

MINUTES OF THE MEETING OF THE LAWYER'S CHAMBERS ALLOTMENT COMMITTEE, SAKET COURTS HELD ON 22.02.2017 IN THE CONFERENCE HALL, 3rd FLOOR, SAKET COURT COMPLEX, NEW DELHI.

In Chair:- Ms. Asha Menon, District & Sessions Judge
(South) /Chairperson
Ms. Poonam A. Bamba District & Sessions Judge (SE) /
Co-Chairperson

Quorum:- Ms. Madhu Jain, PO (MACT)/Member/Officer In-Charge
Mr. Samar Vishal, Administrative Civil Judge (South)/Member
Secretary
Mr. Harjyot Singh Bhalla Administrative Civil Judge (South-East)/
Member
Mr. Rajpal Kasana, President, Saket Bar Association/Member
Mr. Vipin Chowdhary, Secretary, Saket Bar Association/Member

I.Allotment of four (04) Slots against surrender of four (04) Slots by the Allottees in the process of Initial Allotment:-

As per the status worked out and considered in the meeting of the Allotment Committee held on 29.09.2016 it was resolved that the details of appearance as per serial No.19 of the approved application form received from the Hon'ble High Court of Delhi vide letter dated 10.12.2010 be called from the four short listed applicants namely Mr. Bishnu Prasad Tiwari, NDBA No.3778, Mr. Rohitash, NDBA No.3779, Mr. Tejaswi Kumar Pardhan, NDBA No.3786 and Mr. Yogesh Baisoya, NDBA No.3787 for allotment of chamber on double occupancy basis in view of the surrender of four (04) slots. The said details were to be submitted positively by 14.10.2016.

In response, Mr. Rohitash submitted a representation requesting for extension of time for three weeks to file the copies of appearances as per requirement for allotment of chamber.

The said representation of Mr. Rohitash was considered by the Allotment Committee in its meeting held on 23.01.2017 and 10 days time was granted for filing of certified copies of appearances from the date of receipt of letter issued by the office.

In the meeting of 23.01.2017, it was also resolved that the application of next applicant Mr. Avinash Nandan Sharma, NDBA No.3795 as per the NDBA Seniority List be considered on standby and it was resolved that 10 days time be granted to Mr. Avinash Nandan Sharma to submit certified copies of the appearances of the year, 2009

& 2010 as per serial No.19 of the application form from the date of receipt of letter issued by the office.

In the said meeting, the Committee was also of the view that another application of Mr. Ankur Aggarwal, NDBA No.3797 as per Seniority List of NDBA be also considered on standby and it was resolved that he was also granted 10 days time to submit certified copies of the appearances of the year 2009 & 2010 as per serial No.19 of the application form from the date of receipt of letter issued by the office.

Both applications were subject to the conditions that in case any of the above mentioned applicants did not fulfill the conditions as per the rules for allotment of chamber, the applications would be considered subject to fulfillment of all other conditions.

The Allotment Committee considered the aforesaid applications for allotment of chamber:-

(i). Representation of Mr. Bishnu Prasad Tiwari (NDBA No.3778):-

It is observed by the Committee that Mr. Bishnu Prasad Tiwari (NDBA No.3778) had submitted a letter dated 26.12.2016 along with certified copies of cases/appearances with the request to consider his application for allotment of chamber.

The office has also submitted another representation dated 14.02.2017 of Mr. Bishnu Prasad Tiwari whereby he has requested to give him more time to file certified copies as he has applied for certified copies.

The matter has been discussed and the Members of the Committee are of the unanimous view that the representation of Mr. Bishnu Prasad Tiwari with regard to extension of time cannot be allowed as he has already been given sufficient time as he was informed to file certified copies vide letter dated 07.10.2016 and in response he has submitted certified copies vide letter dated 26.12.2016, hence his representation dated 14.02.2017 for extension of time is rejected.

The Committee also scrutinized the certified copies of cases/appearances submitted by him vide letter dated 26.12.2016 and it was found there is only one appearance of the year 2010. Since Mr. Bishnu Prasad Tiwari (NDBA No.3778) has not

fulfilled the eligibility criteria for allotment of chamber, the Members of the Committee unanimously resolved that his application be rejected and so his name stands excluded from fray of allotment and shown in **List C-2 (Supplementary -"H")**.

(ii). Representation of Mr. Rohitash (NDBA No. 3779):-

It is observed by the Committee that Mr. Rohitash (NDBA No.3779) has submitted a representation dated 14.10.2016 (received in this office on 15.10.2016) to provide a copy of letter issued by this office and requested that time for filling of certified copies may kindly be extended for a period of three weeks. He has also submitted a letter dated 21.10.2016 along with certified copies of appearances with the request to take on record the same and allot chamber.

