

**ADDRESS BY HON'BLE SHRI MOHIT S. SHAH, CHIEF JUSTICE,
HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL
COURT REFERENCE TO LATE SHRI ATUL MOTILAL SETALVAD,
SENIOR ADVOCATE, BOMBAY HIGH COURT ON TUESDAY 12TH
OCTOBER, 2010.**

My esteemed colleagues, Shri Khambatta, learned Additional Solicitor General, Shri Nalawade, Government Pleader, on behalf of the learned Advocate General, Shri Anil Singh, Member, for the Bar Council of Maharashtra and Goa, Shri Rohit Kapadia, President of the Bombay Bar Association, Shri. A.P. Mundergji, President of Advocates' Association of Western India, Shri Jani, Vice-President of the Bombay Incorporated Law Society, Shri Fali Nariman, former Solicitor General of India, learned Members of the Bar, Smt.Firoza Seervai, members of the bereaved family, distinguished Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of late Shri Atul Motilal Setalavad, a distinguished Senior Advocate of this Court, who left for his heavenly abode on 22nd July, 2010.

The family history of Atul Setalavad, like history of entire Indian legal fraternity, must begin with Shri Chimanlal Setalavad, ~~ग्रिम पितामह~~ of the Indian Bar. My father used to tell me anecdotes of Shri Chimanlal's wit in the Courts of British Judges in this very High Court, and those anecdotes have made me realize, how the lawyer's wit and Judges' sportsman spirit can make the court's environment lively and stress-free. Grand-son of Shri Chimanlal and son of former Attorney General for India Shri Motilal Setalavad, Atul was thus the third lawyer in the luminary family of Setalavads.

Popularly known as "Atul" to one and all and I am told, on his insistence he was called "Atul". Atul (the uncomparable) was born on 25th October, 1933.

He completed his matriculation in March, 1947 from the University of Bombay and B.A.with Honours in Economics and Political Science, from Elphinstone College, in April, 1951.

After obtaining LL.B. from the Government Law College, / he qualified as Barrister from London in 1954. Thereafter, he obtained the degree of Master of Laws, and also Doctorate of Law in Air and Space Law, under the guidance of renowned Professor in the field of International Law, Dr.George Schwarzenger. Although he obtained doctorate and was a qualified Barrister, he did not allow any one to affix these qualifications to his name.

Shri Atul Setalavad joined the chamber of renowned jurist and then Advocate General, Shri H.M.Seervai, in 1958.

He was always meticulous in the preparation of his brief, with short notes writtern in his neat hand-writing. So good were his notes that even Shri Seervai often relied on them. So also his drafting was impeccable, succinct and precise.

Continuing to enrich the traditions of chamber of Shri Seerai, Atul rose to become the most sought after Senior Advocate in 1980s in the field of administrative law and indirect taxation. I have seen him arguing excise law cases in the Gujarat High Court. My personal friend and former colleague in Gujarat, Justice Kamal Mehta was associated with him in a number of excise cases in the Gujarat High Court and the Supreme Court. He would always tell me "Atul Setalavad is the final authority on any controversy under

the Excise Law". The journey of his legal profession over a period of 50 years from 1958 to 2010 was remarkable and will be remembered for ages to come.

Atul's advocacy in the Court was typical of the man. It was direct, concise and to the point and without embellishments. Like his father, having made his point once, he did not repeat it, having fullest confidence in the Judge to appreciate. Similarly, his ability to dissect a statute or a judgment with simplicity and accuracy was commendable. Though in due course he commanded a large and lucrative practice he offered his services in many public interest cases, particularly in matters of the protection of Bombay's environment. The richest contribution to the Bombay Environmental Action Group was in establishing its locus. The first writ petition filed in 1978 by the Group regarding fertilizer plant in Thal Vaishet in the name of farmers / fishermen gave rise to filing subsequent writ petitions at different places. He had helped in developing healthy growth of PILs and gave them higher priority than paid briefs. He never accepted a PIL case, unless satisfied both with the cause and genuineness of the person espousing the cause. His services to the environment and heritage were not limited to PILs / but he made positive contributions by giving suggestions for drafting of legislation such as amendments made in 1994 to the Maharashtra Regional and Town Planning Act.

