

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 8120 of 2020**

=====
SUO MOTU

Versus

YATIN NARENDRA OZA
=====

Appearance:

SUO MOTU(25) for the Applicant(s) No. 1

for the Respondent(s) No. 1
=====

CORAM: HONOURABLE MS. JUSTICE SONIA GOKANI

and

HONOURABLE MR. JUSTICE N.V.ANJARIA**Date : 09/06/2020****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)**

1. ".....We expect the appellant to constantly remind himself that the standing and dignity of the court matters to the nation and also to the collective."

The Apex Court in case of Yatin Narendra Oza Versus Khemchand Rajaram Koshthi (2016) 15 Supreme Court Cases 236 while accepting unconditional apology of the contemnor took cognizance of the repentance, and closed the contempt proceedings thinking that ' the regret, the apology and repentance shall see the appellant in a different incarnation.'

2. We are at pain to note that nothing changed and the hope and expectation of the Honourable Apex Court belied of a new

incarnation, of dignified behaviour, obedience to norms of professional ethics and sustenance of decorum of institution for sustaining nobility of profession .

3. This suo motu contempt proceeding has been initiated by the Court in wake of extremely unfortunate and absolutely unpalatable event that took place in the midst of Pandemic of COVID- 19 where accusing fingers have been raised against the High court , High Court Administration and the Registry by irresponsible, sensational and intemperate delivery in an interview by the President of the GUJRAT HighCourt Advocates' Association ,the Senior Advocate Shri Yatin Oza in his capacity of the office bearer of GHCAA.
4. COVID 19 pandemic has taken the entire world in its grip and the state of Gujarat is not an exception. It in fact is one of the worst affected states and particularly the city of Ahmedabad has the highest mortality rate in the state. The government of India declared lock down from 25th March 2020 and continued the same up to 31 May 2020 . Relaxation has come with certain precautions.

It is a matter of common knowledge that in a normal day of functioning of the High Court of Gujarat approximately 7000 to 8000 people are found on the campus and therefore the physical functioning of the High court needed to be halted in this extraordinary situation and for the betterment of all the stakeholders, conducting of the matters through the video conferencing was decided by way of an administrative decision . Like every change in the system, this change was not finding favour at some quarters and while the genuine grievances were being

examined on administrative side by the High Court , the president of the bar Association behaved in the most reckless manner. He leveled false and contemptuous allegations of corruption, malpractices against the administration of the High Court.

5. We noticed the live press conference telecast on www.facebook.com by the President of the GHCAA by calling the journalists of various Print and electronic Media ostensibly to espouse the causes of Junior advocates and those litigants having no or less means, and made serious allegations of corruption against the registry and also categorically alleged Forum shopping in no uncertain terms without any valid , significant or true basis. He thus, with frivolous grounds and unverified facts targeted the Registry of the High Court which is working day and night against all odds, risking their lives and lives of their family members in present crisis and is also attempting to adopt to the new system of filing through emails in absence of availability of module of e filing and adjusting to remote hearing of cases . He has thereby questioned the very credibility of High Court Administration and raised fingers at some of the Honourable Judges indirectly with scandalous remarks of a few Advocates being successful in getting their matters circulated in three courts and also getting contemplated orders. The President in his “complete consciousness and with total responsibility“ as declared by him in his interview called this August Institution a ‘**Gambling den**’ and an Institute which caters only to the litigants with means and money power, smugglers and those who are traitors. He also, for spreading sensationalism declared by his scandalous utterances that those who are not belonging to the Big industrial houses or construction Industry or having innumerable

means, the High Court would kick them away. These scurrilous remarks appear to have been made without any substantive basis and without any intent to know the truth as also without approaching the Honourable the Chief Justice for any inquiry as the Head of the Institution.

6. Plain reading of details of press conference (as also available as nearest English translation at Annexure A herewith) held by Shri Yatin Oza indicate that he levelled following allegations broadly.

(1) corrupt practices being adopted by the registry of the High Court of Gujarat,

(2) undue favour is shown to high-profile industrialist and smugglers and traitors,

(3) The High Court functioning is for influential and rich people and their advocates,

(4) The billionaires walk away with order from the High Court in two days whereas the poor and non VIPs need to suffer,

(5) if the litigants want to file any matter in the High Court person has to be either Mr Khambhata or the builder or the company.

