

MINUTES OF THE MEETING OF LAWYERS' CHAMBERS ALLOTMENT COMMITTEE HELD ON 15.10.2015 AT 04:15 P.M. IN CONFERENCE HALL, 3rd FLOOR, SAKET COURTS COMPLEX, NEW DELHI.

Coram:-

Ms. Anu Malhotra, District & Sessions Judge (South)	...Chairperson
Ms. R.Kiran Nath, District & Sessions Judge (South-East)	...Co-Chairperson
Mr. Rakesh Tewari, Spl. Judge (Electricity)	...Member/OIC
Mr. Pawan Singh Rajawat, Administrative Civil Judge (S)	...Member Secretary
Mr. Vinod Sharma, President, Saket Bar Association	...Member
Mr. Karnail Singh, Secretary, Saket Bar Association	...Member

An urgent meeting has been convened to discuss the issue with regard to W.P. (C) 9157/2015 titled Neelam Vs. Lawyers' Chambers Allotment Committee and Ors. pending before the Hon'ble High Court of Delhi.

I. W.P.(C) 9157/2015 titled Neelam Vs. Lawyers' Chambers Allotment Committee and Ors.

The petitioner Neelam has sought preferential allotment of chamber in the Saket Court Complex on the ground that she seeks to surrender her chamber at the Dwarka Court Complex and that the Saket Court Complex was not in existence at the time when she sought and was allotted a chamber at the Dwarka Court Complex on giving up her chamber at the Patiala House Court Complex qua which a submission was made that there were approximately 100 such cases pending and thus the list governs 100 cases.

The Members of the Committee are apprised of the order dated 08.10.2015 of the Hon'ble High Court of Delhi in W.P.(C) 9157/2015 titled Neelam Vs. Lawyers' Chambers Allotment Committee and Ors. whereby this office has been directed to attempt to have a General Policy applicable to all such persons whose cases are pending consideration before the next date of hearing i.e. 23.11.2015 and if not to file the counter affidavit within four weeks.

The matter was discussed at length. It is apprised to the Committee by the office that Ms. Neelam had applied for allotment of chamber on 04.06.2011 vide application No. 01858. It is also brought to the notice of the Committee that on scrutiny of the application of Ms. Neelam, it was found that she had a chamber at the Dwarka Court Complex and, hence, her name was included in the List of C-2 of Ineligible Applicants as per Rule 4(a)(iii) of the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010 for Initial Allotment which provides that :-

“The advocate should not have acquired, built or have been allotted a lawyers' chamber in any court complex in Delhi”.

It is further informed by the Office that scrutiny of the application by the Allotment Committee for allotment of chambers at the time of Initial Allotment found that the applicant had mentioned in column No. 5A of her

application as under:-

5A. Particulars of membership of New Delhi Bar Association

..... N/A.....

However, as per Rule 4(a)(i) of the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010 for Initial Allotment specifically speaks that:-

“The advocate must be enrolled with the Bar Council of Delhi and must be a member of the New Delhi Bar Association.”

It is further apprised by the office that pursuant to the decision taken in the meeting of Lawyers' Chambers Allotment Committee held on 24.05.2014, applications were called for “Subsequent Allotments” of Chambers in the Lawyers' Chambers Block of Saket Court Complex vide Notice issued on 26.05.2014.

It is also informed that Ms. Neelam had again applied for a chamber in the “Subsequent Allotment” vide application No.0062 on 04.07.2014.

The members of the Committee category considered the Rule 4(b) which lays down Subsequent Allotment as under:-

Rule 4

“b) In respect of subsequent allotments:- After the Saket Bar Association is formed:-

(i). The advocate must be enrolled with the Bar Council of Delhi and must be a member of the Saket Bar Association practicing at the Saket District Court; and

(ii). Such an advocate should not have acquired, built or have been allotted a lawyer's chamber in any court complex in Delhi.”

It is observed by the Committee that after receipt of applications for “Subsequent Allotments” it was resolved in the meeting of the Committee held on 23.09.2014 that the office shall first prepare a Master List reflecting all necessary information about each of the 856 (total number of applications received for Subsequent Allotments) applicants and shall compile the data in the Master List.

