

**Vikram Nath**  
Chief Justice  
High Court of Gujarat



10<sup>th</sup> June 2020

To

Shri Yatin Narendrabhai Oza,  
President,  
Gujarat High Court Advocates' Association,  
High Court of Gujarat,  
Sola, Ahmedabad.

**Sub: Your Letter dated 5<sup>th</sup> June 2020 addressed to the undersigned.**

Dear Mr. Oza,

Upon receipt of your letter dated 5<sup>th</sup> June 2020 and after perusing and considering the nature of grievances, both specific and general made therein, on 6<sup>th</sup> June 2020 I had constituted a Committee of three Hon'ble Judges headed by Hon'ble Mr. Justice J.B. Pardiwala as Chairman and Hon'ble Mr. Justice A.J. Desai and Hon'ble Mr. Justice N.V. Anjaria as Members, to get the same verified from the physical records and submit its report.

The Committee, after careful and meticulous examination of the physical records, submitted its report dated 10<sup>th</sup> June 2020, today in the forenoon.

The Committee has examined very minutely each and every grievances raised in your letter dated 5<sup>th</sup> June 2020 and found that none of them stand substantiated.

A copy of the report of the Committee is enclosed.

Yours sincerely,

Sd/-  
(Vikram Nath)

**REPORT OF THE COMMITTEE CONSTITUTED BY  
HONOURABLE THE CHIEF JUSTICE IN RESPECT OF THE  
CONTENTS OF LETTER DATED 05<sup>TH</sup> JUNE, 2020 OF THE  
PRESIDENT, GUJARAT HIGH COURT  
ADVOCATES' ASSOCIATION**

The President of the Gujarat High Court Advocates' Association addressed a letter to Honourable the Chief Justice on 05<sup>th</sup> June, 2020 in which, as stated by him, he raised certain grievances on behalf of the advocate members. The grievances and the allegations made in the letter pertained to listing and non-listing of matters and other related issues. The President of the Association termed the grievances to be serious. Pursuant to this letter, Honourable the Chief Justice by his order dated 06<sup>th</sup> June, 2020 constituted a Committee of the undersigned, comprising of the Chairman and two members, requesting to submit a report at the earliest.

2. In wake of grave situation arising upon outbreak of communicable disease COVID-19, physical functioning of the High Court was required to be suspended and the same was suspended from 24<sup>th</sup> March, 2020. In the succeeding days and the months, till date, the proceedings of the courts are being conducted through the mode of video conferencing by the Honourable Judges nominated by the Honourable Chief Justice to conduct the matters during the crisis period. For the purpose of ensuring smooth and effective functioning of the virtual courts through video conferencing, Honourable the Chief Justice, from time-to-time, passed various orders prescribing the functional modalities, both in terms of broad guidelines and minute technical details to be followed. The entry in the High Court premises was restricted by orders so as to ensure the safety from

the communicable diseases of stake holders. Presently the High Court has been functioning in the same mode since last ten weeks and more.

**3.** The grievances sought to be voiced by the President of GHAA in his aforementioned letter appears to be broadly centring around the filing of the matters during the last week of May, 2020 or just before, as could be gathered from the contents of the letter.

**4.** In order to examine and verify facts about the grievances and the allegations raised by the President, GHAA and to undertake a fact finding exercise, this Committee solicited a detailed report from the Registry. The consultations were held with the Registrar General, the Registrar (Judicial) and the Registrar (I.T.) with regard to the aspects raised in the grievance voicing letter. The physical files were called for, for the purpose of verification of facts and dates, of each of the matters referred to, to raise the grievance.

**5.** Dealing with the specifically referred matters and the grievance and the allegations therewith, in paragraph-6 of the letter, the petition filed by one Mr. Areez Phirozsha Khambhata is mentioned, which was Special Civil Application No.7201 of 2020 filed by Mr. Paritosh R. Gupta of Gupta Law Associates. By suggesting that *“Everyone knows who is Mr. Areez Khambhata”*, the suggestion was made that he was influential person, to further make a grievance that the said petition was filed on 29<sup>th</sup> May, 2020 and came to be circulated immediately by the Registry, was posted on board on 01<sup>st</sup> June, 2020 and the petitioner *“walks away with the order on 03<sup>rd</sup> June, 2020”*, which

was, it was alleged, in contrast of several other matters of several other advocates, which were though filed, were not circulated by the Registry even after passing of several days.

**5.1** On factual verification in the above regard, it was found that this petition was actually filed on 22<sup>nd</sup> May, 2020. The Registry had raised objections on 28<sup>th</sup> May, 2020, which were removed on 29<sup>th</sup> May, 2020 and the petition was listed on 03<sup>rd</sup> June, 2020. These were the correct facts, which indeed were acknowledged by the President, GHAA in his letter itself when it was stated that the advocate on record had mentioned before him that the petition was filed on 22<sup>nd</sup> May, 2020 but because of overload of filing, his mail had went in spam. Registry retrieved the e-mail which had gone in spam and processed the matter thereafter.