This also was circulated in Gujarati daily Sandesh titled as 'Gujarat HighCourt has become a gambling den - Yatin Oza'

7. From [24/3/2020](#) till 8/6/2020 ,in fact, the total numbers of matters filed before the High court including the civil Applications are 5039 and 3147 have been registered and 8182 are listed and 4057 are disposed of, where majority of them are of those who are having

extremely meagre means. Without caring for the truth, riding on the wave of populism, he appears to have crossed all limits by condemning recklessly the Institution. Being fully aware that his actions and above referred utterances are scandalous and capable of initiating proceedings of Contempt, he gave an open challenge to the authority of this Court in the very interview which is even worse than the very action.

8. We specifically emphasise that present is not the time where the Bench-and the Bar could afford to divert their energy in any kind of bickering and, in fact, both are duty bound to work together and discharge their respective obligations in a positive atmosphere. It is also the time for both of them to work for teeming millions who require protective umbrella from this Court as the guardian of rule of law. Such crisis comes in hundred years and all the segments who are integral part of this Justice delivery system must not forget that the people of this country have given them so much of responsibility not for no reasons . Instead of setting an example and moving forward towards the setting up of a better system of e Court which is the order of the day and the need of future, all possible attempts are made to doubt every step of the administration which is attempting to strike a balance of protecting the life in present times without closure of functioning of courts. In times of such crisis and the need to have a coordinated functioning of the Courts, such demeaning utterances would indeed result in more aggravating and retrograding effects.
9. Apt would be to refer to some of the provisions of the Contempt of

Courts Act.

(1) Section 2 clause (C) of the Contempt of Courts Act defines criminal contempt which reads as under:-

“(c)criminal contempt means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which (i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court;or(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;(d) High Court means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory.”

(2) Section 14 prescribes the procedure where contempt is in the face of the Supreme Court or High Court . section 14 reads as under :

“14. Procedure where contempt is in the face of the Supreme Court or a High Court. (1)When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the court may cause such person to be detained in custody, and, at any time before the rising of the court, on the same day, or

as early as possible thereafter, shall (a) cause him to be informed in writing of the contempt with which he is charged; (b) afford him an opportunity to make his defence to the charge; (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and (d) *make such order for the punishment or discharge of such person as may be just.*(2) *Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof.*(3) *Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section(2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be*

necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case.(4) Pending the determination of the charge, the court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided further that the court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid.”

(3) Section 15 deals with cognizance of criminal contempt in other cases:-

“15. Cognizance of criminal contempt in other cases. (1) In the case of a criminal contempt, other than a contempt referred to in Section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by (a) the Advocate-General, or (b) any other person, with the consent in writing of the Advocate-General, ii[2] [or] [3] [(c) in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer.] (2) In the case of any criminal contempt of a subordinate court, the High Court may take action on a reference

made to it by the subordinate court on a motion made by the Advocate-General or, in relation to a Union territory, by such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.(3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty. Explanation. In this section, the expression Advocate-General? means (a) in relation to the Supreme Court, the Attorney-General or the Solicitor-General;(b) in relation to the High Court, the Advocate-General of the State or any of the States for which the High Court has been established.(c) in relation to the court of a Judicial Commissioner, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.”

(4) Section 17 lays down the procedure after taking cognizance:

“17. Procedure after cognizance. (1) Notice of every proceeding under Section 15 shall be served personally on the person charged, unless the court for reasons to be recorded directs otherwise.(2) The notice shall be accompanied (a) in the case of proceedings commenced on a motion, by a copy of the motion as also copies of the affidavits, if any, on which such motion is founded; and (b) in case of proceedings commenced on a reference by a subordinate court, by a copy of the reference.(3) The Court may, if it is satisfied that a

person charged under Section 15 is likely to abscond or keep out of the way to avoid service of the notice, order the attachment of his property of such value or amount as it may deem reasonable.(4) Every attachment under sub-section (3) shall be effected in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment of property in execution of a decree for payment of money, and if, after such attachment, the person charged appears and shows to the satisfaction of the court that he did not abscond or keep out of the way to avoid service of the notice, the court shall order the release of his property from attachment upon such terms as to costs or otherwise as it may think fit. (5) Any person charged with contempt under Section 15 may file an affidavit in support of his defence, and the court may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary, and pass such order as the justice of the case require.”