Pursuant thereto, the office prepared a list running into 162 sheets and pursuant to minutes of the meeting held on 11.11.2014 whereby it was resolved that the said Master List be uploaded on the Website of the Delhi District Courts and the Saket District Court in PDF format along with the notice for wide publicity/information to the applicants at large calling upon them to point-out errors, if any, in the particulars noted therein on or before 15.12.2014 (of the publication of notice).

It is also noticed by the Committee that in the meeting of the Committee held on 30.06.2015, all the representations received from 260 applicants were

allowed and the office was directed to make the fresh Master List after necessary correction sought by the applicants.

In the meeting of the Committee held on 05.08.2015 on consideration of the amended List prepared by the office it resolved to constitute a Sub-Committee comprising Mr. Pawan Singh Rajawat, Administrative Civil Judge/Member Secretary, Mr. Vinod Sharma, President Saket Bar Association and Mr. Karnail Singh, Hony. Secretary, Saket Bar Association to get the particulars/information furnished by the advocates submitting the application forms for Subsequent Allotment duly compiled by computerization in terms of the seniority of the Saket Bar Association (Regd.) in terms of Rule 6 of the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010 in the office of the Allotment Cell so as to prepare a detailed accurate database and to undertake the sorting of the data, under the overall control and supervision of Mr. Rakesh Tewari, Member/Officer In-Charge (LCAC), in the office of the Lawyers' Chambers Block. The Sub-Committee was asked to submit its report on or before 20.08.2015.

It was stated on behalf of the Saket Bar Association (Regd.) by the President and Hony. Secretary of the Saket Bar Association that they undertake that the seniority of the members of the Saket Bar Association, for allotment of chambers is dependent on the seniority in the Bar Council of Delhi and membership with the Saket Bar Association (Regd.).

The proposal of the President and Secretary, Saket Bar Association (Regd.) qua seniority of the Members of the Saket Bar Association (Regd.) for allotment of chambers as being dependent on seniority of Bar Council of Delhi and Membership of Saket Bar Association (Regd.) was accepted, subject to the eligibility conditions prescribed in the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010 being fulfilled by the applicants.

On the requests of Sub-Committee from time to time, the period for submission of report has been extended up to 20.10.2015.

Since the Process of "Subsequent Allotment" is going on and chambers are to be allotted as per the Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010 and each application has to be considered on facts and in accordance with rules; no General Policy can be made for the "Initial Allotments" as well as "Subsequent Allotments" and also applicant has a chamber at Dwarka Court, which has not been surrendered yet, it is unanimously resolved that parawise comments to the Writ Petition be prepared by the office for submission of the same before the Hon'ble Court of High Court of Delhi after getting approval of the same from the District & Sessions Judge (South).

Any other issue with the permission to the Chair:-

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

It is informed by the office that two representations have been received on 29.06.2015 from Mr. Paritosh Anil, Advocate, 2nd Allottee of Chamber No.701 and from Mr. Paras Ram Sharma, Advocate, 2nd Allottee of Chamber No.427 regarding mutual change of chambers. It is also informed that Mr. Jai Bhagwan Sharma, Allottee No.1 of Chamber No. 427 has also given his no objection to Mr. Paras Ram Sharma Allottee No. 2 of Chamber No. 427 is being transferred to Chamber No. 701 and Mr. Paritosh Anil, Advocate, 2nd Allottee of Chamber No.701 being transferred in Chamber No.427.

Since Mr. Praveen Kumar Allottee No.1 of Chamber No.701 had not given any preference in respect of co-allottee in response to the offer of allotment vide Notice No. LCAC/Saket/2012/190/12210 - 12228 dated 22nd August 2012 at the time of allotment, it is unanimously decided to follow the past practice and to allow the change.

On the basis of the above decisions **List E-22** is finalized. The same be published as per past practice. The office to take all necessary follow-up action.

Meeting ended with vote of thanks.

Submitted for confirmation.

Sd/-

(Pawan Singh Rajawat)
Administrative Civil Judge-Member Secretary

Sd/-
(Karnail Singh)
Secretary, Saket Bar Association-Member

Sd/-
(Vinod Sharma)
President, Saket Bar Association-Member

Sd/-
(Rakesh Tewari)
Spl. Judge (Electricity)-Member/Officer In-Charge

Sd/-
(Ms. R.Kiran Nath)
District & Sessions Judge (South-East) - Co-Chairperson

Sd/-
(Anu Malhotra)

District & Sessions Judge (South) -Chairperson