

Minutes of the virtual meeting of the Urgent General Body Meeting of the Members of the Consumer Courts Advocates' Association, Maharashtra & Goa (CCAA) held on 27/2/2022

A) BACKGROUND

1. A judicial misconduct on the part of the current Acting President, Dr Santosh K Kakade, hereinafter referred to as the Acting President of State Consumer disputes redressal Commission, Maharashtra, hereinafter referred to as the SCDRC was brought to the notice of the Managing Committee of the CCAA by Dr Gopinath Shenoy, a member of the CCAA. Dr. Gopinath Shenoy produced a certified copy of an order dated 10th August 2021 passed by the Acting President in FA No.236 of 2002 which was dismissed for want of prosecution by the Acting President himself who was arrayed as a Respondent no.2/Original OP No.2 in the said appeal.
2. CCAA managing Committee meeting was convened on 14th Feb. 2022. Wherein Dr. Shenoy himself was personally present and had shown the certified copies of the dismissal order dated 10th Aug. 2021. This being a gross judicial misconduct on the part of the Acting President, Dr Shenoy was requested to submit a formal Complaint with the Managing Committee. An email in this regard was received from Dr Gopinath Shenoy on 18th Feb.2022. Managing Committee which was held on 14th February 2022 in which it was decided to invite some senior members to seek their opinion. In a subsequent meeting of the MC held on 20th February 2022, it was decided call for an Urgent General Body Meeting (GBM) of the Members on 27th February 2022. A notice to that effect was given to the members of the CCAA.
3. It was also learned after resolving to conduct the GBM that the Acting President had, upon learning that a certified copy of the order of dismissal was obtained by Dr Gopinath Shenoy and CCAA's Managing Committee meeting held on, hurriedly taken the said disposed-off matter on board on 15th February 2022 and while sitting in Aurangabad Bench reviewed the said order dated 10th Aug. 2021 by observing that it was out of inadvertence that the order of dismissal was passed.
4. It was decided by the MC that pending the GBM, a representation be sent to the National commission, Chief Justice of India, Chief Justice,

Bombay High Court and the State Government which was to be ratified at the GBM.

5. That, both the orders i.e. order of dismissal of appeal as also of restoration are absolutely illegal and therefore the agenda for the GBM was to determine the way ahead i.e. carving out a plan of action within the four corners of law.
6. Several complaints related to behaviour and incapacities as a judge are received against Dr. Santosh Kakde.
7. The representations as proposed were sent to the abovementioned authorities.
8. That, the meeting started at around 10 am on 27th February 2022 which has been recorded by the MC.
9. That, the following transpired at the GBM on 27th February 2022.

B) MINUTES-

- a. **No. of attendees** – 140 including a few invitees from other Bars across Maharashtra like, Amaravati, Jalna, Buldhana, Yavatmal, Pune etc.
- b. The secretary called the meeting to order and the senior members of the Bar were invited to speak and recommend course of action.
- c. Opinions expressed by members –
 - i. Adv Yogesh Naidu – Adv Naidu informed that like Dr Gopinath Shenoy, even he had filed a personal Complaint with the President NCDRC. He further submitted that either a PIL or a Writ Petition be filed before the Hon'ble Bombay High Court as soon as possible. He was of the opinion that till such time action if any is taken by the authorities, the Advvocates could appear before the single or a joint bench presided over by the Acting President.
 - ii. Adv Shekhar Prabhavalkar – He was of the opinion that the legal action suggested by Mr Naidu was appropriate. However, he was of the opinion that a resolution to abstain from appearing before the bench

of the Acting President be passed and it be given effect to after a week. The intervening period of 1 week be used for meeting various authorities and giving them some time to react to the situation.