(5) Section 20 prescribes limitation for action of contempt:

Limitation for actions for contempt. No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have committed.

10. Article 215 of the Constitution of India provides that the High Court is

a court of record and has all the powers of such court including the power to punish for contempt of itself. The jurisdiction of Article 215 is an inherent jurisdiction for the court to administer justice in a regular, orderly and effective manner and to uphold the majesty of law and prevent interference in the administration of justice as held by the Apex court in case of the **Supreme Court bar Association versus Union of India and another** (1998) 4 SCC page 409 .

It would be apt to reproduce relevant findings and observations which read as under:

“A court of record is the court, the record of which are admitted to be of evidentiary value and are not to be questioned when produced before the court. The power that courts of record enjoy to punish for contempt and is a part of their inherent jurisdiction and is essential to enable the court to administer justice according to law in a regular, orderly and effective manner and to uphold the majesty of law and prevent interference in the new administration of justice.”

11. We are fully conscious of the well laid down law on the subject of contempt of Court that such powers of Contempt are to be exercised sparingly by the High court to upkeep the dignity of the Institution and against the attempts to weaken the edifice of this majestic institution as a Constitutional guardian. Rule of law is the foundation of any democratic society as held by the Apex court in plethora of decisions. The judiciary is the constitutional guardian of the rule of law. Through the framers of the Constitution , the people of this

nation have given to themselves the Constitution and have reposed their faith in the courts of justice. Their confidence cannot be allowed to be diminished by contemptuous behaviour of any person. The very foundation of the judiciary is the unshakable trust and confidence of the people in this Institution and its capacity to render impartial and fearless justice . When an attempt is made to shake this very foundation by creating disaffection, disrespect and also distrust in the working of the very Court, it is time for the court to exercise its extraordinary powers under Article 215 of the Constitution, of initiating actions for the contempt of courts against those who attempt to undermine the authority of law and bring disrespect and disrepute to this institution by scandalising the same.

12. The Apex Court in *Suo Motu Contempt Petition (criminal) No.2 of 2019, RE: Vijay Kurle and others* was dealing with *Suo Motu Contempt Petition* which took note of a letter received by the office of the Judges of the Bench, sent by the President of the Bombay Bar Association and the President of the Bombay Incorporated Law Society to the President of India and other dignitaries of the Nation where scandalous allegations were made against the Honourable members of the Bench by three lawyers. While holding contemnors guilty of criminal contempt, the court in its elaborate findings also made certain observations which are as under:

“45 .The purpose of having a law of contempt is not to prevent fair criticism but to ensure that the respect and confidence which the people of this country repose in the judicial system is not undermined in any manner whatsoever.

If the confidence of the citizenry in the institution of Justice is shattered then not only the Judiciary, but democracy itself will be under threat. Contempt powers have been very sparingly used by the courts and rightly so. The shoulders of this Court are broad enough to withstand criticism, even criticism which may transcend the parameters of fair criticism. However, if the criticism is made in a concerted manner to lower the majesty of the institution of the courts and with a view to tarnish the image, not only of the Judges, but also the courts, then if such attempts are not checked the results will be disastrous. Section 5 of the contempt of Court act itself provides that publishing of any fair comment on the merits of any case which has been heard and finally decided does not amount to contempt.

46. In Dr D. C. Saxena versus Honourable the chief justice of India (1996) 5 SCC 216 after referring to a large number of judgements to which we need not refer, this court held that though freedom of speech is an essential part of democracy, it is equally necessary for society to regulate such freedom of speech and expression in terms of exceptions to Article 19 of the Constitution. Bona fide criticism of any institution including the judiciary is always welcome. Healthy and constructive criticism of the judgements cannot amount to contempt of court. However, if the allegations levelled go beyond the ambit of criticism and scandalise the Court then there can be no manner of doubt that such utterances or written words would amount to contempt of court.....”

