**IN THE HIGH COURT FOR THE STATE OF TELANGANA**

**AT HYDERABAD**

**THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

**WRIT PETITION No. 3968 OF 2026**

**(CNR No. HBHC010035792026)**

**DATE: 27.10.2026**

Between :

K.Sree Hareesh Kumar

… Petitioner

AND

The Bar Council of Telangana, Through its Secretary, High Court Premises, Hyderabad – 500 066, and another.

… Respondents.

**O R D E R:**

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *"…to issue appropriate Writ, Direction or Order in the nature Writ of Mandamus under Article 226 of the Constitution of India declaring the resolution of the Respondent dated 6.4.2024 to the extent it provides for payment of Rs.10,000/- and other fees for towards resumption of practice, Bar Council of India's rules to the extend it provides for payment of Rs.5,000/- towards resumption of Practice to be illegal, arbitrary and violation of Articles 14, 19(1)(g) and 21 of the Constitution of India and hence set aside the said Resolution and the said rule being unconstitutional and direct the*

*Respondents herein to allow the petitioner herein to resume the practice and pass such other orders…"*

2. I have heard the petitioner/Party-in-person; Mr. S. Ashok Anand Kumar, learned Senior Counsel, argued on behalf of Mr. Jaggari Manikanta Reddy, learned counsel for respondent No.1-Bar Council of Telangana and Mr. Aadesh Varma, learned counsel for respondent No.2-Bar Council of India.

**Brief Facts and Grounds of Challenge:**

3. The petitioner was enrolled as an Advocate under the Advocates Act, 1961, on 30.07.1992 and voluntarily suspended his legal practice on 16.04.2001 upon joining service/employment. After retiring on superannuation on 30.09.2025, he approached the Bar Council of Telangana seeking resumption of practice and was informed that approximately Rs.12,000/- was payable towards the resumption fee and other charges. By e-mails dated 12.11.2025 and 20.11.2025, the petitioner requested that only a reasonable fee be levied, relying upon the judgment of the Hon'ble Supreme Court in *Gaurav Kumar v. Union of India and Others*, 2024 INSC 558. By communication dated 26.11.2025, the Bar Council of Telangana informed him that the resumption fee had been enhanced from Rs.5,000/- to Rs.10,000/- pursuant to its General Body resolution dated 06.04.2024. As his representations to the Bar

Council of India elicited no response, the petitioner instituted the present writ petition challenging the legality of the enhanced fee and seeking permission to resume practice upon payment of only lawful and reasonable charges.

**Submissions on behalf of the Petitioner:**

4.1. The petitioner, appearing in person, contends that the levy of Rs.10,000/- by respondent No.1, the Bar Council of Telangana, instead of Rs.5,000/- stated to be prescribed under the rules of respondent No.2, the Bar Council of India, lacks adequate statutory authority and is legally unsustainable. He submits that a compulsory levy must be authorised by the Advocates Act, 1961, or the rules validly framed thereunder and cannot derive its validity solely from an administrative resolution of the State Bar Council.

4.2. Relying upon *Gaurav Kumar v. Union of India,* (2025) 1 SCC 641, the petitioner contends that compulsory enrolment-related charges cannot exceed the limits authorised by statute. Although that judgment primarily concerns fresh enrolment under Section 24(1)(f) of the Act, he submits that the requirement of statutory authority applies equally to resumption fees, and that the distinction between enrolment and resumption does not

confer an independent power upon the State Bar Council to impose an unauthorised levy.

4.3. The petitioner further challenges the enhancement from Rs.5,000/- to Rs.10,000/- pursuant to the resolution dated 06.04.2024, contending that it lacks specific statutory sanction. He disputes the characterisation of the levy as a compensatory regulatory fee and questions whether its quantum bears a demonstrable nexus to the expenditure incurred on scrutiny of applications, biometric verification, verification of antecedents and disciplinary records, and maintenance of the State roll. He submits that these activities form part of the Bar Council's statutory functions and do not, by themselves, justify the impugned charge. He also contends that the amount is excessive and unreasonable when imposed as a condition for resumption of practice after retirement.

4.4. The petitioner submits that the impugned levy constitutes an unreasonable impediment to his right to practice the legal profession under Article 19(1)(g) of the Constitution of India and is also liable to be examined under Articles 14 and 21. According to him, payment cannot be treated as a mere procedural prerequisite when the legality of the levy itself is challenged, nor can a procedural requirement validate a fee imposed without lawful authority.