**5.1.1** It was given out to the Committee by the responsible officers of the Registry that the workload of filing had ended up with several e-mails going in spam required to be subsequently retrieved and acted upon for the purpose of placement of the matter. It was given out that several matters filed had gone in spam, required to be retrieved subsequently.

**5.1.2** Thus the matter of Mr. Areez Khambhata referred to by the President, GHAA was filed on 22<sup>nd</sup> May, 2020 and came to be listed on 03<sup>rd</sup> June, 2020 after the removal of office objections as above. It was not a case that after the petition was filed the same was immediately and within no time came to be listed by the Registry so as to entertain even a remote allegation about favouritism in listing and circulating the said petition.

**5.2** In the same paragraph, another petition referred to

was of AAACorp Exim India Private Limited which was numbered as Special Civil Application No.7205 of 2020 filed against Union of India. According to the allegation, as per the High Court website, the presentation date of the said petition was 26<sup>th</sup> May, 2020 and the orders were passed therein on 03<sup>rd</sup> June, 2020, and the intervening days were the holidays.

**5.2.1** The factual record of this petition factually shows that the same was filed with urgent note on 21<sup>st</sup> May, 2020 and since there were no office objections, it came to be listed in due course on 01<sup>st</sup> June, 2020. If any allegation is sought to be made by the President, GHAA regarding listing of the matter out of priority etc., the same stands baseless in view of the above facts.

**5.3** The above mentioned Special Civil Application No.7205 of 2020 was sought to be co-related with certain matter claimed to have been filed on 26<sup>th</sup> May, 2020 and the grievance was that the same was not listed despite long passage of time, though there were no office objections. Now in this regard from the facts placed before the Committee, it was revealed that the petition of learned advocate was filed on 22<sup>nd</sup> May, 2020, and the memorandum of petition was not signed by learned advocate. The office objections were raised on 27<sup>th</sup> May, 2020. After learned advocate removed the office objections, the petition came to be finally listed. Therefore the whole co-relation and the basis stand erroneous on facts.

**5.4** Yet another matter of one Kasturi Construction Property & Land Developers, describing the litigant as well known builder was referred to, which was Letters Patent Appeal No.305 of 2020 filed by learned advocate Ms.Megha Jani.

According to the grievance with regard to the said matter, it was stated in the letter that as per the website of the High Court, the same was presented on 29<sup>th</sup> May, 2020 and came to be listed on 04<sup>th</sup> June, 2020.

**5.4.1** When the facts were verified, no grievance could have been attached to the filing and posting of the said Letters Patent Appeal. This Letters Patent Appeal was against CAV Judgment of learned Single Judge pronounced on 07<sup>th</sup> May, 2020 during the lockdown and during the suspension of physical functioning of the Court. As learned advocate for the appellant had filed urgent note on 13<sup>th</sup> May, 2020, however since the record was bulky, the Registry found it difficult to retrieve the documents from the e-mail. The memorandum of appeal and the annexures were uploaded on Google Drive. Learned advocate was asked to supply physical copy of the Memorandum of Appeal and the annexures. The permission of Honourable the Chief Justice was obtained who constituted the Bench, whereafter the Letters Patent Appeal came to be listed in due course. Therefore if the suggestion and the allegation was that the weight of the petitioner builder influenced the Registry for listing the Appeal, the same was wholly devoid of any factual foundation. The listing of the Appeal was marked by due adherence to the procedure for listing.

**5.5** The President, GHAA in the said paragraph of his letter mentioned the matter filed by one Sun Pharmaceutical Industries Limited (erstwhile Ranbaxy Laboratory Limited). It was a Tax Appeal numbered as 156 of 2020 filed by learned advocate Mr.B.S. Soparkar. According to the say of President, GHAA in his letter, even the Prime Minister had stated in his live

speech on the news channels that there would be no recovery of tax till the lockdown period is over, therefore for this taxation matter, there was no urgency; still however the Tax Appeal was listed on 01<sup>st</sup> June, 2020 and according to the statement in the letter, as the Division Bench was not in favour of granting relief and was to dismiss the same, it stood adjourned to 01<sup>st</sup> July, 2020.

**5.5.1** Again the above grievance did not represent correct facts. The explaining facts are that the matter of Sun Pharmaceuticals was filed on 25<sup>th</sup> May, 2020 and it came to be listed on 01<sup>st</sup> June, 2020. In the urgent note filed by learned advocate for the appellant, it was stated that the Tax Appeal was required to be accepted and registered to be in time but the actual hearing thereof was not urgent and that the hearing may take place at the later date. The Registry has explained, and which explanation is quite tenable and acceptable, that due to oversight as a result of heavy workload the said matter came to be listed despite mentioning as above in the urgent note. When in large inflow of matters filed, such *bona fide* mistake occurs, there can be no attribution of motive or deliberateness. The explanation could convince that it was a pure and *bona fide* inadvertence.

**5.6** In paragraph-4 of the President's letter, grievances raised by learned advocate Mr.Babubhai Mangukiya, learned advocate Ms.Kruti Shah and learned advocate Ms.Subhadra Patel are mentioned. A complaint was sought to be voiced that the matters of those learned advocates, though filed, were not circulated for number of days and the urgent notes were not acted upon.