48. there can be no manner of doubt that any citizen of the country can criticise the judgements delivered by any court including this court. However, no party has the right to attribute motives to a judge or to question the bona fides of the judge or to raise questions with regard to the competence of the judge. Judges are part and parcel of the justice delivery system. By and large Judges are reluctant to take action under contempt courts laws when a personal attack is made on them. However, when there is a concerted attack by members of the Bar who profess to be the members of an organisation having a large following, then the court cannot shut its eyes to the slanderous and scandalous allegations made. If such allegations which have not only been communicated to the President of India and the chief Justice of India, but also widely circulated on social media are permitted to remain unchallenged then the public will lose faith not only in those particular Judges but also in the entire Justice delivery system and this definitely affects the majesty of law.

68. The relationship between the bench and the Bar should be a cordial relationship with mutual respect for each other. Lawyers who try to browbeat or threaten Judges have to be dealt with firmly and there can be no ill founded sympathy for such lawyers. Such lawyers do nothing to help the legal fraternity much less the Bar.”

13. Some of the decisions referred to by the Apex court on the earlier

occasion in case of the very respondent under contempt as mentioned above, would require reference profitably at this stage:

9. *In R.K. Garg v. State of H.P. (1981) 3 SCC 166 while observing about the legal profession, this Court observed:-*

"9. the Bar and the Bench are an integral part of the same mechanism which administers justice to the people. Many members of the Bench are drawn from the Bar and their past association is a source of inspiration and pride to them. It ought to be a matter of equal pride to the Bar. It is unquestionably true that courtesy breeds courtesy and just as charity has to begin at home, courtesy must begin with the Judge. A discourteous Judge is like an ill-tuned instrument in the setting of a courtroom. But members of the Bar will do well to remember that such flagrant violations of professional ethics and cultured conduct will only result in the ultimate destruction of a system without which no democracy can survive."

10. *Stressing on the honour of the profession and the exemplary conduct expected, the Court in Ministry of Information and Broadcasting, In re (1995) 3 SCC 619 observed thus:-*

"20. The legal profession is a solemn and serious occupation. It is a noble calling and all those who belong to it are its honourable members. Although the entry to the profession can be had by acquiring merely the qualification of technical competence, the honour as a professional has

to be maintained by its members by their exemplary conduct both in and outside the court. The legal profession is different from other professions in that what the lawyers do, affects not only an individual but the administration of justice which is the foundation of the civilised society. Both as a leading member of the intelligentsia of the society and as a responsible citizen, the lawyer has to conduct himself as a model for others both in his professional and in his private and public life. The society has a right to expect of him such ideal behaviour."

11. In the beginning of this decade, the Court in *O. P. Sharma vs. High Court of Punjab & Haryana* 2011(6) SCC 86 was constrained to say : (SCC p. 101 para 38)

"38. An advocate is expected to act with utmost sincerity and respect. In all professional functions, an advocate should be diligent and his conduct should also be diligent and should conform to the requirements of the law by which an advocate plays a vital role in the preservation of society and justice system. An advocate is under an obligation to uphold the rule of law and ensure that the public justice system is enabled to function at its full potential. Any violation of the principles of the professional ethics by an advocate is unfortunate and unacceptable. Ignoring even a minor violation, misconduct militates against the fundamental foundation of public justice system."

14. We need to regard the decision of the Apex Court rendered in case of E. S. Reddi versus Government of AP reported in (1987)3 SCC 258 highlighting the qualities, role and responsibilities of a Senior Counsel in these words, “By virtue of the pre-eminence which ‘Senior Counsel’ enjoys in the profession, they not only carry greater responsibilities but they also act as a model to the junior members of the profession. Senior counsel more or less occupies a position akin to a Queen’s Counsel in England next after the Attorney General and the Solicitor General.”
15. In Morris vs. Crown Office (1970)1 All ER 1079, Lord Denning wrote on power of contempt that “of all the places where law and order must be maintained, it is here in these courts. The courts of justice must not be deflected or interfered with. Those who strike at it, strike at the very foundations of our society”. “to maintain law and order, the Judges have and must have, power at once to deal with those who offend against it.”
16. As the Bar President has by his scandalous expressions and indiscriminate as well as baseless utterances has attempted to cause serious damage to the prestige and majesty of the High Court and thereby of independent judiciary as also attempted to lower the image of entire Administration and also created demoralising effect amongst the Administrative wing, this court in exercise of powers conferred under Article 215 of the Constitution of India, prima facie finds him responsible for committing the criminal contempt of this Court within the meaning of Section 2(c) of the Contempt of Courts Act and takes cognizance of such criminal contempt against him

under Section 15 of the said Act.

