



2026:DHC:4644



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6796/2026 and CM APPL. 33333/2026, CM APPL. 33334/2026**

Date of decision – **18.05.2026**

MR. C. ASOK KUMAR

.....Petitioner

Through: Mr. T. Hari Hara Sudhan, Mr. P. Shankar, Mrs. Lavan Devi J and Mrs. S. Gomathi Lakshmi, Advocates.

versus

BAR COUNCIL OF INDIA

.....Respondent

Through: Mr Preet Pal Singh, Ms Tanupreet Kaur, Ms Medha Sharma, Ms Pooja, Ms Simran Kumari, Advocates.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition assails the letter dated 09.01.2026 issued by Bar Council of India, whereby, the petitioner's statutory appeal preferred under Section 37 of the Advocates Act, 1961 was dismissed and the petitioner was advised to avail remedy under Section 48-A of the Advocates Act, 1961.
2. The dispute traces back to grievance of the petitioner arising from the conduct of two advocates engaged for filing a Review Petition on behalf of

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petitioner's daughter.

3. It is the case of the petitioner that one Advocate Yashwant Singh Yadav along with Advocate Anubhav agreed to prepare and file Review Petition for a profession fee of Rs. 55000/-. In pursuance of the same the petitioner furnished case documents and paid substantial profession fees. It is stated that despite repeated assurances, the draft Review Petition was allegedly never supplied for filing the Review Petition.

4. According to the petitioner, despite repeated follow-ups the advocates failed to act with due diligence and subsequently raised objections regarding non submission of vakalatnama and affidavit. The petitioner submits that such objections were never communicated earlier and that the delay ultimately resulted in lapse of the statutory limitation period for filing the Review Petition.

5. Aggrieved thereby, the petitioner filed a complaint under Section 35 of the Advocates Act, 1961 before the Bar Council of Delhi alleging professional misconduct. During the disciplinary proceedings, the concerned advocates filed their reply claiming the documents and the fees had been returned.

6. Subsequently, *vide* order dated 25.04.2024 the Bar Council of Delhi dismissed the complaint on grounds that the fees and documents had been returned. Aggrieved thereby, the petitioner preferred a statutory appeal before the Bar Council of India under Section 37 of the Advocates Act, 1961. *Vide* letter dated 09.01.2026 it was communicated that no appeal under Section 37 of the Advocates Act, 1961 was maintainable and advised the petitioner to invoke Section 48-A of Advocates Act, 1961.

7. In order to appreciate the controversy the relevant portion of the order

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dated 25.04.2024 passed by the Bar Council of Delhi is extracted as under -

“.....Be that as it may, Council is of the view that the prayer of the Complainant was with regard to fees and the documents, which is admitted to have been received by the Complainant before the Council. Council is of view that prima-facie no case of professional or other misconduct is made out against the Respondents. Hence the complaint stands dismissed on merits.”

8. A perusal of the same would indicate that Bar Council of Delhi dismissed the complaint on the premise that the professional fees and documents had been returned to the petitioner.

9. *Vide* letter dated 09.01.2026 the Bar Council of India has made certain observations. The relevant portion of the aforesaid letter is extracted as under:

“ Sir,

I would like to inform you that the office of the Bar Council of India pointed out some defects in the petition which was filed by you as an appeal U/S 37 of the Advocates Act, 1961 against the Order/Resolution dated 25.04.2025 in Complaint No. 194/2024 passed in by the Bar Council of Delhi.

It is to inform you that no appeal lie u/s 37 of the Advocates Act, 1961 against the resolutions/orders passed by the General Council of the State Bar Council, only Revision can lie u/s 48-A of the Advocates Act, 1961. Therefore, you are requested to send the following papers/documents: -

1. You have to file Revision Petition supported by an affidavit sworn before a Notary Public,

Oath Commissioner or a Magistrate. You are required to file English translation of any regional language documents, if any.

2. The Revision Petition should be filed with the Synopsis, list of dates and events and Memo of parties.

3. Please supply us your Comphint filed before State Bar Council.

4. The Original impugned order passed by the State Bar Council.”

10. A bare reading of the aforesaid would indicate that there is no illegality or perversity. Section 37 of the Advocates Act, 1961 specifically provides a statutory right of appeal only against an order passed by the

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Disciplinary Committee of a State Bar Council under Section 35 of the Advocates Act, 1961. On the other hand, Section 48-A vests revisional jurisdiction in the Bar Council of India to call for records of proceedings disposed of by a State Bar Council or any committee thereof in cases where no statutory appeal lies. Thus, the statutory scheme draws a distinction between appellate jurisdiction under Section 37 and revisional jurisdiction under Section 48-A.

11. In the facts of the instant, the impugned order dated 25.04.2025 appears to have been passed by the Bar Council of Delhi and not by the Disciplinary Committee constituted under Section 35 of the Advocates Act. Since the challenge is directed against an order of the Bar Council and not an order passed by its Disciplinary Committee, the Bar Council of India was justified in observing that an appeal under Section 37 would not lie and that the appropriate statutory remedy available to the petitioner would be to invoke the revisional jurisdiction under Section 48-A of the Advocates Act, 1961.

12. With the aforesaid observations, the petition, along with pending applications, stands disposed of.

13. The petitioner, however, shall be at liberty to file a revision as envisaged under Section 48-A of the Advocates Act.

14. All rights and contentions of the parties are left open.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MAY 18, 2026
Aks/ss

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