MINUTES OF THE MEETING OF LAWYERS' CHAMBERS ALLOTMENT COMMITTEE HELD ON 05.07.2014 AT 09:30 A.M. IN CONFERENCE HALL, 3rd FLOOR, SAKET COURTS COMPLEX, NEW DELHI.

Coram:-

Sh. R.K. Gauba, District & Sessions Judge (South)	...	Chairman
Sh. Yogesh Khanna, Addl. District & Sessions Judge (S)	...	Member
Sh.Ajay Singh Shekhawat , Administrative Civil Judge (S)		Member
Sh. Vinod Sharma, President, Saket Bar Association	...	Member
Sh. Karnail Singh, Secretary, Saket Bar Association	...	Member

The District & Sessions Judge (South) welcomed the new member Sh. Vinod Sharma, President, Saket Bar Association. He was briefed by the District & Sessions Judge (South) and other members of the Allotment Committee about the earlier decisions.

I. Subsequent Allotments (Category reserved for Retired Judicial Officers.):-

Pursuant to the offer earlier given for allotment of chambers (on double occupancy basis), two advocates namely Sh. Jaswant Singh and Sh. Vijay Kumar Malhotra against reserved category of Retired Judicial Officers of Delhi under Rule 8(ii) of the Allotment Rules vide **List FF2/C**, as per decisions taken in the meeting held on 18.02.2014, necessary compliance with all conditions and completion by both of them has been reported by the office vide **Annexure-"A"**. The allotment of spaces in chamber (on double occupancy basis) to the said two advocates was finalized as per **List HH-4** enclosed to these minutes. It be published as per past practice. The office to take all necessary follow-up action

II. Subsequent Allotments (Category reserved for Physically Challenged Advocates):-

From out of four (04) applications then pending for allotment of chambers (on double occupancy basis) against reserved category of Physically Challenged advocate, considered in the meeting held on 18.02.2014, two remained pending vide decisions reflected in **List FF-1/C**. The said two advocates (Sh. Amar Nath and Sh. Harpal Singh) had been called upon to submit further documents in the nature indicated in the decisions taken in their respect. Suitable communications were sent by the office to them pursuant to the said decision. The office has submitted the present status report as per **Annexure-"B".**

The above mentioned two applications were considered in light of further material submitted by the said two advocates. On the basis of scrutiny, decision of each of the said two applications were taken as reflected in last column of **List FF-1/D**. It be published as per past practice. The office to take further necessary action.

III. Requests for change of chamber on double occupancy basis:-

The Branch In-Charge, LCAC informed that six (06) advocates, holding double occupancy chambers, have applied for change of their chambers. The office has prepared a summary of the said requests. The same is **Annexure "C"** to these minutes.

The office has also put up a chart indicating the vacancy positions and the requests for change by the existing allottees of the chambers on double occupancy basis. The said chart is annexed to these minutes as **Annexure "D".**

The vacancy position and the claims/requests were considered. It was decided to follow the past practice and to allow the changes or make the allotments on the basis of principles set down in earlier minutes.

Accordingly, decisions on all the requests for change were taken as reflected in the last column of **Annexure "D".**

On the basis of the above decisions, **List E-17** was finalized. The same be published as per past practice. The office to take all necessary follow-up action.

IV. Miscellaneous Complaints:-

(A). Complaints of allottee of Chamber No. 644:-

(i). Complaint dated 20.04.2013 filed by Mr. Navneet Mishra and Ms. Ritu Mishra against Mr. Parvesh Kr. Rajput (Co-allottee).

(ii).Complaint dated 10.03.2014 filed by Mr. Navneet Mishra and Ms. Ritu Mishra against Mr. Parvesh Kr. Rajput (Co-allottee).

(iii). Letter dated 21.03.2014 received from Hon'ble High Court of Delhi along with complaint dated 10.03.2014 filed by Mr. Navneet Mishra and Ms. Ritu Mishra against Mr. Parvesh Kr. Rajput (Co-allottee).

(iv). Letter dated 12.03.2014 filed by Mr. Parvesh Kumar Rajput for partition of chamber No. 644.

These complaints have been pending for some time. However, on the request of Sh. Parvesh Kumar Rajput, advocate (co-allottee), he has been allowed change of chamber as per decision taken above against **Agenda Item No. III.** Therefore, the complaints would not survive. It was decided to file these complaints.

