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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of Decision: 29th July, 2020

+ W.P.(C) 4695/2020

ABHIJIT MISHRA Petitioner

Through: Petitioner in person

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Chetan Sharma, ASG with
Mr. Vikas Mahajan, CGSC with Mr. Amit Gupta,
Adv. for R-1 & R-2
Mr. Preet Pal Singh, Adv. for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

Proceedings of the matter have been conducted through video conferencing.

C.M.No.16906/2020 (exemption)

Exemption allowed, subject to all just exceptions.

The application is allowed.

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1. This public interest litigation has been preferred with the following prayers:-

“a. Kindly amend the arbitrary, biased and restrictive criteria

of defining the “Professional” in order to include the Profession of Advocates for accessing the welfare schemes of the Government of India under the Micro, Small and Medium Enterprises Development Act, 2006;

b. Kindly direct the Respondent No. 2 i.e. Department of Financial Services to develop banking products and schemes in consultation with Respondent No. 4 i.e. Bar Council of India for the welfare of the Advocates;

c. Kindly direct the Respondent No. 3 i.e. Reserve Bank of India to issue guidelines or instructions or notification to the banks to collateral free loans, credit facilities and schemes under aegis of Section 20 of the Micro, Small and Medium Enterprises Development Act, 2006 in consultation with Respondent No. 4 i.e. Bar Council of India for the welfare of the Advocates;

d. Kindly direct the Respondent No. 1 i.e. Ministry of Micro, Small and Medium Enterprises, Government of India to develop professional development schemes in consultation with Respondent No. 4 i.e. Bar Council of India for the welfare of the Advocates;

e. Kindly direct Respondent No. 4 i.e. Bar Council of India to initiate digital adoption training programs for the Advocates for embracing digital technology for the administration of justice;

f. Kindly direct Respondent No. 4 i.e. Bar Council of India to develop online training programs, code of conduct for the Advocates and litigants for online / virtual hearing before the Honourable Courts;

g. Any other order or directions as the Hon’ble Court may deem fit and proper in the facts and circumstances of the case be also passed in favor of the Petitioner;

h. The cost of the present urgent Petition be also allowed in favor of the Petitioner and against the Respondents.”

2. Having heard petitioner in person and looking to the facts and circumstances of the case, it appears that the main grievance of the petitioner is about the non-inclusion of advocates in the definition of the word

“professionals” under the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as ‘the Act, 2006’). Petitioner in person submitted that this public interest litigation has therefore been preferred for the welfare of advocates as a class, so that the benefits which flow from inclusion under the Act, 2006 is also available to them.

3. We are not inclined to entertain this petition as a Public Interest Litigation. It ought to be kept in mind that such public interest litigation for the benefit of a class of persons can be preferred if the affected persons are unable to access the courts, e.g. the poorest of the poor, illiterates, children, and other classes of people who may be handicapped by ignorance, indigence, illiteracy or lack of understanding of the law.

4. Looking to the fact that advocates are capable enough to approach the Court, if aggrieved, we see no reason to entertain this public interest litigation. As and when any advocate will approach the Court, decision can be taken on merits in accordance with law, rules and regulations applicable to the facts of the case.

5. In view of the aforesaid observation, this writ petition is hereby dismissed.

CHIEF JUSTICE

PRATEEK JALAN, J

JULY 29, 2020

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