**5.6.1** About the matters of learned advocate Mr.Mangukiya, the fact was that the Registry had raised objections which were not cleared. The objections were sent to learned advocate through e-mail, still were not removed. In fact, the learned advocate himself has telephonically inquired about the status of his matters and the office had intimated him through telephone.

**5.7** It appeared that there were as many as 29 matters of learned advocate Ms.Kruti Shah, the status of which was submitted by the Registry by preparing a table. On perusal thereof, the Committee found that several of the matters filed by her were lying with office objections not removed. Many of them were old matters, requested to be circulated. In all matters sought to be circulated during the crisis period, the urgency was required to be shown. As far as the pending matters requested for circulation are concerned, the modality adopted is that the urgency would be verified by Honourable the Chief Justice and on his approval upon being satisfied for urgency, the matter would be notified. Amongst the tabularised matters of Ms.Kruti Shah, Criminal Miscellaneous Application No.3582 of 2020, Miscellaneous Civil Application No.5786 of 2020 and other matters upto Serial No.7 were such where the urgent notes for circulation were not approved by Honourable the Chief Justice as urgency was not found. Matters at Serial No.8 being Special Civil Application No.6887 of 2020 to Serial No.11 and Serial No.13 were the matters pertaining to non-urgency category and accordingly not listed. It was explained by the Registry that other matters at Serial Nos.12, 14, 20, 21, 24 were listed and disposed of after the necessary papers were supplied on 29<sup>th</sup> May, 2020, whereas in respect of matters at Serial Nos.15 to 19, 23 and 25 to 29 shown in table were such where the papers were not



supplied in the PDF format. Subsequently, however physical movement of old pending matters were permitted. During the interregnum and consequentially several matters of learned advocate Ms.Shah came to be listed.

**5.8** Similarly, the Registry explained the status of cases filed by learned advocate Ms.Subhadraben Patel, giving details by preparing a table given to the Committee. There the matter listed at Serial No.1 was found to be without signature in the affidavit, in other words, had the office objections. One of the matters was already disposed of, yet complained of and few other matters were not accompanied by urgent note. These were the valid reasons for the Registry not to notify the matters.

**5.9** It appears that grievance was raised in respect of a case filed by learned advocate Mr.Rashmin Jani which was shown to be disposed of. The Registry, in other words, duly explained the grievance raised in respect of matters of all the advocates, to demonstrate that listing or non-listing were for valid grounds and reasons. Along with the letter dated 05<sup>th</sup> June, 2020, the list of several matters of number of advocates was attached showing the grievance about non-listing etc. The Registry gave the details of each to demonstrate that the grievances in 95% matters were already resolved and the remainder were under process.

**6.** Further, the grievance about delay in circulation of matters of learned advocate Mr.Gaurav Chudasama, learned advocate Ms.Srushti Thula or the WhatsApp message with similar grievance from learned advocate Mr.Ramnandan Singh have been mentioned in the letter by the President, GHAA with

general grievance that matters were not being circulated or that immediate circulation was not acted upon by the Registry. The entire range of such miscellaneous grievances have to be appreciated in the context of the scenario and the situation that abruptly the Court had to switch over to the video conferencing mode in the lockdown period resulting due to Corona crisis. The Court could not function at the full strength. Initially limited strength of 37 officers and staff functioned and limited Benches took up the work as per the order of Honourable the Chief Justice, which strength was gradually increased. Initially there was one e-mail id provided which was later and now increased to seven e-mail ids as per the categories of the matters to be used by the learned advocates.

**6.1** The Registry could explain before the Committee that umpteen number of e-mails and queries were received from the advocates. During the period between 22<sup>nd</sup> May, 2020 to 26<sup>th</sup> May, 2020, which is the period in respect of which the most of the grievances raised in the letter of the President, GHAA related, more than 500 mails were received rendering the Registry with a difficult task to cope up. When such was the inflow of e-mails, giving simultaneous response to them became a daunting task for the Registry. The letter of the President, GHAA raises a grievance that one Ms. Truptiben used not to give answers. She was Deputy Registrar and was in charge who had been answering about 150 to 180 calls every day. The allegation that the staff of the Registry did not attend to the e-mails or phones of the learned advocates, has indeed no legs to stand when viewed in the situation above.

**6.2** From the details gathered and the data made

available to the Committee in the context of and with reference to grievances raised by the President, GHAA, it has to be observed that the Registry functioned during the crisis period, and has been functioning against all odds. The staff worked even on holidays and for long hours during working hours even under the lurking fear of getting communicated with pandemic.

**6.3** Gradually with the experience gained, the whole system has been further streamlined by providing technical utility and assistance and by passing the necessary orders by Honourable the Chief Justice. It has to be noted that during the period from 24<sup>th</sup> March, 2020 to 08<sup>th</sup> June, 2020, the total cases in the different categories including Civil Applications or Interim Applications filed were 5039 in number. 3147 matters were registered. Total 8182 cases were listed and 4057 were disposed of. As far as Civil Applications are concerned, 1591 were filed and 1406 came to be disposed of. It was stated before the Committee that these figures of filing and disposal are one of the highest amongst all other High Courts in the country.