17. In the aforesaid premises, it deems it appropriate to issue following directions:

- (1) The office shall register the matter as Suo motu Contempt Proceedings under Article 215 of the Constitution of India read with Section 15 of the Contempt of Courts Act, 1971 for the purpose of record.
- (2) Let there be a notice issued under Section 17 of the Contempt of Courts Act, 1971 to Shri Yatin Narendra Oza on address available with the Registry or on finding his present address from the Bar Association so also on his email ID and through text message on his registered mobile phone Number. This notice shall be drawn in accordance with The Contempt of Courts (Gujarat High Court) Rules, 1984. The notice shall be accompanied by this order and other materials on record i.e. the CD containing the copy of video of his live press briefing as available in public domain at <https://www.facebook.com/104701114611373/videos/573508096929988/> with its nearest English translation (as annexed at Annexure I herewith) and the aforesaid news item published in Sandesh daily, to be made returnable on 16/6/2020. In the meantime and till the returnable date, Shri Oza is restrained from making of any scandalous remarks or holding official meeting and passing any resolution or circulating any material or communicating directly or indirectly either himself or through others in relation to the subject matter of contempt.

- (3) The case of criminal contempt under Section 15 of the said Act is statutorily permitted to be heard and decided by the Bench of not less than two Judges as provided under Section 18 of the said Act. This Bench since does not have a regular roster to determine such matters under the Contempt of Courts Act,1971, the office shall place this matter before the Chief Justice for necessary consideration.
- (4) We also deem it appropriate to place before the Chief Justice for consideration at the hands of the full Court whether to divest the stature of respondent under contempt, of designation of a senior Counsel under the circumstances.
- (5) A copy of this order shall be sent to the Chairman, Bar Council of Gujarat as also to the Chairman, Bar Council of India for necessary consideration.
- (6) A CD shall be prepared by the Registry from the link given above with hash-value of the content and the same will be kept in a sealed envelope.
- (7) The Court Master shall intimate this order to the Registrar Judicial for necessary action at his end.

(MS. SONIA GOKANI, J.)

(N.V.ANJARIA, J)

P.B.TALREJA/sudhir

We quote the free English translation of the entire press conference held by the contemner on 5th June 2020. The same reads thus:

Translation of Press Conference held by Mr. Yatin Oza, President, GHCAA - 05-06-2020	
<i>Que</i>	<i>What is the main agenda of today's conference?</i>
<i>Ans</i>	<i>The main agenda is very serious: Let's begin after five minutes. Let our friends join. Are all our Advocates viewing live? My motive is that they should be satisfied that I have fulfilled their demand.</i>
<i>Que</i>	<i>This a live conference.</i>
<i>Ans</i>	<i>No issue. I do not have any problem as I am not committing any theft.</i>
	<i>Shall we begin? Let me first explain the issues, thereafter, I will give reply to all your questions.</i>
<i>Que</i>	<i>Sir, as already there are many issues regarding resuming functioning of the High Court, what is the main agenda of today's Press conference?</i>
<i>Ans</i>	<i>The main agenda of today's Press conference is that a high proportion, almost 80% advocates are facing all types of difficulties viz. Economic, mental issues: Had there been no discrimination, there may not have been issue. I want to draw the attention of the citizens of the State of Gujarat through you regarding the way the corrupt practices are being adopted (unfortunately). As of now, the cases of Junior Advocates have not been listed past more than a period of 20 days. The office objections are being raised by the Registry on petty issues like non mentioning of the gender of the wife in the petition against the arrest of her husband. All those foolish people do not understand that wife means a woman. I may produce the records of the High Court itself to substantiate serious allegations regarding undue favour to the matters of the high profile Industrialists and smugglers. First of all, I will describe as to what is being faced by our Advocates :</i>
	<i>Although I have received many messages, yet I will describe two of them: One says that : “Dear Sir, at the outset let me thank you for trying to resolve the grievances of the members of the Bar. I have such small grievance; I have filed SCA No.... wherein the notice was issued before Iockdown. But, couldn't be listed because of Iockdown. But, pursuant to Hon'ble Court's Notification dated 30/05/2020, I have moved an urgent note on 31/05/2020 requesting the Registry to list the aforesaid matter as</i>

per latest development whereby final semester examination of the petitioner student is rescheduled from 25th June by the Respondent University. Wherein, the petitioner is debarred to appear from the examination and the subject matter of aforesaid petition, I received reply from the Registry that Hon'ble the Chief Justice has deferred the request. So, if matter will not be listed, it will be infructuous and the petitioner's career will be ruined. Apart from that as an Advocate, what I will answer to my client the Petitioner student. I have around 300 such messages, I will hand over my cell phone to you, where you can see them."