4.5. The petitioner states that, during the pendency of the writ petition, he paid the prescribed resumption fee and was permitted to resume practice. Nevertheless, he submits that the legality of the levy survives for adjudication.

4.6. Accordingly, the petitioner seeks a declaration that the levy of Rs.10,000/- pursuant to the resolution dated 06.04.2024 is without lawful authority and contrary to *Gaurav Kumar* (supra), together with a consequential direction permitting resumption of practice upon payment of only such reasonable charges as are authorised by the applicable statutory and regulatory framework.

**Submissions on behalf of Respondent No.1-Bar Council of Telangana:**

5.1. Learned Senior Counsel for respondent No.1 submits that the petitioner, having voluntarily suspended practice upon joining service in 2001, is liable to pay the resumption fee of Rs.10,000/- prescribed by the General Body resolution dated 06.04.2024. The levy is stated to be authorised under Sections 6, 28(1), and 28(2)(d) of the Advocates Act, 1961, read with Part VI, Chapter III of the Bar Council of India Rules. Respondent No.1 accordingly disputes the allegation that the levy is arbitrary, unconstitutional, or unsupported by law.

5.2. Respondent No.1 contends that the fee is compensatory and regulatory in nature, intended to meet administrative expenditure incurred in processing resumption applications, including scrutiny, biometric verification, background checks, verification of antecedents and disciplinary records, and updating and maintaining the State roll. The amount is stated to be reasonable in view of the work involved.

5.3. Distinguishing *Gaurav Kumar* (supra), respondent No.1 submits that the judgment concerns fresh enrolment under Section 24(1)(f) of the Act and does not govern resumption of practice following voluntary suspension. The petitioner, it is contended, cannot claim unconditional or fee-free restoration of his right to practice, as resumption remains subject to the applicable statutory and regulatory requirements.

5.4. Respondent No.1 further submits that payment of the prescribed fee is mandatory and that an application cannot be processed in its absence. It denies any violation of Articles 14, 19(1)(g), or 21 of the Constitution, contending that a reasonable regulatory fee does not constitute an unconstitutional restriction on professional practice. It also maintains that the State Bar Council cannot waive the prescribed fee or exempt applicable standard charges, including any Advocates Welfare Fund contribution. A writ of mandamus, it is submitted, cannot be issued

to bypass the governing procedures. Respondent No.1 consequently seeks dismissal of the writ petition and upholding of the resolution dated 06.04.2024 insofar as it prescribes a resumption fee of Rs.10,000/-.

**Submissions on behalf of Respondent No.2-Bar Council of India:**

6.1. Learned counsel for respondent No.2 submits that, pursuant to the Bar Council of India resolution dated 04.07.2024, effective from 06.08.2024, the fee schedule under Part VIII of the Bar Council of India Rules was revised to prescribe Rs.10,000/- payable to the concerned State Bar Council and Rs.4,000/- payable to the Bar Council of India towards resumption of practice, aggregating to Rs.14,000/-. Since the petitioner sought resumption after his retirement on 30.09.2025, respondent No.2 contends that the revised schedule governs his application. Reliance is placed on Section 49(1)(h) of the Advocates Act, 1961, which empowers the Bar Council of India to prescribe fees in respect of matters under the Act, and Rule 5 of Chapter III, Part VI of the Bar Council of India Rules, stated to govern resumption of practice.

6.2. Respondent No.2 distinguishes *Gaurav Kumar* (supra) on the ground that it principally concerns fees payable at the enrolment stage and does not prohibit post-enrolment fees authorised by statute or rules. It submits that the fee of Rs.10,000/- payable to the State Bar Council

falls within the revised schedule and that the earlier figure of Rs.5,000/- does not govern the petitioner's 2025 application. However, respondent No.2 does not contend that a State Bar Council possesses an unfettered power to impose resumption fees independently of statutory or rule-based authority. It maintains that any such levy must be authorised by the Act or the rules framed thereunder and remain within the prescribed limits.

6.3. Reliance is also placed upon *Jinan K.R. v. Bar Council of Kerala*, 2016 SCC OnLine Ker 36147, decided on 24.11.2016, wherein, according to respondent No.2, the Kerala High Court held that a State Bar Council could not levy a resumption or special fee exceeding the amount prescribed by the Bar Council of India under Part VIII of its Rules. Respondent No.2 submits that the numerical limits considered in that case related to an earlier fee schedule that has since been superseded.