**7.** The allegations by the President, GHAA about the Registry and its staff indulging into the acts of favouritism and nepotism in listing the cases or that the cases of influential parties and that of senior advocates were being listed to the discrimination of all other litigants and the advocates, are without any foundation of supportive facts. In the perspective of the situation above, such allegations were found by the Committee to be only irresponsible, and at times, outrageous.

**7.1** All the advocates have been equally treated by the Registry in respect of filing and circulation of their cases. As per

the figures given by the Registry, matters of as many as 575 advocates got listed which were filed during the lockdown period and if the Interim Applications listed are included, the total number of advocate counts 629. Even the figures of matters of individual advocates listed were provided and it could be seen therefrom that the allegations of favouring senior advocates etc. in granting circulation were totally baseless.

**7.2** At this stage and finally, the Committee considers it fit to take the cognizance of the letters addressed to Honourable the Chief Justice, by some learned advocates, who are the members of the Gujarat High Court Advocates' Association who are in particular the learned advocate whose matters have been referred to by the President, GHAA in his letter dated 05<sup>th</sup> June, 2020 for raising grievances. The following letters were addressed,

- (i)** Letter dated 06<sup>th</sup> June, 2020 by learned advocate Mr.Rohan Lavkumar which in relation to petition filed by him on behalf of AAACorp Exim India v. Union of India, which was a matter referred by the President, GHAA alleging that the matters of big industrialists are listed by the Registry extending favouritism. Learned advocate in his letter has explained the filing and circulation of his petition and has refuted the grievances and allegations raised by the President, GHAA;
- (ii)** Learned advocate Mr.Ramnandan Singh has addressed letter dated 06<sup>th</sup> June, 2020 stating that the WhatsApp message in his name mentioned and used by the President, GHAA in his letter in question was manipulated and he had not stated certain words in the WhatsApp

message which was quoted by the President, GHAA in his name;

- (iii)** Learned senior advocate Mr.Mihir Thakore and learned senior advocate Mr.Saurabh Soparkar has addressed letter dated 06<sup>th</sup> June, 2020 in which, in addition to stating that the President, GHAA had made sweeping and false allegations, explained the true facts in respect of Special Civil Application No.7201 of 2020 filed by Mr.Areez Khambhata, regarding Letters Patent Appeal No.305 of 2020 filed by Kasturi Construction Property & Land Developers and that of Sun Pharmaceuticals. What is stated by the senior advocates in their say matches with what has been explained by the Registry;
- (iv)** Learned senior advocate Mr.Shirish H. Sanjanwala has addressed his letter dated 08<sup>th</sup> June, 2020 to Honourable the Chief Justice regarding allegations concerning Letters Patent Appeal Nos.302, 303 and 304 of 2020 made by President, GHAA pointing out as to what was the correct facts.

**7.3** All the aforesaid letters are made part of the record as Annexures I to IV respectively of this Report, to be read with the Report.

**8.** While drawing the conclusion as above, the Committee had called for physical files to be verified with assistance of the Registrar (Judicial) and the other responsible persons.

**9.** Accordingly, the Committee found that all the

grievances mentioned by the President, GHAA in his letter dated 05<sup>th</sup> May, 2020 are without any foundation and the allegations – both specific and non-specific, are factually baseless. They were made on the basis of the mere say of the learned advocate members concerned and they were without any verification of correct facts.

**10.** The Committee reports accordingly.

Sd/-  
**(J.B. Pardiwala, J)**  
Chairman

Sd/-  
**(A.J. Desai, J)**  
Member

Sd/-  
**(N.V. Anjaria, J)**  
Member

10<sup>th</sup> June, 2020,  
Wednesday.

Note: **Annexure No. 1 and 4** referred to in the Committee's report contain attachments relating to various correspondence and reports which run into several pages. These attachments are not being made part of the **Annexures 1 & 4**, however if anyone desires, those attachments the same would be supplied on request.

**ROHAN LAVKUMAR**  
B.A., LL.M., ADVOCATE  
HIGH COURT OF GUJARAT

**BY E-MAIL**

6<sup>th</sup> June 2020

To

Mr. Vikram Nath

The Hon'ble Chief Justice

High Court of Gujarat

Subject: Response to Mr. Y.N. Oza's letter dated 5<sup>th</sup> June 2020

Dear Sir,

1. I write the present letter to address an issue raised by Mr. Y.N. Oza, President of the Gujarat High Court Advocates' Association in a communication addressed to your Lordship dated 5<sup>th</sup> June 2020 regarding '*priority received by certain members of the bar and high-profile corporates*' in listing their matters urgently.
2. Though this is an issue that has been doing the rounds in GHCAA Whatsapp groups, certain communications must be brought to your Lordship's notice.
3. On 4<sup>th</sup> June 2020 at 13:01, Mr. Oza addressed a text to all members of the Bar through the official GHCAA whatsapp Group (I am part of Group No. 8). His primary grievance was "*Five top Industrialists have got their matters circulated in 48 hours time*". In the said text he named my Client AAACorp Exim India Pvt. Ltd. [**Annexure 1**]
4. Immediately, I sought to reach Mr. Oza and point out to him that this was factually incorrect.
5. In order to ensure that your Lordship's have the full facts, I wish to place the same facts before you by the present letter.