His concern for gender justice was reflected in his taking up the cause of air hostesses who were discriminated in their service conditions by Air India. The land-mark judgment of the Supreme Court in **Air India versus Nergiz Mirza** in 1989 ended gender discrimination in public sector undertakings.

Atul Setalavad also rendered yeomen service to the State as a leading lawyer for the custodian case in Harshad Mehta scam and built up a team of counsel matched with skills better than their counterparts. Four of his junior colleagues have also been designated by this Court as Senior Advocates.

It is said that Atul had many friends but dearest to his heart, were books. He was very fond of reading books in quest for self-learning and knowledge on subjects ranging from political science, sociology and philosophy, to name a few.

A distinguished lawyer and distinguished author of several law books & articles, Shri Atul Setalavad was a rarest of rare personality like his senior Shri Seervai. He edited Mulla's Transfer of Property and wrote authoritative volume on contract law in Halsbury's Laws of India. He wrote several articles on various complex issues of laws. His writings were in simple language and with complete clarity. So perfect was his passion for perfect that Atul himself did proof-reading of the books. He had excelled in both his pursuits as a practitioner and a writer to the legal literature. Thus, he was brought in the league of few distinguished practitioners-scholars in India.

Atul did not flaunt his considerable achievements in law nor his distinguished lineage. He did not even put his title of doctor of laws from the London University to his name. Like Oliver Wendell Holmes of the US Supreme Court, he believed that the best thing one can do in life is to hammer out as compact and solid a piece of work as one can, to make it first rate and then leave it unadvertised.

He combined in him the high traditions and values which his father Shri Motial and Shri Seervai had set. He was the

reference point on all matters of professional conduct and propriety and that is the reason why for more than 40 years, it is said, one and all turned to Atul for advice and guidance. It can very well be said that he was truly a lawyers' lawyer. He had shown that success in the profession can be obtained through deep commitment to ethical values without any compromise. As a human being, he might have been stern with high and mighty, but he was always gentle while dealing with staff members and others lower down in the social ladder and treated them with respect.

Atul was a man of character, courage and conviction. These qualities were reflected not only in his career as a lawyer and as an author but also as a citizen and member of the civil society. Shri Atul Setalavad will also be remembered for his deep commitment to India's Constitution and India's live secular, democratic ethos which governed his public interest interventions in the Courts and also his other writings. This was especially true after the country and Bombay and its environs were torn by divisive politics in the past decades. Violence of the word and speech were specifically challenged by him through our Courts.

Atul's commitment to democratic and liberal values ran deep. He was a loving husband to Smt. Sita Setalavad, devoted father to daughters and doting grandfather to grand-children. He was the ultimate liberal father in bringing up his children. No better illustration of this could be than that both his daughters, Teesta and Amili, called him by his first name "Atul" something he insisted upon. The Setalvad name and reputation still survives with Teesta's courageous fight some times even single-handedly, against communalism in the Supreme Court, other Courts and in the public.

Shri Atul Setalvad's life reminds me of the words of Henry Longfellow in praise of greatmen:

“ Life of greatmen
All remind us
We can make our life sublime
And departing, leave behind us
Footprints on the sands of time. “

15. In this hour of grief, on behalf of all of us, I convey our heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss.

May the departed soul rest in eternal peace.

Address by Mr. D.J. Khambata, Additional Solicitor General of India, at the Full Court Reference to late Shri Atul Motilal Setalvad on 12th October, 2010.

My Lord the Chief Justice, Hon'ble Judges of this Hon'ble Court, Shri Nalavade representing the Hon'ble Advocate General of Maharashtra, the President of the Bombay Bar Association Shri Rohit Kapadia, the President of the Western India Advocates' Association Shri Ashok Mundargi, Shri Anil Singh for the Bar Council of Maharashtra & Goa, the Vice-President of the Bombay Incorporated Law Society Shri Priyahas Jani, and members of the Bar.

When I joined the Bar in 1985 Atul Setalvad was one of the brave lions who dominated the Bombay High Court. He was the third generation of a family of great lawyers. A worthy bearer of the name Setalvad which has become synonymous with intellect, principle and an unyielding crusade for justice.

