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

+ W.P. (C) 6352/2023

MR. ROHIT SAROJ & ORS. Petitioners

Through: None.

versus

UNION OF INDIA & ORS. Respondents

Through: None.

ORDER

% **28.03.2024**

**EMPANELMENT OF COUNSELS IN THE COMPANY COURT
TO ASSIST THE OFFICIAL LIQUIDATOR**

1. This Court in the instant matter, vide order dated 26.05.2023 directed the Official Liquidator to invite applications for the empanelment of Senior Standing Counsel, Standing Counsels, Additional Standing Counsels and Drafting Counsels to assist the office of Official Liquidator in the company litigations pending in this Court, to be shortlisted as per Scheme No. OL/Estt/Adv./2017 effective from 01.06.2017. Further, the strength of such counsels on the panel was initially fixed as under:-

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Sr. No.	Designation/Post	Revised Strength	Present strength (as of 26 th May, 2023)
1.	Senior Standing Counsel	1	1
2.	Standing Counsel	4	5
3.	Additional Standing Counsel	2	4
4.	Drafting counsel	3	7
Total		10	18

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2. Accordingly, further directions were issued to the following effect:

“(i) OL shall invite applications for eligible candidates as per revised panel strength mentioned in Paragraph (6) above for empanelment to its Office by addressing communications to all the concerned Bar Associations in Delhi, as also through notice uploaded on its website, the website of the Delhi High Court and the website of Ministry of Corporate Affairs. The last date for submission of applications will be 10th July, 2023. The present panel of advocates will be also eligible to appear and will be considered on their own merit.

(ii) A Committee, comprising of Ms. Prem Lata Bansal, Senior Advocate and Mr. Darpan Wadhwa, Senior Advocate, is constituted to conduct interviews and make recommendations for empanelment of the advocates. The Committee will be entitled to fix criteria for short-listing eligible applicants for interview. The date for interview will be fixed as per the convenience of the Committee. The Committee is requested to make its recommendations on or before 31st July, 2023. The Committee shall work in consultation with the Judge, Company Court. The process of scrutiny of applications will be completed by the office of the OL within a week thereafter.

(iii) The term of the new panel will be for a period of 2 years with effect from the date of their appointment.”

3. It is borne out from the record that subsequently, on submission of report No. 9/2023 by the Official Liquidator, this Court *vide* order



dated 29.08.2023, *inter alia* re-constituted the committee comprising of following members:

- (i) Ms. Prem Lata Bansal, Senior Advocate
- (ii) Mr. Darpan Wadhwa, Senior Advocate.
- (iii) Ms. S. Meenakshi, Official Liquidator

4. However, *vide* subsequent order dated 22.09.2023 this Court in view of recommendations made by the Official Liquidator, decided to increase the strength of the counsels, and accordingly revised strength was laid down as under:-

Sr. No.	Designation/Post	Revised Strength	Revised strength (as proposed)
1.	Senior Standing Counsel	1	2
2.	Standing Counsel	5	8
3.	Additional Standing Counsel	5	5
4.	Drafting counsel	7	3
Total		18	18

5. To cut the long story short, a report dated 11.03.2024 has been submitted by the Committee *inter alia* highlighting that as many as 507 applications from Advocates were received till 17.07.2023 and details of which are explained in the tabular form as under:

Post	The number of candidates, who had filed their applications to the positions till 10.07.2023.	The details of the candidates, who had submitted their applications post the deadline i.e. (from 11.07.2023 to 17.07.2023)	The total number of candidates, who have submitted their applications till 17.07.2023
Sr. Standing Counsel	32	02	34
Standing Counsel	193	03	196
Additional counsel	98	03	101

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Drafting counsel	171	05	176
Total	494	13	507

6. Suffice to state that the Committee embarked upon a marathon exercise for conducting interviews of the candidates and short listing the recommendations for the empanelment. As the process for recruitment could not be completed within the timeline i.e., on or before 31.07.2023, extensions have been granted to the Committee by taking up the matter on the administrative side.