**ROHAN LAVKUMAR**

B.A., LL.M., ADVOCATE

HIGH COURT OF GUJARAT

6. On 21<sup>st</sup> May 2020 at 11:29 p.m., I filed a Petition seeking urgent relief being *AAACorp Exim India v. Union of India & Anr.* [**Annexure 2**].
7. Immediately, I received an auto generated response from the Registry that my matter was received and will be listed if found free of office objections. [**Annexure 3**]
8. After almost a week, my matter was not listed. I was therefore constrained to write to the Registry again on 27<sup>th</sup> May 2020. It is pertinent to state that as required, I did not send a fresh email by replied to that very email thread. It is also pertinent to note that I did not forward or file the attachments again. [**Annexure 4**]
9. Once again, I immediately received an auto generated response. [**Annexure 5**].
10. On 28<sup>th</sup> May 2020 at 1:23 pm, after a week of filing my Petition, I received certain office objections raised by the registry. [**Annexure 6**]
11. I immediately replied to the aforementioned communication on 28<sup>th</sup> May 2020 at 02:12 pm and cleared those office objections. [**Annexure 7**]
12. Ultimately, the aforementioned matter came to be listed as SCA 7153 of 2020, on 1<sup>st</sup> June 2020 before the Hon'ble Division Bench. This is four (4) days after I had cleared my office objections. A copy of the Order passed in the said matter is annexed at **Annexure 8**.
13. These facts were all placed before Mr. Oza over a telephone call. I followed this up with proof, so that he may not have to take my word for it.. Those messages are at **Annexure 9**.
14. However, yesterday on 5<sup>th</sup> June 2020, Mr. Oza held a press conference where this matter was mentioned. This was followed by a letter addressed to your Lordships which is under reply. (In his press conference, Mr. Oza is kind enough to refer to this phone call). For convenience I have attached Mr. Oza's letter dated 5<sup>th</sup> June 2020 along with its Annexure at **Annexure 10**.

**ROHAN LAVKUMAR**B.A., LL.M., ADVOCATE  
HIGH COURT OF GUJARAT

15. It appears that the Annexure to Mr. Oza's letter refers to another Petition being SCA 7205 of 2020 filed in my name. This matter was placed on board on 3<sup>rd</sup> May 2020 before the Division Bench of Hon'ble Mr. Jus. R.M. Chayya. It was pointed out to the Hon'ble Court that the present matter was wrongly on board since no such Petition was ever filed. I assured the court that no second petition was filed nor was the main Petition, emailed again. The Hon'ble Court indicated that it was possible that the matter was printed again and thus refiled in an error on the part of the Registry. With this it was adjourned and placed on the same date as the new matter. A copy of the Order dated 3<sup>rd</sup> June 2020 is at **Annexure 11**.
16. It appears from Mr. Oza's letters that his grievance with the Registry is the date mentioned on the case status as "presented on". Whilst, I had presented my Petition on 21<sup>st</sup> May, 2020, the Registry seems to have examined my file later on the 26<sup>th</sup> or 27<sup>th</sup> of May 2020 and that is the date mentioned on the case status as the date on which the Petition was presented on.
17. Be that as it may, after 11 days of filing an urgent matter, my matter was taken up on board. I have not called any member of the Registry. My communications have only been through email. To attribute any priority in such a situation would be mis-appreciating the facts which I had placed before Mr. Oza and now before your Lordships.

Sincerely,



Rohan Lavkumar

Advocate

From  
Ram Nandan Singh  
Advocate  
B 405, Staymev Complex,  
Opposite to High Court of  
Gujarat,  
Sola Ahmedabad.  
6<sup>TH</sup> June 2020

To,  
The Hon'ble The Chief Justice,  
High Court of Gujarat,  
Sola, Ahmedabad.

SUB: USING WHATSUP MESSAGE BY HON'BLE  
PRESIDENT OF BAR IN COMPLAINT/ LETTER  
ADDRESSED TO MY LORD BY ADDING WORDS  
NEVER STATED BY ME NOR WAS THERE IN MY  
WHATSUP MEGGAGE.

My Lord,

I am writing this letter with pain that my name has been incorporated in complaint/ Letter submitted before my Lord by giving altogether different meaning. Sir in 26 years of my practice I have never ever had made any complaint with regard to functioning of registry of High Court. I had requested Mr Yatin Sir just to request to registry that sometimes petitions contain more number of pages which would be of more than 25 MB of PDF, so registry may be requested to accept hard copy of such petitions because if documents contain more than 25 MB PDF then it can be sent by mail through google drive only and not as single PDF. My intention was that the Hon'ble Bar President may take up the matter with registry but not that he would use my whats-up message in form of complaint to my Lord and that too by adding his words of allegation against registry. I make it clear sir that I have always been with the system of registry and I have never raised any grievance against the registry.