Atul Setalvad was in many senses a great crusader for justice. He embellished the already glittering lineage that he inherited as the grandson of the great Sir Chimanlal Setalvad and the son of the great Motilal Setalvad. He bore his lineage lightly. He was his own man and he created his own history. Not for one moment did he sit back to bask in the reflected glory of his family.

It is said that Motilal Setalwad's devout wife bathed her feet in the holy waters of the Ganga at Hardwar so that she might be blessed with a son. And blessed she was.

It would be fair to say that Atul Setalvad's mind was blessed with complete clarity of thought and was of the highest intellect. His senior the great H.M. Seervai rated it as "a first class mind" - glowing praise from one not given to hyperbole. Atul Setalvad's mind was not just the mind of a very successful lawyer, for that of course he was, but it was the mind of a great academician. He was a man to whom the dispensation of justice itself had to be nothing but a consequence of logic.

To those who have worked with him and against him, the sheer speed of his comprehension and the ease with which he laid out and harnessed legal principles was not unfamiliar. To the uninitiated it was like being struck by a bolt of lightning.

Not for him was the long and laborious conference. If you gave him the facts (and he already had the law) you had your answer almost instantly. Either there was a solution or there was none. The clarity was stark either way. There were few grey areas.

Atul Setalvad always believed passionately in what he argued and he argued with the conviction of the utmost intellect and fidelity of thought. There was not a spare word nor an idle thought or submission. There was no repetition. The power of his logic spoke for itself. There was never any attempt to wear down a Judge. His submissions as were his pleadings, were Mozartian in their precision and genius. One could not add or subtract even a comma or a full stop.

Atul Setalvad shared an extremely close personal and working relationship with his senior H.M. Seervai. From his early days at the Bar he was steeped befittingly in constitutional and administrative law and also in the law of land acquisition. The effects of that initiation remained with him for the rest of his career. Seervai bore a deep admiration for Atul Setalvad's intellect and capacity, and left him in his early years to handle complex matters such as the sugar co-operative matters against a battery of lawyers led by Ashok Sen. Atul Setalvad was led by Seervai but to ask for an adjournment on the ground of Seervai's pre-occupation was abhorrent to both of them. Day after day Atul Setalvad attended to the matters with utmost diligence, refusing all other work and at great personal sacrifice.

Atul Setalvad was for several years the Counsel of choice in the Writ Court and in indirect taxation matters. When in doubt the authorities always turned to him whether it be the Custodian under the Special Courts Act or the appropriate Authority under the Income Tax Act. He was, for many, the only Counsel in any type of matter and the variety and dominance of his practice reflected that. His versatility, I would like to believe, was grounded in his wide reading of history.

But he was more than an accomplished lawyer. He had in him the qualities of a great jurist in the mould of Mulla and Seervai. His scholastic instincts were perhaps seeded by his tireless work on the index of Seervai's Constitutional Law of India - an act of devotion to his senior. Though his doctoral thesis was in space law his natural proclivity was to more fundamental aspects of the law. His editing of one of the editions of Mulla's Transfer of Property Act remains a locus classicus. It is the only edition that enhanced the work; later editions only detracting from its worth. He then also edited the Contract volume of Halsbury's Laws of India and wrote his own books which in sequence were Introduction to Law, Conflict of Laws, the Law of Trusts and Charities and a book on the law of Sale of Goods and Sales Tax. The preface to his book on the Law of Trusts and Charities reflects the deep admiration he had for his teacher, Professor Keeton, the kind of respect only one scholar can have for another. Each of these books is now a classic in its field and each of them bears an amazing lucidity of thought and expression.

As focused was his mind and unyielding his logic so too was his personality. He did not suffer fools gladly and could be intimidating. But he best exemplified the old adage that one should never judge a book by its cover for beneath the gruff exterior lay great sensitivity, subtlety and kindness. Those in his Chambers recall much humour, fellowship and humility. He was a doting and indulgent senior who reveled in an environment of irreverence and debate around him.

