



BAR COUNCIL OF DELHI

Head Off. : 2/6, Siri Fort Institutional Area, Khel Gaon Marg,
New Delhi-110049 Phone : 011-26498356, 26495195, 26495196

Fax : 011-41752340 E-mail : barcouncilofdelhi@rediffmail.com

Branch Office : 1-F, Lawyers' Chambers, High Court of Delhi,
New Delhi-110003 Phone : 011-23387701

Ref. No.

Dated

BY HAND

November 2, 2011

To,

The Chairman/Secretary
Bar Council of Delhi
2/6, Siri Fort Institutional Area
Khel Gaon Marg,
New Delhi – 110 049

Sub: LLP issue

Dear Chairman/Secretary

It appears that a notice from the office of the Chairman/Secretary to the following effect has been issued:

"Dear Sir / Madam,

The issue as to whether the advocates practicing singly and/or in the name of firms, can convert themselves into Limited Liability Partnership under the "The Limited Liability Partnership Act, 2008" has been attracting serious attention of Bar Council of Delhi as well as the other State Bar Councils. Prima facie it appears to the Bar Council of Delhi that such a recourse is not permissible as it may amount to misconduct within the meaning of Section 35 of the Advocates Act, 1961. Prima facie, it further appears to the Bar Council of Delhi that you, being registered as an LLP under the LLP Act, without being enrolled as an Advocate are engaged in the practice of law in violation of Section 29 and 33 of the Advocates Act, 1961.

Accordingly, in order to enable the Council to finally examine the said issue, your cooperation is solicited and you are required to furnish the following details:-

1. *Details of the nature of business carried out by the LLP*



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2. *Whether the LLP was converted from a partnership firm? If so, details and names of the partners of the partnership firm.*
3. *Names, date of birth of all the partners.*
4. *Names of designated partners.*
5. *Enrolment details of all the partners who are enrolled with any State Bar Council.*
6. *Copy of agreement between the partners or between LLP and partners, if any.*
7. *Whether the LLP has any tie-up, exclusive arrangement or any brand name licence agreement with any foreign law firm? If so, details of the same may be provided.*
8. *Your comments as to how can a LLP, which is a body corporate and a legal entity separate from its partners and has perpetual succession, be permitted to practice law in view of Section 29 and 33 of the Advocates Act, 1961.*

Kindly note that at this stage, the Council is only making a request for information and is not commencing any proceedings against you under the Advocates Act, 1961 or the rules of Bar Council. However, the Council reserves its right to initiate appropriate action against you finally if found to be violating any of the provisions of the Advocates Act, 1961 or the rules of the Bar Council. You are requested to give your response within a period of 10 days positively. The response should be addressed to the Chairman, Bar Council of Delhi.

Thanking you"

It is important to note that the proposed agenda of the Bar Council of Delhi meeting scheduled to be held on 04.11.2011 as an agenda to this effect i.e. Item No.7, the same is reproduced herein below:

"To consider the request of Sh. Rajiv Tuli, Advocate for MARS & Partners, International Legal Consultants Advocates & IPR Attorney



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for converting the status of said Partnership firm to a Limited Liability Partnership (LLP) Rules, 2009 in the name and style of "MARS & Partners, International Legal Consultants Advocates & IPR Attorneys". Council had written a letter to Bar Council of India seeking guidelines on the issue pertaining to Limited Liability Partnership Documents. Last time a committee was constituted S/Sh. Rakesh Tiku, Hon'ble Chairman, Ved Prakash Sharma and Puneet Mittal, Hon'ble Members. Report awaited. Notice sent to Sh. Rajiv Tuli, Advocate for today's meeting i.e. 4.11.2011. Served".

Notice issued by yourselves does not have the sanction and/or approval of the Bar Council of Delhi. No agenda item or issuing the notice (reproduced hereinabove) was ever circulated. Hence, the question of its approval by the Bar Council of Delhi does not arise. Any action and notices issued by yourselves in this regard are illegal and non-est and are deemed to be withdrawn. Please send a letter to all the addressees for withdrawal of the letters sent by yourselves under intimation to the undersigned.

Further, previously recorded minutes of meeting refers to transparency i.e. email of each and every action taken by the office bearers of the Bar Council of Delhi. The same has not been adhered to till date.

I expect the Chairman and Secretary of the Bar Council of Delhi to follow the mandate of law and not act in a hasty manner and especially without approval of the Bar Council of Delhi.

Yours sincerely,


Vijay K. Sondhi

Punit Mittal