that till the next date of listing, no final decision shall be taken by the Bar Council of India.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 13, 2025/MJ