I can never forget his unsolicited act of kindness to me when as a raw junior of a few months standing I was appointed by a Division Bench of this Court as Amicus Curiae (but really to argue for a Petitioner in person). He was present in Court when I was appointed and noted my bewilderment. He invited me to his chambers, sat me down with the issues and offered advice and encouragement. When a few days later the matter came up for hearing, whether fortuitously or by design, there was Atul Setalvad sitting by my side in Court. When after some time it became apparent to him that one of the submissions I was making was going nowhere, he quietly slipped me a note. It had only three terse words scribbled across it. I took the advice and the tide turned. His help was unobtrusive and without a price. When I profusely thanked him outside Court he brushed it aside as if it were nothing and disappeared in a billow of smoke. But it meant everything to me and I have retained that handwritten note even to this day.

The corridors of this Court will be the poorer by his absence and we will miss his wry humour, the untidy pipe, his piercing gaze, indeed the very sight of him, his head and powerful spectacles, buried in a book or hunched over a lectern addressing a Court his shoulders occasionally heaving with laughter. With his stentorian voice a finality marked his submissions to a Court and he often stole a swift glance over his shoulder as if also to quell any dissent from behind.

His crusade for justice manifested itself in various ways. He marshaled his enormous experience and passion for administrative and constitutional law to fight several battles by way of public interest litigation both in this High Court and in the Supreme Court. The result constitutes a remarkable legacy in the law of public interest litigation and public participation in development. Decades before the freedom of information or the right to information was even spoken of, he developed the concept of the right to know inhering in citizens and social action groups and elevated this to a right that formed an inseparable part of good governance itself. In the 1980s we witnessed matter after matter which Atul Setalvad argued for the Bombay Environment Action Group leading a team of talented and enthusiastic lawyers. All this for free and constantly sacrificing countless lucrative briefs. This was not only a lesson in law, it was an exercise in conscience.

He championed the cause of air-hostesses against gender discrimination in the Supreme Court in Nargesh Mirza's case (AIR 1981 SC 1829). The Supreme Court struck down regulations for retirement of Air-hostesses at the early age of 30 and for termination of their services on first pregnancy. I remember hearing him conduct a complex trial with cross-examination in Tri-sure India (1987) 61 Company Cases 548 in which he defended a leading firm of Chartered Accountants. His submissions formed the backbone of one of the leading judgments on the duties and liabilities of professionals.

He operated as one of the old school, in large chambers used in common by several Counsel holding simultaneous conferences. I remember attending a few of these conferences either with him or with his chamber colleague Raman Joshi in their chambers in the High Court Annexe in which chambers also sat Firdaus Talyarkhan amongst a galaxy of lawyers. With the utmost respect to all Advocates General, past, present and future I must say that I will always remember that corner chamber in the High Court Annexe as being Raman Joshi and Atul Setalvad's chambers.

The standards he set for himself were uncompromising but he never sought to impose them on others. He was not afraid to speak the truth and he spoke only the truth howsoever harsh it might be. He was a man of few words but when he spoke, the world listened.

In these days and times when the success of a lawyer is, sadly, often recounted in hushed tones in terms of his turnover or earnings, the example of Atul Setalvad remains a beacon light of ethics on a cloudy landscape. His marking was reasonable if not Spartan. He never took advantage of a client or a cause.

Rabindranath Tagore said "*The water in a vessel is sparkling, the water in the sea is dark. The small truth has words which are clear; the great truth has great silence*". Atul Setalvad has now passed into the great truth.

Great courts are built upon the foundations of great judges and great lawyers. To Atul Setalvad is truly due the appellation "*great*". He leaves us not only a great legacy in the form of his contribution to the law and his great stable of juniors but also the responsibility of keeping alive the flame of integrity and justice that he nurtured. His daughter has been discharging that duty for some time now.

There can be no better epitaph to this great crusader than in the words of his own father Motilal Setalvad who had this to say when he spoke of the passing away of the great Bhulabhai Desai "*Having filled the scales on either side, we would, I think, be*

justified in saying that here was a person who was not only human, with a great intellect, an erudite lawyer and Advocate and an understanding and devoted servant of the motherland."

The condolences of the Bar go in full measure to his family and to his chambers.
May his soul rest in peace.

Address by Mr. D.A. Nalavade, Government Pleader, at the Full Court Reference to late Shri Atul Motilal Setalvad on 12th October, 2010.