- iii. Adv Shirish Deshpande – He too supported the legal action. He further suggested that the MC should yet again attempt to meet the Acting President and seek his resignation. He was also of the opinion that the advocates could abstain from appearing before the bench of the Acting President.
- iv. Adv Sumedha Rao – She opined that earliest possible legal action be taken by filing a PIL.
- v. Dr Gopinath Shenoy – He was of the opinion that legal action as proposed by others be taken and the advocates should abstain from appearing before the bench presided over by the Acting President. He feared that the Acting President may show his vengeance by passing adverse order of such advocates who are participating in this movement. He mentioned that when he appeared before the Acting President, an application was moved by him requesting the Acting President to recuse from the matter, he refused to do so and even refused to take the application on record and pass an order thereon. Dr Shenoy has since given the application in the registry.
- vi. Various other members namely Adv Kondhalkar, Harshada Rane, Uday Wavikar, Ashutosh Marathe, Santosh Jain, Manoj Mhatre, D Sant, Jitendra Kothari, Sanjay Krishnan, Rohan Pawaskar, Amit Date, Anand Patwardhan, Malhotra, Anil Galgali, m g Barve, V Mannadiar, Tawarawala, S Jondhale, Nilesh Bhutkar, Dr Marathe, Kudalkar, Smt Swati, Devendranath Joshi, Aniruddha Garge, Kiran Patil, Mohit Bhansali, spoke on this issue and all supported legal action by way of

Writ/PIL or any other proceedings and non-legal action such as writing to various authorities, making silent demonstration, displaying of banners etc strictly within four corners of law. Insofar as abstaining from work was concerned, everyone unanimously approved the same. However, since some were of the opinion that it should be done forthwith while a handful others were of the opinion that it could be started a week hence, it was proposed that the decision to give effect to the said action be left to the discretion of the Managing Committee.

Accordingly, following Resolutions were put up for approval.

- vii. **Resolution no.1** – “Resolved that the action taken by the Managing Committee of the Bar by filing a formal protest with the Hon’ble President of NCDRC, Hon’ble Chief Justice of India, Hon’ble Chief Justice of Bombay High Court and the State Government of Maharashtra regarding judicial misconduct of the Acting President, SCDRC Dr. Santosh K Kakade is hereby ratified”.

The said Resolution was proposed by Adv Uday Wavikar and seconded by Adv Ashutosh Marathe and the resolution was passed unanimously.

- viii. **Resolution no.2.** – “Resolved that a Writ Petition or any other appropriate legal proceedings be filed with the Hon’ble Bombay High Court seeking removal of Acting President, SCDRC, Dr. Santosh Kakade. It is further resolved that the Managing Committee may approach the Hon’ble Chief Justice of Bombay High Court as well as the Secretary of the concerned department and make appropriate request in this behalf as well as approach all other appropriate authorities.”

The said Resolution was proposed by Adv Uday Wavikar and seconded by Adv Ashutosh Marathe and the resolution was passed unanimously.

- ix. **Resolution no.3** -. “Resolved that since the act of Judicial misconduct of Acting President of SCDRC Dr. Santosh K Kakade is an issue about dignity, incompetency, integrity and independence of Judiciary, the Managing Committee should take any appropriate action and initiate steps for protesting about this issue.

The said Resolution was proposed by Adv Uday Wavikar and seconded by Adv Ashutosh Marathe and the resolution was passed unanimously.

- x. **Resolution no.4** – “Resolved that pending enquiry by authorities regarding judicial misconduct of the Acting President, SCDRC Dr. Santosh Kakade, the Advocates will abstain from attending his court and not appear before him. It is further resolved that this being an exceptional situation, the call of abstain is given to all the members as well as non-members of the Association. The call of abstain is given more particularly in view of the fact that the Acting President Dr Santosh Kakade has refused to give his appointment to the President of the Bar to discuss this issue. This being grave, exceptional and rarest of rare case, the call of abstain is given to all members as well as non-members. Further Resolved that an appeal be made to all the members and non-members of the bar to abstain from appearing in matters before a bench presided over by the Acting President either singly or jointly for loss of faith in him as he has illegally passed an order in a matter in which he himself is a party and thereafter restored the same illegally and also for not giving an opportunity to the Managing Committee to meet him to discuss the issue by ignoring the request made by the

bar. However, effect to this resolution will be given by the Managing Committee from such date as it deems fit as representations are being made to various authorities. “

The said Resolution was proposed by Adv Uday Wavikar and seconded by Adv Ashutosh Marathe and the resolution was passed unanimously.

The meeting ended with a vote of thanks to all the members.

Date- 27th Feb. 2022

(Secretary)