Mr. Babubhai Mangukiya has complained before me through Whatsapp that despite filing four matters for urgent listing, none of them came to be listed. Ms. Subhadra Ben Patel has filed the matters on date 11th, they came to be registered by 16th, except one none got listed.

There are thirty matters filed by Ms. Kruti Shah, except two none got listed till date.

You can verify from my cell phone, you should take my phone, there is nothing confidential. You will be able to see as to what pain and difficulties the Advocates are undergoing: It is a question of their survival. You may inquire from the General Secretary of our Association who is present here.

You may enquire from Mr. S. V. Raju: Before fifteen days I had informed him on phone that I placed order for food with one of the restaurants. The swiggy boy turned out to be a regularly practicing Advocate in this High Court. He preferred serving in Swiggy rather than starving in the present situation.

On being asked by Mr. Mihir Thakor, Mr. Hardik and Mr. A.R. Gupta (Office bearers) to the Advocates concerned as to Why are they demanding money as they are already having a car, the response is received requesting to take away their car, to pay monthly Rs. 10,000/- thereafter to sell the car and deposit the said amount with the Bar Association.

If you see my phone, I have received 300 messages during the period from 30th May till date. In addition, there were many messages received prior to 30th May, Which I have already deleted.

The issue does not rest over here. I have got a list running in minimum 25 pages. Each contains grievances from around 7 to 8 Advocates. On coming to know about the same, you Will be stunned. The Advocate has to file the grievance form if his matter is not listed within four to five days. If the

	<p><i>matter of the Advocate concerned is not listed, Mr.Hardik Brahmhbhatt visits the Registry of the High Court and submits the said grievance form. But, the aforesaid list is of such matters not being listed despite filing the grievance form.</i></p> <p><i>Let us come to the main issue :</i></p> <p><i>I have the first matter between Kasturi Construction Property and Land Developers, Sai Baba Land Developers. If we go through the records of the High Court, the said matter was filed on 29th :</i></p> <p><i>It is a matter of one of the well known builders of Ahmedabad. On being filed on date 29th the same came to be listed on date 04th. However, under the present circumstances of CORONA outbreak, the Bhavnagar Municipal Corporation is not going to purchase any land. The entire system of the Government viz. Revenue and Medical Staff is busy with the CORONA outbreak.</i></p> <p><i>I have another matter: Areez Firozsha Khambhata. It is a matter of Franklin Templeton. It was filed on 29th and the order came to be passed on 3rd. However, I got a phone call from the Advocate concerned, informing me that he had filed the said matter on date 22nd. There are around 1000 matters filed on date 01st. The E-mails are being sent to Spam, when the Registry retrieves, the date of filing is being entered accordingly. Now, nothing is new in this matter. As per knowledge of the Registry, the present matter had already been filed on date 29th, thereafter 30th and 31st was weekend. But, the matter is being processed immediately on 01st and the order is passed on 03rd.</i></p>
	<p><i>The third matter is of Sun Pharmq. It was filed on 29th and immediately listed on the 01st. If you see, nothing is urgent in the matter. This is very significant. It is filed on 29th, came to be listed on 01st, meanwhile there is a weekend. Lastly the Advocate on behalf of the Appellant agrees for adjournment of one month.</i></p> <p><i>The Fourth matter is of AAA Corporation Exim India Pvt. Ltd., a huge industrial unit of Kutch. I was informed that the said matter was filed on 21st. Despite the same may be true, but the Registry has come to know about the same on 26th. The order came to be passed on 03rd. I will talk on the basis of the records of the High Court only. I do not intend to talk beyond the records of the High Court.</i></p>
Que	<p><i>Sir, you are showing us the orders of the High Court. Tell us briefly as to what do you want to say ?</i></p>
Ans	<p><i>Basically I want to say that the High Court is functioning exclusively for the</i></p>