(B). Regarding payment of dues by Sh. Vikas Goyal (Allotment already cancelled):-

This matter had come-up for consideration in the meeting held on 10.12.2013 and 18.02.2014. No reply has been received from Secretary, Saket Bar Association. The President and Secretary, Saket Bar Association assured that they would now send their reply. The complaint was kept pending awaiting reply.

(C).Complaint dated 17.10.2013 of Sh. Aslam Kumar, advocate, Co-allottee of space in chamber No.270 (on double occupancy basis) against his co-allottee Sh. Suresh Kumar, Advocates:-

This matter was considered in the meeting held on 18.02.2014 and President and Secretary, Saket Bar Association had agreed that they would call both the advocates and try to bring about an amicable settlement of the disputes between them. No report about the action taken/status of said complaint has been received. The President and Secretary, Saket Bar Association assured to do the needful and send a report at the earliest.

V. Application of Sh. S.P. Kaushal dated 19.04.2014 for allotment of chamber:-

Sh. S.P. Kaushal, Advocate (Bar Counsel of Delhi No.D-90/1982) has submitted request for allotment of chamber at Saket *inter alia* stating that he is a member of Saket Bar Association (Membership No. S-1648). The office has reported that Sh. S.P. Kaushal had not applied for allotment of chamber in the process of 'Initial Allotment'. Therefore, his application cannot be considered against such exercise. The process of 'Subsequent Allotment' has already been initiated. Mr. Kaushal will have to submit his application under the said process. It was thus resolved to file the application. He be informed accordingly.

VI. Miscellaneous Items:-

(A). Electricity connection for Office and Library of Saket Bar Association.

The office has reported that inspite of various reminders dated 08.10.2013, 12.11.2013, 29.11.2013, 17.12.2013 and 21.05.2014 Saket Bar Association has not informed as to whether it has arranged for independent electricity connection for the office and library for Saket Bar Association which were allotted vide letter dated 21.08.2013.

In the meeting held on 18.02.2014, the President and Secretary, Saket Bar Association assured to take necessary action within a week.

The office informed that no reply has been received. The request to the President and Secretary, Saket Bar Association was reiterated. Both assured for proper early action without further delay.

(B). Cafeteria in Lawyers' Chambers Block:-

The office has reported that no intimation has been received from Saket Bar Association regarding closure of *Bhatti/ Tandoor* used by the caterer engaged by Saket Bar Association in the cafeteria of Lawyers' Chambers Block, in spite of assurance given in the meeting held on 18.2.2014. The President and Secretary, Saket Bar Association assured for proper early action without further delay.

(C). Status of Civil Suit No. 551/11 regarding licence fee of chambers:-

The matter was considered by the Hon'ble Building Maintenance & Construction Committee (Saket Court Complex), High Court of Delhi held on 22.05.2014 and it was resolved as under:-

> *"Whilst the matter was pending decision by the Delhi Government, the District Judge (South) acting after receiving inputs from a sub-committee, decided to fix a provisional license fee of Rs.1100/- per month per chamber. It appears that thereafter on 1st December, 2011 the PWD, Government of NCTD fixed the licence fee @59.60 per sq.ft per month and Maintenance Charges @Rs.20/- per sq. ft. in all amounting to Rs. 80/- per sq. ft. Per month from the covered area from Chamber.*
>
> *This decision is stated to have been impugned by the Saket Bar Association in Civil Suit bearing No. 551/11 titled Saket Bar Association Vs. Government of NCT of Delhi. An interim injunction is also stated to have been issued in that behalf. We are informed that ultimately, the case has been disposed of by an order dated 27th September, 2013 whereby the plaint has been returned. In other words, the initial provisional fixation was done awaiting the Government's decision on the matter. The license fee fro the chambers was fixed by the PWD thereafter. The latter was impeached in a civil suit. That suit having come to an end, at present, there is no challenge to the Government's decision on the judicial side.*
>
> *It appears that the plaint was returned on the ground of failure to give requisite notice under Section 80 C.P.C.*
>
> *Under the circumstances, it cannot be said that there has been any judicial determination of the fixation of the licence fee by the PWD on merits. Further, there is every likelihood that the Bar Association may be interested in pursuing the matter further after following the prescribed requirements. We are also mindful of the fact that the concerned Court had indeed granted an interim injunction on a prima facie view of the matter.*
>
> *Consequently, it is suggested that the protem licence fee as fixed by the learned District Judge, be continued for another period of three months subject to orders from any appropriate authority; and in case, no further orders to the contrary are issued by any Court or authority, the orders of 01.12.2011 of the PWD, GNCTD would be applicable. The President and Secretary of the Saket Bar Association be also informed accordingly".*

The President and Secretary, Saket Bar Association have been informed accordingly. The Office was directed to send copy of the above extract of the minutes of BMCC formally as well to the Secretary, Saket Bar Association and to the concerned Branches in office of District & Sessions Judge (South) for further necessary action.

VII. Non payment of dues by the allottees of chambers:-

This subject had come up for consideration before the Allotment Committee in the meetings held on 10.12.2013 and 18.02.2014. As per the office report submitted in the last meeting held on 18.02.2014, **86 allottees** of **single occupancy chambers** and **235 allottees** of **double occupancy chambers**

were in serious default for non-payment of dues on account of licence fee/maintenance charges. The President and Secretary, Saket Bar Association had agreed in the said last meeting that in terms of the Allotment Rules, the allotments of such advocates, who have committed default in regard to licence fee/ maintenance charges are liable to be determined.

It was, thus, decided that, without prejudice to other rights and remedies, including recovery of the arrears as land revenue, notices be issued in writing by the Officer In-Charge (Genl. Admn.) to each such allottee as has committed default in the payment of licence fee/maintenance charges, as shown in the Annexure "E" and Annexure "F" appended to the minutes dated 18.02.2014.

Notices were accordingly issued by the office. The office has submitted reports **Annexure-"F"** and **"G"** respecting the status of said two categories.

The reports were considered. It was found that while a large number of advocates, who have been served with notices have since paid the arrears and given some explanation or the other for the earlier defaults, **09 (Nine)** allottees on single occupancy basis and **19 (Nineteen)** of allottees on double occupancy basis continue to be in default.

Ms. Panchajanya Batra Singh (Enrollment No. With Bar Council of Delhi D/1090/03) vide her response dated 25.03.2014 has taken exception to the issue of the Show Cause Notice by *inter alia* submitting that it amounts to a threat of adverse action and "wholly unwarranted". Though she has submitted, along with her response, cheques representing the arrears, she seeks to attribute default to the office in indicating her liability.

The matter was considered. The President and Secretary, Saket Bar Association agreed that response to the notice given by Ms. Panchajanya Batra Singh is unacceptable. It is the responsibility of each allottee to deposit the requisite charges i.e. 'licence fee and maintenance charges', in strict compliance the allotment order.

Sh. Vinod Sharma, President, Saket Bar Association, requested that the matter may be deferred so that he can examine the issues at his end from the perspective of overall discipline on the part of the allottee advocates and to take necessary steps so that this kind of situation does not recur in future. On his request, the matter was deferred for the next meeting.

VIII. Initial Allotment.

As per the status worked out and considered in the meeting of the Allotment Committee held on 18.02.2014, eight (08) slots were available for allotment

(on double occupancy basis) in the process of 'Initial Allotment'. Pending applications of those awaiting allotment in that exercise were subjected to scrutiny. It was, however, resolved that the advocates coming up within the zone of consideration be called upon to furnish proper proof of they being primarily practicing at Patiala House Court , which was one of the essential conditions in the said process.

Thus, necessary communications were sent by the office in that light.

During the process of 'Initial Allotment', some Writ Petitions had been preferred before the Hon'ble High Court of Delhi, in a few of which directions were given for slots to be kept in reserve pending adjudication of the issues raised. Office has submitted a report about the status of the said Writ Petitions which has been appended as **Annexure-"E"** to these minutes. As per the office report, one more slot has since become available on account of C.M. 923/2013 in Writ Petition No. 7003/12 being dismissed as withdrawn & Writ Petition No. 1350/13 being disposed of on merits, both filed by Sh. Sanjeev Sabharwal.

The office has placed before the Committee the representation dated 22.05.2014 of Sh. Sanjeev Sabharwal requesting for allotment of chamber at Saket, referring to the order dated 29.04.2014 of Hon'ble High Court.

It was considered. It was noted that the claim of Mr. Sabharwal for allotment in the context of "forthcoming round" has been mentioned in the order of Hon'ble High Court. Thus, he would have to apply under the process of "Subsequent Allotment". He be advised accordingly.