6.4. Respondent No.2 further submits that any contribution payable under Rule 40 towards the Advocates Welfare Fund is distinct from the resumption fee and must be considered separately, after crediting amounts already paid. As the impugned resolution was passed by respondent No.1, respondent No.2 contends that no independent monetary claim for refund, restitution, damages, or costs is made out against it. It requests that the petitioner's resumption of practice, already

permitted, be taken on record and that the challenge to the Rs.10,000/- levy be considered in light of the Act, the applicable BCI Rules, and the resolution dated 04.07.2024. Respondent No.2, accordingly, seeks disposal of the writ petition insofar as it concerns the Bar Council of India, without any adverse declaration, monetary direction, refund, or award of costs against it.

7. I have carefully considered the rival submissions and perused the material on record.

**Analysis and Conclusion:**

8. The power to prescribe fees in respect of matters governed by the Advocates Act, 1961, is specifically conferred upon the Bar Council of India under Section 49(1)(h) of the said Act. The scope of this power extends to the prescription of fees payable for the resumption of practice. In *Jinan K.R.* (supra), the Kerala High Court considered a case involving advocates, who had voluntarily suspended their practice upon entering service and sought to resume practice after retirement. It held that a State Bar Council could not levy a resumption fee or any special fee exceeding the amount prescribed by the Bar Council of India under Part VIII of the BCI Rules.

9. The requirement that a compulsory levy must have a valid statutory or rule-based foundation also informs the reasoning of the Hon'ble Supreme Court in *Gaurav Kumar* (supra). However, that decision primarily concerned enrolment fees under Section 24(1)(f) of the Act and does not, by itself, determine the quantum of fees lawfully leviable for resumption of practice after enrolment.

10. In the present case, the subsequent revision of the fee structure by the Bar Council of India, pursuant to its resolution dated 04.07.2024, stated to have come into effect on 06.08.2024, assumes significance. The revised fee schedule under Part VIII of the BCI Rules prescribes an amount of Rs.10,000/- payable to the concerned State Bar Council towards resumption of practice. Since the petitioner applied for resumption after 06.08.2024, the earlier fee of Rs.5,000/- cannot be claimed as applicable merely because that amount had been prescribed by the State Bar Council at an earlier point in time.

11. The material question, therefore, is whether the demand for Rs.10,000/- represents the fee prescribed by the Bar Council of India under the revised schedule or an independent levy imposed by respondent No.1 pursuant to its resolution dated 06.04.2024. If the demand represents an independent levy, respondent No.1 must establish the statutory or rule-based authority for imposing it. Merely characterising

a levy as administrative, regulatory or compensatory does not, by itself, establish the requisite legal authority. Accordingly, the legality of the demand must be assessed with reference to Section 49(1)(h) of the Act read with the applicable BCI Rules, and by determining whether the amount demanded is authorised under that framework or constitutes an additional levy beyond the authority conferred upon the State Bar Council.

12. The fact that the petitioner has already been permitted to resume practice pursuant to an administrative direction does not, by itself, preclude adjudication of the legality of the fee demanded. Nor does it foreclose consideration of any consequential claim for refund, should it be established that an amount was collected without lawful authority.

13. In view of the foregoing discussion, the challenge to the demand of Rs.10,000/- towards resumption of practice is rejected to the extent that the said amount represents the fee prescribed by the Bar Council of India under the revised Part VIII of the BCI Rules, effective from 06.08.2024.

14. It is clarified that respondent No.1 shall not levy any additional fee over and above the amount authorised under the Advocates Act, 1961, and the rules framed thereunder. Any contribution payable towards the Advocates' Welfare Fund, or under any other statutory scheme, shall be levied only by the competent authority in accordance with the applicable

statutory provisions. Any amount already paid by the petitioner towards such contribution shall be duly credited.

15. The challenge to the resolution dated 06.04.2024 is accordingly rejected to the extent that the demand of Rs.10,000/- corresponds to the fee prescribed by the Bar Council of India under the revised fee schedule. However, respondent No.1 is not recognised as having any independent authority to impose an additional fee beyond the amount authorised under the applicable statutory and regulatory framework.

16. Accordingly, the Writ Petition is disposed of in the above terms. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

**N.TUKARAMJI, J**

Date: 27.10.2026
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