My whatsapp message has been incorporated in the complaint but by adding a paragraph which is not written by me. I say sir that I had never stated or written in my whatsapp message the words like

"while in certain cases matters are circulated with a paper book of more than 1200 pages and not filed by simple PDF, is accepted by registry and in no time circulated."

By reading the letter of Hon'ble Bar President written to my Lord, I was shocked that allegation which Mr Yatin sir has made by adding words was never written by me in my whatsapp message nor ever spoken to him. I never had any intention that my message would

*R. N. Singh*

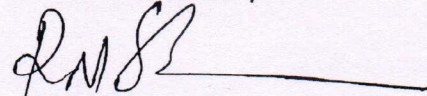
be reproduced in a complaint to My Lord that too by adding some allegation against the registry which I never made at all, nor I am aware of such circulation. Sir I withdraw my suggestion also because that was never intended for forwarding to my Lord that too in this manner. Sir I regret that I had sent whatsapp message to Hon'ble President sir for requesting the registry for accepting hard copy of petition if the petition contained more than 25 MB.

When I contacted Mr. Yatin Sir that why such words were added after my message, he told that he has clarified this aspect on the Whatsapp Group of Gujarat High Court Lawyers, which I found to be correct. Mr. Yatin sir also informed me that similar message has been sent to Hon'ble the Chief Justice. Yatin Sir also gave me mobile number of My Lord to confirm this aspect. However I thought fit to explain in detail to My Lord, that is why I am sending this letter to My Lord.

My Lord I have worked in Indian Air Force and completed 15 years of my unblemished service before I joined bar. I have remained in the system of discipline and I am bound to act as per the system of registry of High Court in the matters of filing etc . Once again I show my deep regret that my name has been dragged in a complaint by adding some words which was never spoken or written by me.

With utmost regards,

Yours' faithfully



Ram Nandan Singh

06.06.2020

To,

Hon'ble Mr. Justice Vikram Nath,  
Chief Justice , HighCourt of Gujarat,  
Ahmedabad

Re: Press Conference and Letter dated 05.06.2020 addressed by Shri Yatin Oza,  
President, Gujarat High Court Advocates Association

Respected Sir,

1. This refers to the press conference held by Mr. Yatin Oza, president of Gujarat High Court Advocates Association on 05.06.2020 and the letter of the same date addressed to you. Mr. Oza has made sweeping false allegations against almost everyone who would be part of justice delivery system.
2. Mr. Oza has referred to five matters as instances to justify various bald and patently false allegations made by him. We have verified the facts of three matters (in which we have appeared) of the five cases which show that the allegations made by Mr. Oza are factually incorrect. Each of the three instances are dealt with below:
  - (i) SCA 7201/2020 filed by Mr. Areez Khambhatta: The petition was filed on 22.05.2020 by Gupta Law Associates. The challenge in the said petition was to the decision of winding up taken by Franklin Templeton of its six debt mutual fund schemes as well as inaction on part of the Securities and Exchange Board of India to protect the interest of the unit holders in the said schemes. On account of the said reckless and motivated decision, life-savings of all the unit holders in the said scheme, including the petitioners, was being severely eroded on day to day basis. It was in view of the said urgency that the circulation of the matter was permitted and despite all efforts the matter came to be moved only on the 12<sup>th</sup> day since its filing. Sir, it would be important to also note that the said facts were brought to the notice of Mr. Oza by the Advocate on record of the said case. However, Mr. Oza to singularly push forward his agenda has conveniently brushed aside the said fact by relying on the case status mentioned in the High Court website, which incorrectly notes that the petition was filed on 29<sup>th</sup> May, 2020. Mr. Oza further mischievously puts the words in the mouth of the Advocate on record to suggest that the email had gone into the spam. The Advocate on record is not aware of any such fact and the knowledge of the email having gone into the spam folder appears to be only with Mr. Oza.

