

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	10.07.2023		<p>WPPIL No. 76 of 2023 <u>Hon'ble Vipin Sanghi, C.J.</u> <u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> 1. Ms. Irum Zeba and Mr. Rafat Munir Ali, learned counsels for the petitioner. 2. Mrs. Mamta Bisht, learned Deputy Advocate General for the State of Uttarakhand. 3. Mr. Piyush Garg, learned counsel for respondent no. 2/ Bar Council of Uttarakhand. 4. Mr. Sandeep Tiwari, learned counsel for respondent no. 3/ Bar Council of India. 5. The Bar Council of Uttarakhand has filed its counter affidavit. As per the affidavit, the Bar Council of India has passed a Resolution on 20.04.2013, enhancing the fee leviable under the Rules. The fee leviable in respect of complaint of professional misconduct, under Section 35 of the Advocates Act, 1961, has been revised to Rs. 1000/-. Under Serial No. 3, the complainant shall be liable to pay, in addition to the fee of Rs. 1000/-, the cost of service of process, unless the disciplinary committee grants exemption therefor, @ Rs. 750/-. 6. Mr. Garg submits that the respondent-Bar Council of Uttarakhand has been charging Rs. 1750/- in respect of complaint of professional misconduct from the complainants. 7. On the other hand, Ms. Zeba, learned counsel for the petitioner submits that, firstly, the respondents are

not clearly bifurcating the amount of Rs. 1750/-, which is being charged on filing of a complaint, and it is not being disclosed that Rs. 750/- is being charged towards cost of service of process. She points out that, on the other hand, the U.P. State Bar Council, and other Bar Councils in the country, clearly and transparently informs the complainant that Rs. 750/- is being charged towards cost of service of process.

8. Mr. Garg submits that, since the proposal, for enhancement of fee for entertainment of complaint to Rs. 5500/-, is pending with the Bar Council of India, the said amount shall not be charged from the complainant.

9. Counsel for the petitioner has, however, tendered in Court a copy of the Bankers Cheque prepared in the name of the Bar Council of Uttarakhand NTL for an amount of Rs. 5500/- from State Bank of India dated 26.05.2023.

10. Let the same be brought on record, along with the rejoinder affidavit.

11. In the meantime, the respondent-Bar Council of U.K. shall file a specific affidavit, disclosing as to in how many cases, the amount of Rs. 5500/- has been charged as fee for entertainment of complaint against professional misconduct, and from whom. The said affidavit be filed within two weeks.

12. Petitioner may file rejoinder within the said period.

13. Mr. Garg states that, henceforth, the Bar Council of Uttarakhand shall not charge any complainant beyond Rs. 1000/- for entertainment of complaint

against professional misconduct, and Rs. 750/- towards cost of service of process, unless the proposal made by the Bar Council of Uttarakhand is approved by the Bar Council of India.

14. The respondent-Bar Council of Uttarakhand shall remain bound by this statement.

15. List on 21.09.2023.

(Rakesh Thapliyal, J.)
10.07.2023

(Vipin Sanghi, C.J.)
10.07.2023

Rahul