My Lords, the Chief Justice and other Judges of the Hon'ble Court, Mr. Khambata, Additional Solicitor General of India, Mr. Kapadia, President, Bombay Bar Association, Mr. Anil Singh for the Bar Council of Maharashtra and Goa, Mr. Mundargi, President, Advocates' Association of Western India, Mr. Jani, Vice-President of the Incorporated Law Society, Members of the Setalvad family and my learned friends.

Today I stand before this august gathering to pay tribute to late Mr. Atul Setalvad and offer condolence to his family on behalf of the Advocate General of Maharashtra.

It is difficult to encapsulate in a few sentences, the innumerable qualities and achievements of this great man. Mr. Setalvad was a lawyer extraordinaire who worked with perseverance and complete dedication to his profession and has carved a unique niche for himself in the legal fraternity. He always stood upto fight against corruption, injustice, communalism and worked tirelessly to further the cause of justice, equality and liberty. Things that mattered most to him were, integrity, personal as well as professional, total commitment to a cause and absolute courage to stand up for one's convictions. He was not money minded or commercial. His humility was striking. The amount of pro-bono work which he did at the cost of paid work was phenomenal. He fought a number of PIL cases on an ongoing basis.

He was an intellectual giant with most astounding capacity for hard and meticulous work and he held himself to exceptionally high standard of excellence, integrity, rectitude and professional ethics. He never breached his standards nor sought to impose them on others. He merely held himself to them with rigid inflexibility. In spite of his distinguished family background, and in spite of being a Barrister who had obtained a Masters in Law as well as Doctorate in Air Space law, he was the most unassuming of the lawyers who always avoided publicity and lime light.

He had an academic bent of mind and was well read in diverse fields such as Economics, Politics, History, etc. He not only wrote books on topics as diverse as a general 'Introduction to Law' for students, a book on Conflict of Laws, a book on Trusts and Charities and one on Sales Tax and VAT, but also edited Mulla's commentaries on the Stamp Act and the Transfer of Property Act.

During the prime of his career, he was the most sought after Senior Advocate in the fields of Administrative Law, indirect Taxation as also as a Lawyer who stood up against the infringement of fundamental rights of an individual by the State.

He was instrumental in setting up essential benchmarks for the healthy growth of Public Interest Litigations while representing the Bombay Environmental Action Group, which filed various Public Interest Litigations for championing the cause of environment. As far back as in the year 1986, by successfully propounding in this Hon'ble Court as well as in the Supreme Court of India that any person or a social action group has a right to inspect any building plans or permissions granted by any local authority, he virtually laid the foundation stone of today's Right to Information Act. He rendered great service to the State as well. He was the lead lawyer for the Custodian in the Special Court trying the Harshad Mehta securities scam matter as also he led a team of Advocates for the appropriate authority under the Income Tax Act which helped diminish the massive black money component that had been a part of the property deals in Mumbai.

Mr. Atul Setalvad was a Lawyer's Lawyer who maintained an exceptionally high standard of ethical values and has set up an example that success in the field of law can be attained without making any compromise. He enjoyed a full and accomplished life. There will never be another like him and he will live on in the heart of all his loved ones.

In his passing away, the Bombay Bar has lost one of its great Titans.

My Lords, on behalf of the Bar and all others gathered here, I mourn the passing away of Shri Setalvad and offer our condolences to the Members of His family.

Address by Mr. Anil C. Singh, Member, Bar Council of Maharashtra & Goa, at the Full Court Reference to late Shri Atul Motilal Setalvad on 12th October, 2010.

Hon'ble the Chief Justice and other Hon'ble Judges, Mr. Khambata, Additional Solicitor General of India, Mr. Nalavade, Government Pleader, Mr. Rohit Kapadia, President Bombay Bar Association, Mr. Ashok Mundargi, President of Advocates Association of Western India, Mr. Jani, Vice-President, The Bombay Incorporated Law Society, Members of Setalvad Family, Members of the Bar, Ladies and Gentlemen.

