

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(S). 3577-3590 OF 2025

BAR COUNCIL OF INDIA

PETITIONER(S)

VERSUS

PRAHLAD SHARMA & ORS.

RESPONDENT(S)

WITH

TRANSFER PETITION (CIVIL) NO(S).100-101 OF 2026

O R D E R

TRANSFER PETITION (CIVIL) NO(S). 3577-3590 OF 2025

1. These transfer petitions have been filed by the Bar Council of India seeking the transfer of multiple cases pending before different High Courts to this Court. All these cases seek similar reliefs, and we are denoting W.P.(Civil) No. 16347/2025, which has been filed before the High Court of Delhi, as the lead matter. This writ petition was filed challenging the levy of a non-refundable election fee of Rs. 1.25 lakhs to be payable by an advocate desirous of contesting the election of the Bar Council. The aforesaid fee has been levied on a pan-India basis, keeping in view the total expenditure likely to be incurred by every State Bar Council. In some of the matters, the precarious financial condition of several State Bar Councils has been explained to us, especially as a result of the impact of the substantial reduction of registration/enrolment fee pursuant to the compliance of the judgment rendered by this Court in *Gaurav Kumar v. Union of India & Ors.* passed in W.P.(C) No. 352/2023 on 30.07.2024. It goes without

saying that contesting an election is an optional choice of a member of the Bar. Failure to levy a reasonable fee towards election expenditure would result in the costs being passed on to members of the Bar, including those who are not interested in participating as candidates. The chilling effect of such an additional burden will ultimately be faced by young lawyers, who have just begun their professional career and who, for no reason attributable to them, will find themselves financially contributing towards the election corpus. Contrary to it, we approve the decision taken by the Bar Council of India to recover such expenditure from those who are contesting the election. If a candidate is serious enough to contest the election, there is no gainsaying that he must also bear the expenditure for such an election.

2. In this view of the matter, we are of the considered opinion that there is no necessity for any High Court to interfere in the fee structure prescribed for the purpose of conducting the election of the State Bar Council. These transfer petitions are allowed. All the relevant cases pending before different High Courts are taken on board and the same are, accordingly, dismissed.

3. A copy of this order be circulated to all the High Courts to ensure that no interference shall be made in the ongoing election process on account of any challenge that has been laid or that may be laid questioning the prescription of the election fee.

TRANSFER PETITION (CIVIL) NO(S).100-101 OF 2026

4. The instant transfer petitions have been filed by the Bar

Council of India and its Chairman seeking transfer of W.P.(Civil) Nos.103/2026 and 104/2026 pending before the High Court of Chhattisgarh at Bilaspur. The transfer of these two writ petitions has been sought to this Court primarily on the ground that all Bar Council election related matters are pending and the election activities are being monitored by this Court through various committees constituted from time to time.

5. In the instant matters, the election of members of the Bar Council of the State of Chhattisgarh had taken place in September 2025 and some controversy with respect to engaging in corrupt practices/horse-trading etc. seems to have emerged during the process of election of office bearers. Upon receipt of such complaints, the Bar Council of India ordered a fact-finding inquiry and directed that the election of the office bearers be deferred. Such action by the Bar Council of India prompted the aggrieved members of the State Bar Council to approach the High Court through these writ petitions.

6. We have heard learned senior counsel from both sides, as well as Mr. Manan Kumar Mishra, learned senior counsel and Chairman of the Bar Council of India.

7. Both sides have very fairly and unanimously submitted that any attempt to indulge in unethical or corrupt practices must be curbed, especially when the Bar Council is a body of professionals who thrive on their ethical professional principles. There is, however, a difference of opinion between the parties with regard to the mechanism that should be evolved in pursuance of the same.