- (ii) LPA 305 of 2020 filed by Kasturi Commodities: The LPA was filed challenging CAV judgement dated 07.05.2020 passed by learned single Judge in SCA 8792 of 2011 allowing the petition filed by Bhavnagar Municipal Corporation by Ms. Megha Jani, advocate. An order of Status quo which was in operation since 2011 was not extended on 07.05.2020 when the judgement was pronounced as is recorded in the last para of the judgement. The Corporation put JCB machine on the land in question on 12.05.2020 (a fact stated in the CA for stay with photographs annexed in support). The LPA alongwith CA for stay, complete set of SCA and urgent Note was mailed to [efiling.gujhc@gmail.com](mailto:efiling.gujhc@gmail.com) on 22.05.2020 at 12.30 pm. The receipt of the mail was acknowledged by the registry vide e mail on the same date. The registry raised objectionsvide e mail dated 30.05.2020. The objections were removed vide email dated 01.06.2020 attaching required documents. The appellants had in the meanwhile on 30.05.2020 received 135 D notice dated 08.05.2020 (next day after the pronouncement of CAV order on 07.05.2020) regarding mutation of the record in name of the corporation. The fact that 135 D notice was issued was stated in the mail dated 01.06.2020 addressed by the advocate for the appellants while removing office objections by stating that "The City Survey Superintendent has in the meanwhile issued notice to (sic) under section 135 D to enter the name of Bhanvanag Nagarpalika (sic) on record with respect to the land in question. **There is thus extreme urgency in the matter. You are requested to circulate the LPA at your earliest.**"The LPA was circulated on 04.06.2020, on the 13<sup>th</sup> day after filing of LPA. The urgency in the matter was self explanatory and was sufficiently highlighted in the CA for stay as well as in the notes to registry. The circulation of the LPA has been in due course. The LPA was filed on 22.05.2020, not on 29.05.2020 as alleged by Mr. Oza.
- (iii) Sun Pharmaceuticals: The tax appeal was filed on 26<sup>th</sup> May against the order of Income Tax Appellate Tribunal by Mr Bandish Soparkar, advocate. The advocate for the appellant categorically mentioned in the covering letter by which the documents were uploaded as **also in the separate "Letter of Urgency"** that the appeal was required to be filed in view of section 3 and 4 of the Direct Tax Vivad se Vishwas Act, 2020 which required a person desirous of availing benefit under the Vivad se Vishwas scheme to file an appeal before the appellate authority. Explaining the circumstances in which the Tax appeal was being filed, the letter stated that **"the actual hearing of the same is not urgent and may take place on a later date."**A copy of the covering letter as also the "Letter of Urgency" are attached hereto. Hence, when the matter got listed on 1<sup>st</sup> June, the advocate for the appellant requested for time of four weeks so as to be able to take benefit of the above Act. Thereupon the appeal was adjourned. Shri Oza has stated in the press conference that according to his information an adjournment was sought in the matter as the Court was not inclined to admit the appeal. This again is a false statement and can be verified form the Zoom record of the Court

proceedings. The appeal was not even argued, as it was not required to be, in view of the desire of the appellant to go for the settlement under the above Act. Therefore the allegations that the appeal was entertained by the Court because the appellant was a “billionaire company” or corrupt practice was adopted in getting the matter circulated, are highly irresponsible and without any regard for truth.

3. I am informed that Mr. Rohan Lavkumar has already addressed a letter to you Sir and Mr. Shirish Sanjanwala, Senior Advocate is addressing a separate letter to you Sir.
4. The allegations made by Mr. Oza are thus absolutely false and contrary to record. The press conference was streamed live. The letter has also gone viral on many Whatsapp message groups. The allegations and accusations on the basis of unverified, unsubstantiated and false assertions made by Mr. Oza and choice of words like “gambling den”, “forum shopping” are contemptuous, bringing disrepute and harm to justice delivery system. He has also misused his position as the President of the Bar association, setting out on a charade of allegations without taking them to the bar association first.
5. We urge you to take suitable stern action in this regard.

Yours truly,  
Mihir Thakore  
Saurabh Soparkar

**Shirish H. Sanjanwala**  
**SENIOR ADVOCATE**

**Resi. & Office :** Opp. Shrinathji Society, Panchwati 2nd Lane, Ellisbridge, Ahmedabad - 380 006.  
Tel. : 6564218, 6426163 Fax : 6564106 E-mail : rasesh@icenet.net  
**Chamber :** 213, Lawyers Chambers, High Court of Gujarat, Sola, Ahmedabad - 380 060. Tel. : 7461436

8<sup>th</sup> June, 2020

To,  
The Hon'ble Mr. Justice Vikram Nath  
Chief Justice,  
High Court of Gujarat, Ahmedabad

Sir,

Re: Allegation concerning Letters Patent Appeals Nos. 302, 303 and 304 of 2020 made by Mr. Yatin Oza, President of Gujarat High Court Advocates Association ('GHCAA') at the press conference held by him on 05.06.2020 and in his letter dated 05.06.2020 to Your Lordship.

At the press conference held by Mr. Yatin Oza as the president of the Gujarat High Court Advocates Association and in the letter dated 05.06.2020 addressed by him to Milord, several allegations have been made, which must have been brought to the notice of Your Lordship. The allegation in respect of the above LPAs is that they were filed on 29.05.2020 and were placed on board on 02.06.2020 and that matters of "smugglers" (my clients) were circulated within one day. The circulation of the above LPA's was cited as an instance in support of his various allegations (which allegations I consider inappropriate to repeat in this letter for their rebuttal) at the press conference and in the above letter.

Having ascertained all the relevant facts, I consider it my duty to bring to your Lordships notice all the relevant facts which would establish beyond all doubts that the allegations made by Mr. Oza concerning the above matters are false and baseless. Unfortunately, Mr. Oza did not deem it proper and necessary to verify the facts from me or from Mr. Dilip Kanojiya



(the Advocate on record), which was the basic courtesy required to be extended by him before making such serious allegations.