7. The Committee after conducting an overall assessment of each individual candidates has made the following recommendations for selection and empanelment of the Advocates in the Company Court:

SERIAL NO.	NAME	D.O.B.	ENROLLMENT NO.	YEARS OF EXPERIENCE	GRADE ALLOTTED
SENIOR STANDING COUNSEL					
1.	HARSH KAUSHIK	01/10/1983	D/000825/2007	16	A+
2.	KANWAL CHAUDHARY	19/10/1970	D/166B/1995	28	A+
3.	KUNAL TANDON	11/03/1980	D-2382A-2006	17	A+
4.	RUCHI SINDHWANI	06/01/1965	390/1989	34	A+
STANDING COUNSEL					
1.	ABHISHEK MARATHA	30/08/1979	D-116/2002	20	A+
2.	AMISH TANDON	---	D/1106/2009	14	A+
3.	AMIT AGARWAL	---	D/1399B/2007	16	A+
4.	CAUVERI BIRBAL	---	D/2155/2016	13	A+
5.	DEBAPRIYA BHATTACHARYA	30/11/1980	D/1379/2006	16 YEARS 10 MONTHS	Recommended for Standing Counsel
6.	ISHA KHANNA	12/09/1965	35116	20	A+
7.	JIVEESH MEHTA	---	D/689/2007	16	A+
8.	NIDHI RAMAN	---	D/589/12	11	A+
9.	NITYA	---	D-2155/2008	15	

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	SHARMA				
10.	RISHI MANCHANDA	12/08/1974	D-2645/99	23	Recommended for Standing Counsel
11.	SANGEETA CHANDRA	---	D/562/1990	32	A+
12.	SHASHANK MANISH	---	D/207/2011	12+	A+
13.	SUMIT K. BATRA	---	D/1525/2007	16	A+
14.	SWAPNIL GUPTA	---	---	12 YEARS 11 MONTHS	A+
15.	TANOOBHAV SINGHDEV	---	D/2067/2005	17 YEARS 8 MONTHS	A+
16.	ZEHRRA KHAN	---	D/2727/2009	14	A+
ADDITIONAL STANDING COUNSEL					
1.	DR. AAKRITI SINGH/ MATHUR	---	D/3856/2014	8+	A+
2.	ABHISHEK GARG	---	D/2903/2015	7	A+
3.	ANUJ CHATURVEDI	---	---	9+	A+
4.	AWNISH KUMAR	---	D/1198/2002	9+	A+
5.	MANIK AHLUWALIA	---	D/1406/2014	9	A+
6.	NEERAJ AGGARWAL	---	D/805/2001	22	A+
7.	PREM PRIYADARSHI NI	---	D/1424/2000	22	A+
8.	RAJAT MALHOTRA	---	D/1937/2006	16	Recommended for ASC
9.	SANYAT LODHA	---	D-1694/2013	9+	A+
10.	SAUMYA GUPTA	---	D/1713/2016	7	A+
DRAFTING COUNSEL					
1.	AMER VAID	---	D/5894/2019	3	A+
2.	DIVYAM NADRAJOG	---	D/1324/2016	4	A+
3.	KANIKA SINGHAL	---	D/3555/2017	6	A+
4.	NIDHI SAHAY	---	D/4221/2018	5	A+
5.	RAHUL GUPTA	---	D/8531/2018	5	A+
6.	SUMIT KANSAL	---	D/6109/2017	6	A+

FINAL SELECTION:

8. Having meticulously perused the record of the interviews

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conducted including the assessment record of each individual candidate, this Court deems it appropriate to make following selections:

A. Senior Standing Counsel:

(i). This Court finds that out of the four candidates, who have been recommended for selection as a Senior Standing Counsel, Ms. Ruchi Sindhwani is the most experienced candidate. She is presently holding the charge as a Senior Standing Counsel for the Official Liquidator since 17.08.2017. This Court is short for words to express the commendable work that has been performed by her in this Court as also for rendering legal assistance to the Official Liquidator. Ms Ruchi Sindhwani, has an impeccable record of performing her legal work with painstaking efforts, utmost sincerity and high standards of professional disposition.

(ii). Although, it is high time that a new incumbent should join the office and evidently the next senior most person who stands for reckoning is Mr. Kanwal Chaudhary with 28 years of experience, who too has been accorded a very high grade by the Interview Committee. His professional profile speaks for itself.