	<p><i>influential and rich people and their Advocates.</i></p> <p><i>You may refer the chart and see as to how much time it takes normally (for the processing of the matter).</i></p> <p><i>Today only I have written a letter to Hon'ble the Chief Justice, I have not sent it as it is given for correction. I have mentioned in the said letter that almost 40 Advocates came to see me, around 80% of them had tears in their eyes.</i></p> <p><i>One Advocate namely, Mr.Gaurav Chudasma had filed the matter on 20th, still its number has not been assigned. Mr. Apurva Kapadia, who filed the matter on date 26th, still the objections have not been received. Despite being filed pursuant to the newly enacted rule by the High Court, still the said matter has not been registered.</i></p> <p><i>On the other hand, the aforesaid matter filed on date 26th, came to be listed on date 03rd.</i></p>
	<p><i>Ms. Srushti Thula, Who filed the matter on 11th May, came to be listed today at Sr.No.12 in the Court of Hon'ble the Chief Justice. I have mentioned the names of these Advocates in the letter I am writing to Hon'ble the Chief Justice. My grievance is that the matter of above mentioned poor student, whose career is going to be mined, is not considered as urgent. It is because he does not belong to the people like Mr. Khambhata or the builder or Sun Pharma. But, his matter came to be deferred. The Registry has no time to register any of the said 30 matters filed by Ms.Kruti Shah. The matter of Mr. Rashmin Jani was filed on 19th, the same came to be listed on date 02nd, that too after I had followed up with the Registry. In brief we have to know that if you want to file the matter in the High Court, you should do through one of aforesaid people like Mr. Khambhata or the builder or Sun Pharma.</i></p> <p><i>I have the details of other five matters.</i></p> <p><i>Advocates are requested not to raise other issues, be patient.</i></p>
	<p><i>I am giving you the examples of other matters. They are of three parties who have been officially declared on Affidavit as Smugglers by the Government of India. It is not my apprehension. The persons concerned are Mr. Lokesh Sharma and Ms. Rutungana Trivedi, someone else. The major concern of the matter is that the LPA No.303/2020 came to be filed on 29/05/2020 and was listed on 02/06/2020.</i></p> <p><i>There are other two cases. One got adjourned to 10/06/2020. Without any proceedings, the same came up for mentioning. In the present case and those four Civil matters I indicated above have the same similar names of Senior Advocates on record.</i></p>
Que	You are levelling serious allegations on the Registry and the administration

	<i>of the High Court.</i>
<i>Ans</i>	<i>Absolutely, I am alleging the Administration of the High Court.</i>
<i>Que</i>	<i>There is also correspondence made as to how the Court must function. There are also the disputes and you had been compelled to tender resignation.</i>
<i>Ans</i>	<i>In the reply, I would say the Bar is having unanimity in this issue.</i>
<i>Que</i>	<i>We want to know as to whether Mr. Yatin Oza is holding this Press Conference as a Senior Advocate or the President of the Bar ?</i>
<i>Ans</i>	<i>Absolutely I am holding this Press Conference as a President of the Bar.</i>
<i>Que</i>	<i>How the corrupt practices are being adopted in the Registry and how does it affect the Advocates ?</i>
<i>Que</i>	<i>I have written many things in my letter which I Will send to Hon'ble the Chief Justice. I will furnish its copy to you also. I have received a letter from the President of the Metropolitan Magistrate's Court, Vice-President of the Mirzapur Court as the President was not available. In addition, the letter from Mr.Paresh Jani, President, Ahmedabad Bar. Only the gist of all these letters is that now there is a limit for the Advocates. If the State Government has unlocked everything from malls, religious places, restaurants, Sachivalaya; what is wrong with the High Court ? I have already said that if the Advocates concerned feel that they may get infected, the session must be bifurcated. First the physical appearance and thereafter virtual Court in the second half. The Hon'ble Chief Justice sought information from the advocates, but it is a suspense as to why the said information was not revealed till now after lapse of three days. Though I do not have personal knowledge, I came to know that 80% advocates have demanded the functioning of the Court. I have mentioned in my letter that the experts and doctors say that no vaccine for corona virus will be ready by next six months. Therefore, it should be declared that the advocates may start tea stalls or sell peanuts as hawkers. The Hon'ble Supreme Court held in one judgement that services of an employee cannot be terminated in this a democratic set up citing that he is not willing to work. The Judges should take wages only for the days for which they work. No one from Registry would say that he has not come out of the house after 23rd March. I will not attend court till 15th July. Though I am suffering from</i> <i>diabetes, bypass heart surgery, I fight for the grievances of the members of the Bar because they have elected me as a President 17 times. Virtual Courts should be held for those advocates, who are above 60 years old.</i>
<i>Que</i>	<i>What is your representation on behalf of the Bar ? What reply has Registry given to you?</i>
<i>Ans</i>	<i>I have not received any reply. You should ask the Registry as to why matter filed on 29th is listed on 1st date, Whereas matter of Mr. Ashok Parekh has not been listed for 20 days. The PIL on disposal of medical wastage of Mr. Patel, resident of Maninagar, has not been listed for one month.</i>
<i>Que</i>	<i>Let us be brief. You are levelling allegations against Varun Shipping.</i>