As totally baseless allegations are made by Mr. Oza without verifying the facts, it is necessary to give a brief history of the litigation. Three Petitions being SCA Nos. 22512, 23317 of 2019 and 1713 of 2020 have been filed by three detenus for challenging the order of detention dated 02.08.2019 under COFEPOSA. The detention is for a period of one year. The matters were partly heard on 02.03.2020 (Coram: AP Thaker J). But due to lockdown since 24.03.2020, the matters are not being heard. Quite contrary to Mr. Oza's views about such detenus, the Constitution of India confers certain fundamental rights which they seek to enforce through various proceedings before this Hon'ble Court.

In view of the lockdown on and from 24.03.2020, applications were filed in the respective matters on 24.03.2020 seeking temporary release for the reasons stated in the application, more particularly the current pandemic. Emails dated 24.03.2020 and 27.03.2020 were sent to the registry (**Copy at Enclosure – 1 and 2 respectively**). I also addressed a letter to Your Lordship on 26.03.2020 (**Copy at Enclosure - 3**). The Applications were cleared for circulation by Milord and were consequently listed before Justice Bela Trivedi on 30.03.2020. The said set of Applications were withdrawn with liberty to file fresh Applications (**Copy of order at Enclosure – 4**).

On 13.04.2020, fresh set of Civil Applications were filed again for temporary release for the reasons set out therein, more particularly the current pandemic (**Copy of e-mail at Enclosure – 5**). An advance copy was served on the learned ASG who filed a reply dated 15.04.2020. The Applications were listed on 16.04.2020. On 16.04.2020 the Applications were adjourned to 22.04.2020 and on 22.04.2020 the Applications were further adjourned to 29.04.2020. On 29.04.2020, the Applications were adjourned to 14.05.2020. On 14.05.2020, the Application were heard and dismissed (Coram: BirenVaishnav J)(**Copy of order at Enclosure – 6**).

In the meantime, in view of the urgency involved, on 06.05.2020 a note was addressed to the Registrar seeking circulation of the main Special Civil Application **(Copy of e-mail at Enclosure – 7)**. In response, the AOR received e-mail dated 18.05.2020 **(Copy at Enclosure – 8)**. Soft copy of the entire record of all three Special Civil Applications was forwarded by an e-mail addressed on 18.05.2020 **(Copy at Enclosure – 9)**. The registry thereafter listed the main SCA on 21.05.2020. By an order dated 21.05.2020 (Coram: R.P. Dholaria J), the Court was pleased to adjourn the matter to 09.06.2020, His Lordship being of the view that it would not be possible to deal with the matter through video conferencing **(Copy at Enclosure – 10)**.

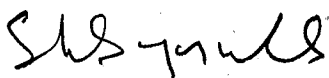
In the meantime, Letters Patent Appeal Nos. 302, 303 and 304 of 2020 were also prepared for challenging the order of the learned Single Judge rejecting application for temporary release. On 21.05.2020 itself three notes for circulation of the LPAs were filed under the cover of an email sent to the registry on 21.05.2020 **(Copy at Enclosure – 11)**. The Appeals were thereafter lodged on 26.05.2020 **(Copy at Enclosure 12)**. The appeals were forwarded to the learned ASG in advance on 27.05.2020. On 28.05.2020 registry called upon the AOR to supply certain missing pages **(Copy at Enclosure 13)** and the missing pages were supplied immediately on 28.05.2020 **(Copy at Enclosure 14)**. The matter was placed on 29.05.2020. On 29.05.2020, the division bench of this Hon'ble Court (Coram: R.M. Chayya and I. J Vora JJ) was pleased to issue notice making it returnable on 02.06.2020. On 02.06.2020, the matter was adjourned to 08.06.2020 at the request of the learned ASG **(Copy of orders at Enclosures – 15& 16 respectively)**.

The matter being a preventive detention matter where the order of detention dated 02.08.2019 is to operate for a period of one year from the date of actual detention which is 14.10.2019, it was considered appropriate and in the fitness of things to apply for temporary release as well as to seek final hearing of the matter. The above narrative clearly indicates that all requisite procedures were followed and requirements met. The allegations

made by Mr. Oza simply focus on the Letters Patent Appeals being circulated on 29.05.2020 and the allegation seems to be that the LPAs were filed on 28.05.2020 and were circulated on 29.05.2020. His further allegation is that matters of smugglers were circulated within one day. However, notes seeking permission to file LPAs were filed on 21.05.2020; the LPAs were filed on 26.05.2020; and thereafter circulated on 29.06.2020. The entire process of filing urgent note upto listing took 8 days, quite contrary to the allegation of overnight circulation. The allegations are thus false and unfortunate.

Lastly, Mr. Oza's allegation is that certain litigants including my client managed circulation and "walked away" with favourable orders. The fact of the matter, however, is that my clients are still languishing in jail and have undergone detention of almost 8 months and there is not a single order in favour of the detenus.

Yours faithfully,



ShirishH. Sanjanwala