

ITEM NO.11

COURT NO.5

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 577/2007

GULSHAN BAJWA

Appellant(s)

VERSUS

REGISTRAR, HIGH COURT OF DELHI &amp; ANR.

Respondent(s)

Date : 07-09-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Petitioner-in-person

For Respondent(s) Ms. C. K. Sucharita, AOR

Mr. Ardhendumauli Kumar Prasad, AOR  
Mr. Nirmal Kumar Ambastha, Adv.  
Ms. Taruna Ardhendumauli Prasad, Adv.  
Mr. Nitesh Ranjan, Adv.  
Mr. Amritesh Raj, Adv.UPON hearing the counsel the Court made the following  
O R D E R

The learned counsel appearing for the Bar Council of India submits that the Appellate Committee of the Bar Council of India is scheduled to meet on 11.11.2017. It is seen from the order dated 06.06.2007 passed by the Bar Council of Delhi in Misc. Petition (Condonation of Delay) No. 3/2007 that the appeal filed by the appellant against the Judgment and order dated 09.01.2007 (pronounced on 29.01.2007) passed by the Bar Council of Delhi had already been dismissed on the ground of delay. The order dated 06.06.2007 reads as follows :-

"Notice sent to the appellant Shri Gulshan Bajwa, Advocate as per the address give in the memo of appeal has been returned with remark "No such person on the address".

It appears that the Disciplinary Committee of the Bar Council of Delhi by its judgment and order dated 9.1.2007 pronounced on 29.1.2007 has cancelled the licence granted to the appellant debarring him from practicing in any Court. The present appeal has been filed on 25.04.2007 after the period of limitation. Therefore petition seeking condonation of delay has also been filed as well as the application for stay of the operation of the order.

The *Suo Moto* proceeding was initiated against the appellant by the Bar Council of India and was sent to the Bar Council of Delhi for necessary disciplinary proceeding against the appellant since the matter was referred by the Hon'ble Apex Court in view of the order passed on 4.9.2002 in R.P. No., D.O. No. 10465 of 2000. In view of the above direction of the Bar Council of India the proceeding was initiated against the appellant by the State Bar Council of Delhi. It appears

*from the order impugned that the appellant has been changing his address and has been avoiding appearance before the Disciplinary Committee of the State Bar Council. Further, it appears from the judgment of the Disciplinary Committee of the Bar Council of Delhi that some defence was placed by the appellant and the Disciplinary Committee very elaborately dispelled the defence of the appellant and passed the judgment impugned considering the various decisions of the Apex Court regarding the professional misconduct or other misconduct. It appears that the appellant has been changing his address and has been avoiding his appearance and today also nobody is present on his behalf to press the application for condonation of delay. Since the appeal is time barred and there is no good ground for condonation of delay, so it is dismissed as time barred. So the question of stay does not arise. Appeal is dismissed. However, no order as to costs."*

Having heard the appellant Mr. Gulshan Bajwa, who has appeared in-person, and also having heard the learned counsel

appearing for the Bar Council of Delhi and having regard to the fact that the appellant has been out of the profession for the last more than 10 years, we are of the view that the Bar Council of India should consider the matter on merits. After all, the order of the Bar Council of Delhi was pronounced only 29.01.2007 and the appeal was filed on 25.04.2007 and hence, according to the appellant, the delay was only of 25 days. Be that as it may, though we would have normally relegated the appellant to the normal procedure of challenging the order, having regard to the observations made above, we are of the view that for doing complete justice, the order dated 06.06.2007 passed by the Bar Council of India should be set aside and the matter should be heard on merits. Accordingly, the order dated 06.06.2017 is set aside. The delay in filing the appeal is condoned and the appeal, being D.C. Appeal No. 28 of 2007, in order to avoid another round of litigation, will be heard on merits.

The appeal will be heard on 11.11.2017 and final orders will be passed within four weeks thereafter. We request the Bar Council of India to hear the appeal on its own merits, uninfluenced by any of the observations made by the High Court of Delhi and the order impugned before this Court. We make it clear that in case the appellant does not appear before the Appellate Committee on 11.11.2017, the appeal shall stand

dismissed and there will be no further opportunity to the appellant in this regard.

List the matter on 10.01.2018.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR