

**IN THE INDEPENDENT LEGAL SERVICES COMMISSION**

**AT SUVA**

**ILSC CASE NO. 002 OF 2022**

**BETWEEN** : **NATASHA KHAN**

**APPLICANT**

**AND** : **THE CHIEF REGISTRAR**

**RESPONDENT**

**Counsel** : **Mr S Ram for the Applicant**  
**Mr A Chand and Ms L Malani for the Respondent**

**Paper Hearing** : **1 October 2025**

**Date of Ruling** : **2 October 2025**

**RULING**

[1] Natasha Khan (the applicant) seeks a stay of proceedings and sentencing arising from the orders of Commission finding her guilty of professional and unsatisfactory professional conduct, pending determination of her appeal to the Court of Appeal, or alternatively, an opportunity to make oral submissions on mitigation and sentencing, along with procedural orders regarding filing and costs.

**Jurisdiction of the ILSC**

[2] The ILSC is a creature of statute and its powers are strictly limited to those expressly conferred by the Legal Practitioners Act and related enabling provisions. Nowhere in the statutory framework is there a provision granting the ILSC the jurisdiction to stay its own orders pending appeal to the Court of Appeal. Rule 34 of the Court of

Appeal Rules is clear: no appeal shall of itself operate as a stay, and an application for stay must first be made to the Court of Appeal.

- [3] Accordingly, the relief sought is not within the jurisdictional competence of this Tribunal, and the application must be refused for want of jurisdiction.

### **Distinguishing Case Law Relied Upon**

- [4] Cases such as *Natural Waters of Viti Limited v Crystal Clear Mineral Water (Fiji) Ltd* (ABU 11/2004) and *NSW Bar Association v Stevens* NSWCA 95, outline general principles for the grant of a stay, including whether the appeal will be rendered nugatory, balance of convenience, bona fides, the public interest, and prospects of success.
- [5] However, these authorities rest on the premise that the tribunal has jurisdiction to grant a stay in the first instance. In the legal practitioner regulatory matters, these cases have repeatedly emphasized that even where a stay is legally possible, the threshold is high: there must be "special circumstances" or "exceptional chances of success" that outweigh the significant public interest in protecting the public from unfit practitioners (*Sharma v The Chief Registrar* [2019] FJSC 10; CBV0007.2018 (26 April 2019)). The Court of Appeal in *Dorsami Naidu v Chief Registrar* (ABU 38 of 2010) held that personal hardship or unproven grounds of appeal do not meet this standard
- [6] In the present application, even if jurisdiction had existed (which it does not), the applicant's reliance on inconvenience, hardship, or unremarkable grounds of appeal does not constitute special or exceptional circumstances. Public interest in regulatory enforcement weighs heavily against the grant of a stay, and the cited cases are distinguishable for this reason.

### **Conclusion**

- [7] For the reasons above, the application for a stay pending appeal is refused both because the ILSC lacks the statutory authority to grant the relief sought, and because even on the merits and application of the authorities cited, the threshold for the grant of a stay is not met.
- [8] The matter will now proceed to the imposition of sanction, based on written mitigation submissions filed by the legal practitioner.



Justice Daniel Goundar  
COMMISSIONER

### **Solicitors:**

Samuel Ram Lawyers for the Applicant

Legal Practitioners Unit for the Respondent