(iii). However, evidently, this Court finds that Ms Ruchi Sindhwani, Advocate would be most suitable for another term of two years considering that many of the company law matters are almost at the final stage and she is apparently having a sound professional rapport with the Official Liquidator.

B. Standing Counsel:

(i). The Committee has recommended the names of Mr.



Debapriya Bhattacharya, Ms. Isha Khanna, Mr. Rishi Manchanda and Ms. Sangeeta Chandra, who are already discharging professional duties as the Standing Counsels for the Official Liquidator working in this Court to be retained although they have applied for the post of Senior Standing Counsel.

(ii). As per the records, all the aforesaid counsels are attached with this Court and working as Standing Counsel since 17.08.2017. They have experience of as many as 16 years, 20 years, 23 years and 32 years respectively. Each of the aforesaid counsels is having outstanding record of performing legal work with utmost dedication and exhibiting high standard of professional disposition.

(iii). In my opinion, changing the entire team on the panel would be counter-productive, particularly when so many company matters are reaching its fag end. Therefore, I deem it appropriate to retain the services of such counsels as Standing Counsel for the office of Official Liquidator.

(iv). Out of remaining 16, who have been recommended, based on their profiles, years of experience and grading accorded by the Interview Committee, I deem it appropriate to appoint:

1. Mr. Abhishek Maratha,
2. Mr. Amit Agarwal,
3. Mr. Jiveesh Mehta,
4. Mr. Sumit K. Batra and
5. Mr. Tanoodhav Singhdev.

(v). Instead of 8, this Court is appointing 9 Standing Counsels since there are three counsels, each of whom has more than 16 years



of experience and it would not be appropriate to leave any one of them based on their age/date of birth.

C. Additional Standing Counsel:

(i). Based on the profile of each candidate, years of experience and the grading bestowed by the Interview Committee, I find that following Advocates be appointed as Additional Standing Counsels:

1. Mr. Neeraj Aggarwal;
2. Ms. Prema Priyadarshini;
3. Mr. Rajat Malhotra;
4. Mr. Awnish Kumar;
5. Mr. Sanyat Lodha and
6. Mr Anuj Chaturvedi.

(ii) I deem it appropriate to appoint 6 Advocates on the panel instead of 5 since each candidate has professional experience of nine years plus and has been awarded A+.

D. Drafting Counsel:

(i). Based on the profile, more than five years of experience at the Bar and high grading of the Advocates by the Interview Committee, I deem it appropriate to appoint the following Advocates as drafting counsels:

1. Ms. Kanika Singhal;
2. Ms. Nidhi Sahay;
3. Mr. Rahul Gupta and
4. Mr. Sumit Kansal.

TERMS AND CONDITIONS

(a). As per the Scheme of 2017, the new panel advocate shall



take over the charge w.e.f. 08.04.2024 and the term of the empanelled Advocates shall be two years from such date.

(b). A request is made to the counsels, who have hitherto been on the panel of the Official Liquidator to return their briefs immediately to the Official Liquidator within seven days from today or before 05.04.2024, whichever is the earlier. The Official Liquidator shall assign such matters in equal proportions to the newly empanelled Advocates, as may be deemed fit, having regard to the nature and stage of the proceedings.

(c). In order to ensure that the files are returned in a time bound manner, the Official Liquidator shall stop disbursement of honorarium to the previous counsels till compliance of this order.

(d). There shall be an orientation programme for the newly empanelled advocates. The time and venue shall be duly intimated. All empanelled Advocates are requested to join the programme along with the Official Liquidator and her key functionaries.

(e). This order be communicated to the President, Delhi High Court Bar Association, the Official Liquidator and each individual Advocates, who have been empanelled. This order be also uploaded on the Website of Delhi High Court as well as Ministry of Corporate Affairs.

(f). Engagement of the counsels dealing with company law matters and assisting office of the Official Liquidator shall be governed by Scheme No. OL/Estt/Adv./2017.

Accordingly, the process of selection of empanelled Advocates is hereby concluded.

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The entire report with annexures submitted by the committee be kept in a sealed cover and preserved till further orders.

Dated: 28.03.2024

(JUSTICE DHARMESH SHARMA)
JUDGE HIGH COURT OF DELHI
NEW DELHI

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