As per decision taken in the meeting of Allotment Committee held on 23.01.2017, he was given ten days time for furnishing the certified copies of appearances as per serial No.19 of the approved application form from the date of receipt of letter issued by this office.

In response thereto, a letter dated 09.02.2017 was submitted by Mr. Rohitash along with one more certified copy of final report and he requested that he will submit some more copies as soon as are made available to him from the Court.

On scrutiny of the certified copies of cases/appearances submitted by him vide letters dated 14.10.2016 and 09.02.2017, it was found there are five cases in which his appearance was marked as main counsel. It is also confirmed by the President and Hony. Secretary of the Saket Bar Association that Mr. Rohitash has been practicing in the year 2009 at Patiala House Courts and is still an active member of the SBA.

With regard to his representation for extension of time, it is unanimously resolved by the Committee that there is no occasion to extend time furthermore.

Since the applicant has submitted his appearances and also the President and Hony. Secretary, Saket Bar Association has confirmed that Mr. Rohitash is still a practicing lawyer in this Court Complex, the Members of the Committee are of the unanimous view that his application for allotment on the double occupancy basis be allowed as per rules.

(iii). Representation of Mr. Tejaswi Kr. Pradhan (NDBA No.3786):-

It is informed by the office that Mr. Tejaswi Kumar Pradhan has not submitted any appearance as the letter sent to him by speed post and through Process Server were received back with the remarks "No such person was found" and "the premises was found locked".

Since Mr. Tejaswi Kr. Pradhan (NDBA No.3786) has not fulfilled the eligibility criteria for allotment of chamber, the Members of the Committee unanimously resolved that his application be rejected and so his name stands excluded from fray of allotment and shown in **List C-2 (Supplementary -"H")**.

(iv). Representation of Mr. Yogesh Baisoya (NDBA No.3787):-

It is observed by the Committee that Mr. Yogesh Baisoya (NDBA No.3787) has submitted a representation dated 13.10.2016 along with certified copies of appearances with the request to take on record the same and allot chamber.

On scrutiny of the certified copies of cases/appearances submitted by him vide letters dated 13.10.2016, it was found there are four cases in which his appearance was marked as main counsel. It is also confirmed by the President and Hony. Secretary of the Saket Bar Association that Mr. Yogesh Baisoya has been practicing in the year 2009 at Patiala House Courts.

Since the applicant has submitted his appearances and also the President and Hony. Secretary, Saket Bar Association have confirmed that Mr. Yogesh Baisoya (NDBA No.3787) is still a practicing lawyer in this Court Complex, the Members of the Committee are of the unanimous view that his application for allotment on the double occupancy basis be allowed as per rules.

(v). Consideration of allotment of Chamber to Mr. Avinash Nandan Sharma, NDBA No.3795:-

It is observed by the Committee that in the meeting held on 23.01.2017, the office had put up the next application of Mr. Avinash Nandan Sharma, NDBA No.3795 as per the NDBA seniority list in case any pending application was not considered for

allotment and it was resolved that 10 days time be granted to Mr. Avinash Nandan Sharma to submit certified copies of the appearances of the year 2009 & 2010 as per serial No.19 of the approved application form from the date of receipt of letter issued by this office.

It is informed by the Office that letter was sent through speed post to Mr. Avinash Nandan Sharma, and as per report collected from the computer, the same has been delivered to him on 31.01.2017, but there has been no submission of any document/certified copies.

Furthermore, the letter sent through Process Server has been received back with the report that he has left the house as stated by his landlord.

Since Mr. Avinash Nandan Sharma, NDBA No.3795 has not fulfilled the eligibility criteria for allotment of chamber, the Members of the Committee unanimously resolved that his application be rejected and so his name stands excluded from the fray of allotment and shown in **List C-2 (Supplementary -"H")**.

(vi). Consideration of allotment of Chamber to Mr. Ankur Aggarwal, NDBA Seniority No.3797:-

It is observed by the Committee that in the meeting held on 23.01.2017 similarly, the Committee had also asked the office to put up the name of Mr. Ankur Aggarwal, NDBA Seniority No.3797 as per seniority list of NDBA and he was also granted 10 days time to submit certified copies of the appearance of the year 2009 & 2010 as per serial No.19 of the approved application form from the date of receipt of letter issued by this office subject to the conditions that in case any of the above mentioned applicant does not fulfill the conditions as per the rules for allotment chamber, the application of Mr. Ankur Aggarwal would be considered subject to fulfillment of all other conditions.