Ans	<p>Yes. I have informed Hon'ble the Chief Justice to show the board of the Court after 23rd. Out of them, the matters of certain particular Advocates are being listed in particular 3 Courts only. If there are two or three matters, it could be a fluke or a fortuitous circumstances. But since 40 to 70 matters are being moved before three particular Courts, the filing is closed in absence of Hon'ble Justice concerned.</p> <p>I will mention that all the aforesaid Hon'ble Judges concerned are genuine and there is nothing wrong in them. But, as they are liberal, something is being managed with the Registry and the matters are listed in their Courts. The matters of the Advocates who protest are being diverted to the rest of three Hon'ble Judges.</p>
Que	There is also an allegation that the GHCAA interferes in the administration of the Court and endangering the procedure.
Ans	We do not have any interest in such intervention. During the lockdown from 22 nd , I must have made a phone call to the Registrar General for just twice and for around five to six times to the Registrar Judicial. If you wish, you can refer to my call details.
Que	What may be the pendency of cases during CORONA outbreak ?
Ans	No case has progressed during the outbreak except influential people like Mr. Khambhata, Sun Pharma or the aforesaid builder.
Que	What may be the reason for the same ?
Ans	I think you all journalists have the experience of around 10 years, you must have made out.
Que	But, you are supposed to disclose it.
Ans	<p>It is absolutely corrupt practice.</p> <p>THE HIGH COURT</p> <p>If you want to provoke me, I am willing to speak the same, but by thorough understanding -nothing except corrupt practice. I have written in the message which I had sent you that the billionaires walk away with the order in two days. Not a single billionaire had to stand in a queue. On the other hand, the poor and non VIPs have been suffering. Only four to five matters are listed. Civil matters irrespective of the urgency are not listed. All the four matters are civil matters. My friend Rashesh Parikh filed extraordinary urgent matter, and although he put up a note many times, yet his matter was not listed. I request you, the journalists, to compare the matter of Rakesh Parikh with those four matters and decide thereon. Prithviraj Jadeja called the Chief Justice and informed him that in civil matter, some vehicles were detained and bank accounts were attached, which led to closure of business. Four persons filed petition. One particular matter was listed, whereas other matters in respect of the same incident was not listed. The reason is the Registry put up 20 matters before one Judge, who denied to hear the same citing that there is no urgency in the civil matters; Registry also put up other 20 matters before other Judge, who ordered, on the basis of urgency showed by advocates, to list all the matters on the Board. Is this</p>

	<i>a gambling den or High Court? High Court is an absolute gambling den today, wherein only billionaire can gamble. If poor people gamble for five rupees at home, the police would arrest them. This is the situation of High Court. High Court can file contempt petition against me. Whatever action High Court wants to take against me, it can take. High Court will have to answer in respect of 9 matters to the people of Gujarat. The LPA of Government of India is listed in one day, wherein Government of India detained persons under COFEPOSA for offences of smuggling, economic offences, offences against nation, etc.</i>
<i>Que</i>	<i>We have not provoked you. We have not asked any such questions?</i>
<i>Ans</i>	<i>You have not provoked me. I have spoken on my own conscience.</i>