The office report further states that upon surrender of the Chamber No.482 by Sh. Omeshwara Nath Sharma, Advocate upon it being cancelled, one more slot has been added to the existing vacancies.

Thus, ten (10) slots on double occupancy basis are available for allotment.

On the basis of further scrutiny, a new **List D–16** containing **ten (10)** names was finalised, the last name included therein being that of **Sh. Pramod Kumar Sinha (NDBA No.3775).**

During the further scrutiny, **two (02)** applicants were found to be actually not fulfilling the eligibility criteria and so their names stand excluded and shown in **List C-2 (Supplementary-"G").**

Following the decisions taken against Item No. II in the minutes of the Allotment Committee meeting held on 26.07.2012, it was decided that the advocates whose names have been mentioned in **List C-2 (Supplementary-"G")** may be called upon to submit representations there against, if they so desire, supported by duly authenticated proof showing

their eligibility on or before **01.08.2014**. It was further resolved that in the event of such representationists being found eligible meriting allotment, the junior-most applicants included in **List D-16** shall have to give way in favour of such other advocates on the principle of seniority.

Following the procedure adopted earlier, it was resolved that **List D–16** be published provisionally offering allotment of chambers on double occupancy basis to the advocates subject to the following conditions to be fulfilled **on or before 01.08.2014:-**

(i). The applicants included in **List D–16** shall surrender the chambers in their possession at Patiala House Courts Complex, as declared by them in their respective applications, as mentioned in the **List D–16**, in terms of the Allotment Rules to the District Judge (New Delhi) **on or before 01.08.2014** and obtain a certificate (specifying, amongst others, the full description of the chamber, its size and if held on sharing basis, with full details) of such surrender, to be submitted in original along with acceptance of this provisional & conditional offer, to the office of District Judge (South) **within the period specified as above**;

(ii). The advocates being offered the allotment as above shall furnish along with letter of acceptance an affidavit, *inter alia*, affirming the following (duly supported by attested copies of requisite documents):-

(a) The enrollment with Bar Council of Delhi;

(b) Membership of New Delhi Bar Association;

(c) Membership of Saket Bar Association;

(d) That aside from the chamber at Patiala House Court Complex as declared, neither they nor their spouse have ever acquired, built, been allotted or have been in possession of any space or chamber in any Courts Complex in Delhi;

(e) Copy of original letter of allotment of chamber by NDBA at Paiala House;

(f) That there is no dispute of any nature with regard to the chamber being surrendered;

(g) Certificate from NDBA about there being no dispute of any kind concerning the chamber being surrendered and that all dues in such regard have been cleared by the advocate surrendering the chamber at Patiala House.

(iii). Declaration as to whether the chamber being surrendered at Patiala House Courts Complex is held singly or jointly or whether it has been created as additional space in basement or alongside or at the level of upper floor or whether the existing chamber originally allotted is being shared with/without permission/authorisation of NDBA;

(iv). Declaration that all the co-sharers/co-allottees or those sharing/holding possession of partitioned space or space additionally created below/over/ alongside the chamber are submitting No Objection

in favour of the applicant for the allotment to be given in the name of applicant only (with such undertaking to be separately obtained and attached);

(v). In case of spouse of the applicant being practising advocate and also an applicant, both spouses surrendering the space/chamber in their respective possession at Patiala House Courts Complex and agreeing to joint allotment of one unit at Saket Courts Complex, with undertaking of the spouse also attached surrendering his/her independent claim for such allotment;

(vi). It is made clear that in case the chamber is not surrendered or compliance with the above conditions is not made **on or before 01.08.2014**, the provisional offer of allotment of chamber of **double occupancy basis** shall stand withdrawn/forfeited forthwith and without any further notice;

(vii). The advocates hereby offered allotment of chambers on **double occupancy basis** may indicate in their respective letters of acceptance the choice of partner (the other allottee) with whom they wish to share the same, who, however, must be picked up from within the **List D–16,** and whose consent in writing for sharing the chamber must also be submitted in original with the letter of acceptance. The Allotment Committee reserves unto itself the right and discretion to make allotment appropriate to the specific considerations, if any;

(viii). The above-mentioned date, i.e. **01.08.2014** shall not be extended under any circumstances nor any representations for such purposes shall be entertained; and

(ix). Upon compliance being made as above, the Allotment Committee shall take up the claims of the advocates included in **List D–16**, in order of seniority, for specific allotment, subject to confirmation on basis of documents submitted and further formalities being complied with.