In response, Mr. Ankur Aggarwal, NDBA No.3797 has submitted a letter dated 08.02.2017 requesting for grant of 30 days time for filing certified copies.

He has again submitted another letter dated 10.02.2017 along with certified copies of cases and enclosed photocopies of the receipts showing that he had applied for certified copies and requested that he would submit the same as and when received

by him.

He has also submitted another letter dated 14.02.2017 along with two photocopies of the receipts showing that he had applied for certified copies and requested that he would submit the same as and when the same are made available to him by Copying Agency.

The matter has been discussed and the Members of the Committee are of the unanimous view that the representations of Mr. Ankur Aggarwal, with regard to extension of time cannot be allowed as he has already been given sufficient time as he has received the letter issued by this office for filing of certified copies on 31.01.2017 by speed post and 03.02.2017 sent through Process Server. In response, he has submitted certified copies vide letter dated 10.02.2017, hence his representations dated 08.02.2017 and 14.02.2017 for extension of time are rejected.

On scrutiny of the certified copies of cases/appearances submitted by him vide letter dated 10.02.2017, it was found that there are four cases in which his appearance was marked as main counsel. It is also confirmed by the President and Hony. Secretary of the Saket Bar Association that Mr. Ankur Aggarwal has been practicing in the year 2009 at Patiala House Courts.

Since the applicant has submitted his appearance and also the President and Hony. Secretary, Saket Bar Association have confirmed that Mr. Ankur Aggarwal, NDBA No. 3797 is still a practicing lawyer in this Court Complex, the Members of the Committee are of the unanimous view that his application for allotment on double occupancy basis be allowed as per rules.

On the basis of above decision, **List D-18** containing **three (03)** names i.e. Mr. Rohitash (NDBA No. 3779), Mr. Yogesh Baisoya (NDBA No.3787) and Mr. Ankur Aggarwal (NDBA No.3797) is finalised and the list **C-2 (Supplementary-H)** is also finalized

Following the procedure adopted earlier, it was resolved that **List D-18** 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 20.03.2017:-**

(i). The applicants included in **List D-18** 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-18**, in terms of the Allotment Rules to the District Judge (New Delhi) **on or before 20.03.2017** 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 Patiala 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 20.03.2017** 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-18**, 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. 20.03.2017 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-18**, 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-18** and **List C-2 (Supplementary-"H")** as per past practice.

In view of the above decision, it is observed by the Committee that one slot on double occupancy basis is now available for allotment. It was accordingly resolved that for saving time, the next three applicants namely Ms. Budhimati Jha, NDBA No. 3806, Mr. Chander Parkash, NDBA No.3809 and Mr. Vijay Pal, NDBA No. 3811 in the Seniority List be asked to submit all requisite documents as per serial No.19 of the approved application form within 10 days from the date of receipt of letter issued by the office subject to the further conditions that in case the applicant Ms. Budhimati Jha does not fulfill the conditions as per the rules for allotment of chamber, the application of Mr. Chander Parkash shall be considered subject to fulfillment of all other conditions. In case Mr. Chander Parkash does not fulfill the conditions as per the rules for allotment of chamber, the application of Mr. Vijay Pal shall be considered subject to fulfillment of all other conditions.

Office is directed to send letters to the abovesaid three applicants as per seniority list of NDBA to submit certified copies of the appearances of the year 2009 & 2010 as per serial No.19 of the approved application form within 10 days from the date of receipt of letter issued by this office.

II.Non-payment of dues:-

Office has put up a list of 536 allottees (**Annexure-"A"**) which reflects that there are several defaulters and period of non-payment is more than two years to a few

months. There are many defaulters, who have also been previously served with notice for non-payment of dues.

Members of the Committee unanimously resolved that copy of such list be supplied to the Hony. Secretary, Saket Bar Association with the request to circulate/affix the said list at the Notice Board of the Lawyers' Chambers Block and ask all the defaulters to make up-to-date payment till 31.03.2017. Failure to deposit the dues may entail cancellation of the allotment of the chamber.

It is also unanimously resolved that in future, if any allottee fails to make payment for more than six months, his allotment would stand cancelled automatically without any further notice.

It is further resolved that the office will explore the possibility of payment through ECS or RGTS.