8. That being so, in the peculiar facts and circumstances of this

case and in order to ensure that no prejudice is caused to the parties, we dispose of these transfer petitions with the following directions:

(i) The allegations of indulging in corrupt practices, horse-trading or any kind of unethical conduct in the process of election of office bearers of the Chhattisgarh Bar Council shall be inquired by Justice Sudhanshu Dhulia, a former Judge of this Court, who has been appointed as Chairperson of a High-Powered Supervisory Committee, which has been entrusted the responsibility of monitoring/supervising the elections of all the State Bar Councils.

(ii) We request Justice Sudhanshu Dhulia to complete the fact-finding inquiry as early as possible and preferably within two weeks from the date the parties enter appearance before him. He may fix the date and inform the parties telephonically of the venue and time of the first meeting.

(iii) Justice Sudhanshu Dhulia shall be at liberty to take such punitive measures as he may deem fit against such persons/elected members who are found to be involved in any kind of malpractices.

(iv) On completion of the aforesaid exercise, we request Justice Sudhanshu Dhulia and his Committee to conduct the election of office bearers of the Chhattisgarh State Bar Council. It shall be appreciated if the elections are conducted within a period of two weeks from the date of completion of the proceedings of the domestic inquiry.

(v) Any party aggrieved by the orders/decisions that may be given by Justice Sudhanshu Dhulia shall be entitled to approach this Court in accordance with law. However, no High Court shall

entertain any writ petition(s) or proceedings challenging the decision taken by Justice Sudhanshu Dhulia.

(vi) The honorarium and other secretarial expenses that may be incurred by Justice Sudhanshu Dhulia shall be borne by the Chhattisgarh State Bar Council/Bar Council of India.

9. In addition to above directions, W.P.(Civil) Nos.103/2026 and 104/2026 pending before the High Court of Chhattisgarh at Bilaspur stand transferred to this Court. Similarly, in light of the above-stated order, both the writ petitions have become infructuous and are disposed of accordingly.

.....J.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
FEBRUARY 05, 2026.

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

Transfer Petition(s) (Civil) No(s). 3577-3590/2025

BAR COUNCIL OF INDIA

Petitioner(s)

VERSUS

PRAHLAD SHARMA & ORS.

Respondent(s)

[ONLY IA NO. 26273/26 IN T.P (C) NO. 100-101/26 IS LISTED UNDER THIS ITEM]

WITH

T.P. (C) No. 100-101/2026 (XVI-A)
(IA No. 26273/2026 - VACATING STAY)

Date : 05-02-2026 These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. Manan Kumar Mishra, Sr. Adv.
Mr. Gurukrishna Kumar, Sr. Adv.
Mr. Apurba Kumar Sharma, Sr. Adv.
Mr. Sourab, Adv.
Mr. Vishesh Goel, Adv.
Mr. N. Adhil, Adv.
M/S. Ram Sankar & Co, AOR

For Respondent(s) : Mr. Huzefa Ahmadi, Sr. Adv.
Ms. Rashmi Singh, Adv.
Mr. Nagarjun Sahu, Adv.
Mr. Pranjal Kishore , AOR

Mr. Tejasvi Kumar Sharma, Adv.
Mr. C.S. Rathour, Adv.
Mr. Pramod Kumar Singh, Adv.
Ms. Neetu Gaur, Adv.
Mr. Aswani Tanwar, Adv.
Mr. Sanjeev Kumar, Adv.
Ms. Pragati Sharma, Adv.
Mr. Aryan Kumar, Adv.
Ms. Deepika Malhotra, Adv.
Mr. Rathod Rajesh Ranjit, AOR

Mr. Abhinav Shrivastava, AOR
Ms. Unnati Vaibhav, Adv.
Ms. Barkha Agrawal, Adv.

Ms. Divya Rai, Adv.

UPON hearing the counsel the Court made the following

O R D E R

TRANSFER PETITION (CIVIL) NO(S). 3577-3590 OF 2025

The transfer petitions are allowed in terms of the signed order.

Pending application(s), if any, shall stand closed.

TRANSFER PETITION (CIVIL) NO(S).100-101 OF 2026

The transfer petitions are disposed of in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
BRANCH OFFICER

(Signed order is placed on the file)