It was further resolved to publish **List D–16** and **List C-2 (Supplementary-"G")** as per past practice.

The process of 'Subsequent Allotment' has already been initiated in terms of decision taken in the meeting of Allotment Committee held on 24.05.2014. In this view, it was decided that subject to judicial directions, if any, in pending writ petition(s), and decisions on the default notices issued pursuant to resolution in the meeting held on 18.02.2014, process of 'Initial Allotment' for general category be closed. It was resolved accordingly.

IX. Subsequent Allotments:-

The process of 'Subsequent Allotment' was initiated in terms of decision taken in the meeting of Allotment Committee held on 24.05.2014. Vide **'Notice Inviting Application'** issued and published on **26.05.2014**, the applications for this exercise are being received since **23.06.2014.** The last date for submission of application for such purpose had been fixed as **07.07.2014.**

A representation dated 04.07.2014 has been received from 12 advocates (Mr. Yogesh Sharma & Ors.) taking exception to initiation of process of 'Subsequent Allotment' in terms of decisions taken in the meeting held on 24.05.2014. The representation was considered. The process of 'Subsequent Allotment' has been initiated pursuant to directions of Hon'ble High Court in the meeting of Building Maintenance & Construction Committee (Saket Court Complex) held on 22.05.2014. This does not affect the allocation of 850 allotments in favour of erstwhile members of NDBA. Thus, representation was filed.

The President, Saket Bar Association, vide his letter dated 02.07.2014, has submitted that Members of the Bar are facing hardship in procuring the certified copies of the cases which is one of the pre-requisite conditions for applying of allotment of chamber. In this context, he has referred to the 'Summer Vacations' during which the process commenced. He has requested for date of submission of forms to be extended for a reasonable period. The matter was considered. It was resolved that the last date for submission of applications in the process of 'Subsequent Allotment' be extended to **Friday, 01.08.2014 (till 04.00 p.m.)**.

The Member Secretary, Allotment Committee shall issue necessary notice in continuation of the earlier notice.

X. Amendment of the Allotment Rules:-

The existing 'Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010, inter alia, contain the following provision:-

> *27. The allotment shall terminate;-*
>
> *a) On its cancellation by District Judge, Saket; or*
>
> *b) On its surrender by the allottee concerned; or*
>
> *c) On the allottee's ceasing to be a member of the Saket Bar Association; or*
>
> *d) On the allottee's name being removed from the roll of the Bar Council of Delhi; or*
>
> *e) On death of the allottee.*

Hony. Secretary, Saket Bar Association had made a representation on 17.07.2013 to Hon'ble High Court for modification of the Rules so as to give the benefit of allotment/transfer of chamber to the legal heir of the allottee in the event of death. The said request has been granted by Hon'ble High Court as per decision taken against Agenda Item No. 3 of the meeting of Building Maintenance & Construction Committee held on 22.05.2014, received on 04.07.2014 vide letter No.1038-48/DHC/Genl.II/BMCC (Saket Courts) dated 02.07.2014.

The decision of the Hon'ble High Court reads as under:-

> *Considered.*
> *After looking at all aspects, the Committee feels that the elected representatives of the Saket Bar Association, who have made this request, can be taken to adequately represent the sentiments of that Bar, and consequently recommends that the relevant Rules be appropriately amended to incorporate the rule position on the lines of Rule 11 (e) applicable to Rohini Courts Lawyers Chamber.*

The matter was discussed with the members of the Allotment Committee, having regard letter and spirit of Rule 30 which vests the power of amendment of the Rules in the District Judge, to be exercised 'in consultation with the Allotment Committee'.

It was resolved that existing Rule 27 be amended so as to append the following proviso below the existing Rule:-

> *"provided that in case of death of an allottee, the Allotment Committee may in its discretion allot the chamber to his father/mother/son/daughter/spouse in his/her place, if applicant is otherwise found eligible as per above rules".*

Allotment Committee recommends to the District & Sessions Judge (South) to amend the Allotment Rules accordingly.

Submitted for confirmation.

Sd/-
(Ajay Singh Shekhawat)
ACJ-Member Secretary

Sd/-
(Karnail Singh)
Secretary, SBA-Member

Sd/-
(Vinod Sharma)
President, SBA-Member

Sd/-
(Yogesh Khanna)
ASJ-Member

Sd/-
(R.K. Gauba)
District & Sessions Judge (South)-Chairman