On behalf of Members of the Bar Council of Maharashtra & Goa, I share the sentiments that have been expressed and pay our tribute to late Mr. Atul Setalvad, who left for his heavenly abode on 22nd July, 2010 at the age of 76.

Late Shri Atul Setalvad was born on 25th November, 1933. He completed Matriculation in 1947. After completing his LL.B. From Government Law College, Mumbai, he went to England and did his Bar at Law in November, 1954, LL.M. in November, 1955, Diploma in International Affairs in October, 1955 and thereafter was conferred the Doctorate in Air Law by University of London. Late Shri Atul Setalvad was such a humble person that inspite of achieving Doctorate from University of London, he never allowed the word Doctor to prefix his name.

He joined the Chambers of Shri H.M. Seervai, the then Advocate General of the then State of Bombay since the year 1958. Shri Atul Setalvad was not only a distinguished lawyer, but also a good human being. He possessed a rare combination of unquestionable integrity, sterling character and high moral values. The case of *Baby Batod and others vs. Principal Judge, City Civil Judge and others*, reported in AIR 1972 Bombay 254 was the turning point in his career. In the said case, he successfully defended the major amendments to the Bombay Municipal Corporation Act. Shri Atul Setalvad had a voluminous practice in several fields of law. It is simply not possible to refer or even categorise the important cases argued by late Shri Atul Setalvad.

He established a large practice and it was all quality work. He was a pioneer in Public Interest Litigation especially for the environment. Apart from great advocacy, he was equally great in drafting.

In his death, legal fraternity has suffered major loss.

On behalf of Bar Council of Maharashtra & Goa and myself, our deepest sympathies and condolences to the family members of late Atul Setalvad. My his soul rest in eternal peace.

Address by Mr. Rohit Kapadia, President, Bombay Bar Association, at the Full Court Reference to late Shri Atul Motilal Setalvad on 12th October, 2010.

My Lord the Chief Justice and the other Judges of this Hon'ble Court, the learned other speakers, the Members of the profession and the Members of Atul Family, Ladies and Gentleman.

We are all gathered here today to mourn the sad demise of Mr. Atul Setalvad.

Atul was an extraordinarily gifted individual. He was a Lawyer, Reader, Writer, Legal Draftsman, Legal Editor, exceptional father and father figure. It is quite amazing that he could cramp achievements in all these fields during in just one life time.

I would like to recount his professional achievements only, because his familiar ties would be too personal for this occasion. He was born in a family of great Lawyers.

During his junior days, he was known for his exceptional drafting, ingrained analytical mind and unassuming nature. Above all, he was known to possess a very high ethical standard. On the last, he brooked no exception. White was white, black was black and there was never any grey.

When I joined the profession, Atul together with Andhyarujina and R.J. Joshi constituted the three exceptionally gifted juniors of Mr. H.M. Seervai. The high ethical standards followed by Atul probably had its roots in the set of Chambers he practiced in.

He edited Mulla's Commentary on The Indian Stamp Act and The Transfer of Property Act. He was a voracious reader, who had the knack on reading a page diagonally from up to down. Amongst his many achievements was the ability to converse on virtually every subject under the sun. Even in dark he studied an esoteric subject like Airspace Law.

With his juniors he was a father figure. He was kind, considerate and fair. His relationship was not without its humorous movements. His juniors recall fondly, that they started calling him "BOSS" only after one of the underworld characters in this city telephoned him at 4.00 A.M. in the morning and mistakenly requested him to speak to the "BOSS".

One of his greatest achievements was in the field of Public Interest Litigation. He had appeared for the Bombay Environmental Action Group ('BEAG'). In almost all petitions filed by them, whether it be against illegal constructions, FSI Scams, CRZ matters and so on.

Mr. Shyam Chainani, the Hon. Secretary of BEAG said about Atul:

"Atul's critical contributions to BEAG was in establishing our locus."

Chainani also spoke of his refusal to argue any point in which he did not believe and of his unwillingness to deviate from the truth. Exceptional qualities indeed Atul's contribution to heritage and environment are too many to be listed here. Suffice it to say that his contributions would fill a whole book.

Such was the man whose passing away we have gathered to mourn. His will be a void which will be very difficult to fill.

On behalf of Bombay Bar Association and all of us here, I would like to extend my heart felt condolences to the members of the bereaved family.

