

Our paper title is legal research and methodology. Title of the unit unit number 1 judgments. In this we are discussing SajjanRaj Surana versus Jaipur vidyut Nigam Limited. Very interesting case. My dear friends. Basically we are in legal profession and it is totally relating to our profession only. The main outline of this case law is whether specific inclusion only of advocates office in tariff for non domestic service is arbitrary or violation of Article 14 of IndianConstitution. I can tell you in a simple way.

Whether advocates office also you are making as a non domestic service means you're making as a commercial service means you want to impose for advocates office electrical tariff the charges you are imposing like a commercial charges? Is it not violation of Article 14? Why violation of Article 14 equality

Before Law of IndianConstitution we will discuss today. That is actually our area is concerned friends.

What students will learn in this is , whether advocate profession is coming under commercial activity.

Very interesting question.

Because we will always talk that profession is a Noble,
especially advocates Profession is a Noble profession. So is it
calculated in terms of a commercial activity Is a
question mark. So what happened in this case?

Sajjan Raj, the presenter person who filed a case where we can
call the plaintiff as well as Appellant.. because in
a lower court we'll call the plaintiff or when he appealed,.

When he go for appeal, we will call appellant., so he's an

Advocate taken electrical connection, Electricity

connection from the RajasthanState Electricity Board for his

rented premises where his office come chamber is established so

He has his office. for that office he has taken

electricity connection from the Rajasthan state electricity

board. What we can call as defendant , the other party,

the opponent.

What is the main contention of our advocate is

Whether the advocate

profession is involving a commercial activity. What is his

contention is I am doing a Noble profession. It is a profession.

It is exclusively a profession.We are not doing a commercial

activity, but what the electricity people has done to

me as they are charging like a commercial activity they are charging for my rented building. They're charging like a commercial establishment. Because domestic charges If it is our own house residential purpose we are using 59 paisa per unit that time , whereas a commercial charge ₹1.05 . What we can understand is nearly double of the amount. So what the advocate challenges before the court is Is it fair to treat an advocate profession as a commercial activity? So that is what is our main issue. What is the main issue is whether an advocate Chamber of a plaintiff situated in a residential building could be termed as a Commercial establishment. Is it? Is it correct? Then what happened? In the lower court first when he filed a case. Court gave a judgment. Decree What they gave a judgment is. Permanent injunction they issued means they issued an order to the electricity board, don't collect the commercial charge from this advocate. Because it is he is a domestic customer. He is not a commercial customer. When he's a domestic customer. Where is the question

of your charging the fees from him? The charges from him as a commercial. So they gave injunction, they gave a permanent injunction. The trial court gave a judgment in favor of our advocate

Then the electricity board went for appeal.

Against the lower court judgment.

Then in appeal.

Appellate court , reversed the judgment and they said that no, no advocates office also comes under commercial service, hence he has to pay the commercial charges only.

Not a domestic services. He's Not a domestic customer. This what was decided by the

Appellate Authority. Then Advocate, our sajjan raj went for a second appeal. That is our present case actually what we're discussing. So that's why I told you he's a plaintiff.

Come Appellant, in lower court. He's a plaintiff now. He went for a second appeal he is an appellant, so there. Once again the question came before the 2nd appeal. Whether advocate chamber can be termed as a commercial establishment. Whether the practicing advocate can be treated as a carrying a commercial activity an advocate profession is a

commercial activities is a question mark. Whether the first

Appellate court justified by reversing the judgment of the

lower court because lower court gave the judgement. Yes,
Advocate's office is not a commercial activity, but first

Appellate court decided reverse the decision. So these are the

questions came before the 2nd Appellate Authority to decide

that. then immediately the second appellate authority passed an interim order

electricity board shall not charge Non domestic

electricity charges for electricity consumed by an

Advocate Who have their office in a residential accommodation

means they told that till this case is finalized, the first we

are giving an interim order, Temporary order till the case is

over Electricity cannot charge The fees like a commercial

activity from the advocate. So Immediately they have passed an

order. Now questions before the appellate court, first

One is as rightly contended by the defendant did

not include the Office of the other professionals. What is the

main question is?

Chartered Accountants, Consultants, Architects,

chartered engineers. They All are coming under residential

and domestic only advocates only coming under commercial.

What is this? That is the first

question. What is the advocates argued is when you electricity

people electricity board made Chartered Accountants,

consultants and architects and chartered engineers, those who are

the same professionals you made it as a domestic and

where as advocates are nondomestic establishment this

is the first question. Second one is the office of an

advocate situated in the residence without employing any

person advocate only he is alone doing the practice. He does not

have any assisting employees. It is not an industry. It is not a

commercial activity. He's Applying his intellectual and he

is giving the advice to the clients.he is dealing the

matters before the Court of Law as a representative of the

clients so where is a question of a commercial

activity comes here and he's not having employing any person.

He's alone. An advocate only sitting in his house Just he

made an advocate board.. He had a chamber, he's doing a

profession, not a business. Then very clear several

times we have learned this advocate , advocacy

is a professional, not a trade

or business. My dear friends very clear, advocated by his

activity at the place of his chamber or office, either at his Residence Being not situated but elsewhere it cannot be regarded as commercial. We cannot treat it as a commercial, rather legal profession of an advocate at all times have been considered to be a profession, not like a trade or business.

So what is the difference between professional commercial?

Profession involves skill my dear friends. Profession involves a certain amount of skill required you are an advocate you need a skill.

What is a commercial? It is a matter of the business or a trade activity. You need not require a skill for doing your business. Whereas in a profession the person working for his livelihood, whereas in a commercial activity what will happen? They are working for gain or profit.

Try to understand my dear friends, that is the basic difference between profession and what we can call this commercial. Hence the Our Advocate referred some case laws

Nicely in addition to that, he cited it. What is that very clearly told? Charter architect is not as shop in one of the case. You can see the name Chitale versus Labor

Commissioner. Private dispensary of doctor is not a commercial

establishment DM Sruti versus state of Gujarat and Sasidharan v Peter and Karunakar

very clearly

mentioned office of a lawyer or a firm of a lawyer is not a

commercial establishment. So clearly they have highlighted

These all are not commercial establishments, hence they

cannot. Finally, the court gave the judgment the

Categorisation,. That is, advocate separate chartered accountant, separate

right and inclusion of a professional lawyer is a

commercial establishment for purpose of a payment of

electricity consumption at the commercial rate is absolutely

illegal, irrational and arbitrary. Therefore it is ultra

virus of Article 14 of the Constitution. Hence they decided

that advocates profession is not a commercial, it is only a

domestic. Hence they made it. it is a violation of Article 14.

Equality before law, all the professions has to be treated

alike. That is what was decided,

my dear friends. And Reference is I have given,

thank you very much.