

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 9220 OF 2010

R.D. MAHANT

Appellant (s)

VERSUS

BALRAM LUTHRA & ANR.

Respondent(s)

O R D E R

1. The appellant before us was a practising Advocate at Delhi. He is before us in this appeal filed under Section 38(1) of the Advocates Act, 1961 ('Act' for short) against the orders passed by the Disciplinary Committee of the Bar Council of India in BCITR No. 118 of 2006 dated 08.07.2010. By the impugned order, the Bar Council of India has suspended the enrolment license of the Appellant for a period of 15 years from the date of passing of the order.

2. The facts in nutshell are that the complaint has been filed against the Appellant herein for certain acts of omission and commission said to have been committed by the Appellant, while discharging his functions as an Advocate. The said complaint was before the Bar Council of Delhi. The parties before Bar Council of Delhi had filed their pleadings including the evidence and the documents. Since the proceedings could not be completed within a year's time, as contemplated under the Act, the complaint came to

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be transferred to the Bar Council of India for further adjudication of the complaint filed by the contesting respondents herein.

3. The Bar Council of India has allowed the prayers made by the complainant/respondent herein and has passed the impugned order and imposed certain punishments against the Appellant, as narrated by us in the previous paragraphs.

4. We have heard the learned counsel for the parties and also perused the impugned order. To say the least, the impugned order is just a cryptic order, which does not assign any reason whatsoever. In our view, an order which does not contain any reason is no order in the eye of law. Therefore, without commenting further on the way in which the Bar Council of India has dealt with the matter, it is appropriate to remand the matter to the Bar Council of India for a fresh disposal in accordance with law, after hearing both the parties.

5. We also make it clear that the parties are at liberty to file appropriate documents so that the Bar Council of India could decide the complaint filed by the respondent in an appropriate manner.

6. For the foregoing reasons, we allow this appeal, set aside

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the impugned order passed by the Bar Council of India and remand the matter to the Bar Council of India for fresh disposal in accordance with law and in the light of the observations made by us in the course of our order, after affording an opportunity of hearing to the both the parties. All the contentions of both the parties are left open. Bar Council of India will now dispose of the complaint pending before them as expeditiously as possible, at any rate, within an outer limit of two months from the date of receipt of the copy of this Court's order.

7. Ordered accordingly.

.....J.  
(H.L. DATTU)

.....J.  
(ANIL R. DAVE)

APRIL 19, 2012

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ITEM NO.1

COURT NO.8

SECTION IIIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 9220 OF 2010

R.D. MAHANT

Appellant (s)

VERSUS

BALRAM LUTHRA & ANR.

Respondent(s)

(With office report) (For final disposal)

Date: 19/04/2012 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Mr. Dalip Kumar Malhotra, Adv.  
Mr. Rajesh Kumar Malhotra, Adv.

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, Adv.  
BCI Mr. Akshya Swamy, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Appeal is allowed in terms of the signed order.

(NAVEEN KUMAR)  
COURT MASTER

(SHARDA KAPOOR)  
COURT MASTER

(Signed order is placed on the file)