I sincerely hope and pray that they be able to bear their loss bravely.

Address by Mr. A.P. Mundargi, President, Advocates' Association of Western India, at the Full Court Reference to late Shri Atul Motilal Setalvad on 12th October, 2010.

Hon'ble the Chief Justice Shri Mohit Shah, other Hon'ble Judges of the High Court of Bombay, Family Members of Shri Atul Setalvad, Mr. Khambata, Additional Solicitor General of India, Mr. Nalavade, representing Advocate General of Maharashtra, Mr. Rohit Kapadia, president of Bombay Bar Association, Mr. Anil Singh, Member, Bar Council of Maharashtra and Goa, Mr. Jani, Vice-President of the Bombay Incorporated Law Society, my colleagues at the Bar and friends,

Coming from India's one of the most illustrious and renowned lawyer family, Shri Atul Setalvad was very down to earth and humble human being and though he did not occupy exalted Government positions, he achieved the same stature as that of his late father Shri Motilal Setalvad and grandfather Shri Chimanlal Setalvad.

A brilliant and successful senior lawyer, he never forgot his commitment towards the Society.

He was closely associated with Bombay Environmental Action Group. He also appeared in many Writ Petitions and Public Interest Litigations without charging any fees.

He was a very scholarly writer and thinker who expounded complicated legal questions and explained them in very simple and easy to understand language. This is also reflected in his writings. His arguments in the Court were precise, dignified and laced with correct English words, he spoke with absolute clarity. Very few advocates could match his knowledge of law.

In passing away of Shri Atul Setalvad, the legal fraternity has lost yet another luminary.

I, on behalf of the Advocates Association of Western India, share the profound grief and sorrow with his family and pray to God to give them courage and strength to overcome their personal loss. We also pray that the departed soul may rest in eternal peace.

Address by Mr. Priyahas A. Jani, Vice President, The Bombay Incorporated Law Society, at the Full Court Reference to late Shri Atul Motilal Setalvad on 12th October, 2010.

My Lord the Hon'ble the Chief Justice and the Judges of this Hon'ble Court, Mr. Darius J. Khambata, Additional Solicitor General, Western Region, Mr. Nalavade, representing the Office of the Advocate General, Mr. Anil Singh, representing the Bar Council of Maharashtra and Goa, Mr. Rohit A. Kapadia, President, Bombay Bar Association, Mr. Ashok Mundargi, President, Western India Advocates' Association, my colleagues at the Bar, family members of Mr. Setalvad, ladies and gentlemen:

It is with deep sorrow that I, on behalf of the Members of the Bombay Incorporated Law Society, associate myself with the sentiments, which have been expressed here.

I met Mr. Setalvad for the first time way back in the year 1978-79 during my Article Clerkship for Solicitors Examination period. It was Arbitration presided over by former Judge of the Supreme Court of India Justice J.N. Shelat. Mr. Setalvad was the leading Counsel on the other side. Arbitration lasted for a period of almost a year. During this period I became an admirer of Mr. Setalvad. It was a treat to watch the manner in which he made submissions on facts and law. No repetition. Precise and clear. During X-examination of witnesses in that matter he was at his best. He never allowed the witness under X-examination to settle down. He never left the witness until he got the answer he wanted.

Second time I met Mr. Setalvad was when a brief was delivered to him for his opinion on BPT lease and rights of partner in the lease. Brief though bulky, Mr. Setalvad had gone through the brief completely and knew all the facts. After discussion at conference as requested by client the written opinion followed promptly. There was no difference in what he advised orally at conference and what he wrote in written opinion.

It was then almost 25 years later that I met Mr. Setalvad when he was representing the Complainant in a complaint before the Bar Council Members. There was no difference in his ability to X-examine the witness than and now.

I would then see Mr. Setalvad in the morning whenever I would visit Coffee House for a coffee. He was a regular there.

I respectfully join my Lords and my colleagues in the prayer that the soul of Mr. Setalvad may rest in eternal peace and his abiding memories may live for long. I, on behalf of the Bombay Incorporated Law Society, extend condolences to the members of his family.

May his soul rest in eternal peace.