III.Process of Subsequent Allotment (General Category):-

It is observed by the Committee that this office has received 857 application forms for the allotment on double occupancy basis till 30.08.2014. Out of which, it is informed by the office that one S.No. 477 was left blank. It is further informed that one applicant namely Mr. Raj Singh at S.No.34 has withdrawn his application vide representation dated 28.02.2015 and same has been allowed. The list was published vide minutes of meeting held on 11.11.2014 and the applicants were asked to remove the deficiencies till 15.12.2014.

The Sub-Committee constituted vide minutes of meeting dated 04.01.2016 thus scrutinized 855 application forms and submitted a list of 183 applicants in whose applications deficiencies were found despite the opportunity given to them till 15.12.2014.

It is unanimously resolved that at present no adverse action will be taken in respect of 183 applications in which deficiencies have been found in order to facilitate further scrutiny. The President and Hony. Secretary, Saket Bar Association are requested to verify the particulars of all the 855 applicants. Copy of list be supplied to the Hony. Secretary, Saket Bar Association. The Committee unanimously resolved that once the verification list is submitted by the SBA, the applicants whose applications

were found deficient as per list in Annexure “B” submitted by the Sub-Committee, will be given 10 days time thereafter to remove the deficiencies and the SBA will give adequate notice to this effect to the Saket Bar Members. They will also inform vide the same notice as to the number of allotments available.

The Committee also resolved that final list drawn up on the basis of the verification as given by the SBA will be considered as the Seniority List for all time.

It is also unanimously resolved that certain representations with regard allotment of chamber, removal of deficiencies, cancellation of chamber etc. will be kept pending for decision in future.

IV. Allotment of Common Halls:-

Letter dated 01.02.2017 of Hony. Secretary, SBA for allotment of halls situated at 02nd Floor, 05th Floor and 08th Floor is considered by the Committee.

It is informed by the Office that there are two halls each on the 05th Floor and on the 08th Floor. It is further informed that halls available on the 02nd Floor are earmarked for Creche & Consultation Room and hence cannot be allotted.

The Committee after discussion feels that these halls can be used to support the young lawyers with practice upto 10 years, who are also Members of the Saket Bar Association, as on today, by providing Workstations. The Members of the Committee are of the unanimous view that the matter be placed before the Hon'ble Building Maintenance & Construction Committee (Saket Court) for approval and guidance in respect of whether the workstations should be constructed by the Court Administration or by the SBA. The allotment of the workstations will also be by the Lawyers' Chambers Allotment Committee on terms as advised by the Hon'ble BMCC.

In order to clarify the basis of drawing up of the Seniority List, the Committee feels that Seniority List should be drawn on the basis of the Membership of the Saket Bar Association and in case of a tie, the date of enrollment with Bar Council of Delhi will be considered for the allotment in the abovesaid halls.

Additional Agenda with permission of the Chair:-

I. Store Room in front of Chamber No.245.

The President and Hony. Secretary, Saket Bar Association have been apprised about the letter of Mr. S.P. Pandey, whereby he has asked to take legal action against

Mr. Mahesh Chand Sharma, who has illegally occupied the Store Room adjacent to Chamber No.245.

It is unanimously resolved that PWD be asked to put their lock with seal on the Store Room adjacent to Chamber No. 245. PWD shall submit a report with dated photographs of the action taken by them and shall also keep proper vigil of the Lawyers' Chambers Block to avoid such situations in the future.

II.Licence Fee of Chambers:-

Office is directed to collect the details of Licence Fee being paid in Dwarka Court Complex, Rohini Court Complex, Karkardooma Court Complex as well as from the Hon'ble Supreme Court of India and Hon'ble Delhi High Court along with the rate of maintenance being paid, to enable an early decision on the Licence Fee payable for chambers at the Saket Court Complex.

III.Basement Parking:-

Hony. Secretary of the Saket Bar Association has raised the issue of parking problem and requested to allow the parking in the second basement.

It is resolved that the matter be referred to the BMC and Security Committee for further discussion on the issue.

The meeting ended with vote of thanks.

Submitted for confirmation

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(Samar Vishal)

Administrative Civil Judge (South)/
Member Secretary

Mr. Vipin Chaudhary, Secretary, Saket Bar Association/Member ---sd---

Mr. Rajpal Kasana, President, Saket Bar Association/Member ---sd---

Mr. Harjyot Singh Bhalla Administrative Civil Judge (South-East)/Member -sd-

Ms. Madhu Jain, PO (MACT)/Member/Officer In-Charge ---sd---

Ms. Poonam A. Bamba District & Sessions Judge (SE) /Co-Chairperson --sd--

Ms. Asha Menon, District & Sessions Judge (South) /Chairperson ---sd---