

COPY OF MINUTES OF THE MEETING OF LAWYER'S CHAMBERS ALLOTMENT COMMITTEE, SAKET COURTS HELD ON 03.09.2024 AT 04.00 PM IN THE CONFERENCE HALL, 3rd FLOOR, SAKET COURT COMPLEX, NEW DELHI.

In Chair:-

Ms. Madhu Jain, Pr. District & Sessions Judge (South) /Chairperson

Sh. Rajneesh Kumar Gupta, Pr. District & Sessions Judge (South-East)/Co-Chairperson

Quorum:-

Sh. Gurvinder Pal Singh, Principal Judge (Family Court)(SE)/Officer In-Charge

Sh. Devendra Kumar Sharma, Addl. Sessions Judge (POCSO)/Member

Sh. Pooran Chand, Addl. Sessions Judge (South-East)/Member

Sh. Lovleen, Addl. Sessions Judge (South-East)/Member

Sh. Purshotam Pathak, Addl. Sessions Judge (South)/Member

Sh. Paras Dalal, Administrative Civil Judge (South)/Member Secretary

Ms. Naina Gupta, Administrative Civil Judge (South-East)/Member

Sh. Vinod Sharma, President, Saket Bar Association/Member

Sh. Vipin Chaudhary, Hony. Secretary, Saket Bar Association/Member

1. Agenda:-

I a) Representations dated 18.07.2023 & 20.03.2024 received from Sh. Abdus Samad 2nd allottee of Chamber no. 243 for change of Chamber to 2nd slot of Chamber no. 370 alongwith NOC of allottee of 1st slot in said Chamber mentioned on letter dated . 20.03.2024 itself.

b) Another representation dated 04.06.2024 on the same subject and order dated 28.05.2024 of Hon'ble High Court received from Sh. Abdus Samad.

II) Request dated 01.04.2024 of Sh. Shakeel Ahmad, 2nd allottee of Chamber no. 635 for change of Chamber to 2nd slot of Chamber no. 370. No NOC/ consent of allottee of 1st slot has been enclosed.

In cons.: Order dated 22.08.2024 passed in Writ Petition (Civil) No. 11236/2024 and CM Nos. 46495/ 2024 titled as Abdus Samad & Anr. Vs. Pr. D&SJ(S).

Minutes:-

The office has placed before this Committee order dated 22.08.2024 passed in Writ Petition (Civil) No. 11236/2024 and CM Nos. 46495/ 2024 titled as Abdus Samad & Anr. Vs. Pr. D&SJ(S).

Vide said order Hon'ble High Court directed that both sides should appear before the Lawyers' Chamber Allotment Committee on 31st August, 2024, wherein the proposals of both sides can be considered, without prejudice to their rights and contentions.

The Meeting of Committee could not be held on 31st August, 2024 as the Ld. Chairperson was nominated to attend two days National Conference on District Judiciary at Bharat Mandapam, Mathura Road, New Delhi on 31st August and 01st September, 2024.

The Meeting of the Committee also could not be held on 02.09.2024 as Co-Chairperson of the Committee was not available being out of station.

The Meeting held today i.e. 03.09.2024 and directions of the Hon'ble High Court has

been placed by the Office before the Committee.

Pursuant to the directions of the Hon'ble High Court the concerned/petitioners as well as respondent no. 2 in Writ Petition are invited in the meeting for their submissions.

Submissions of Sh. Abdus Samad, Advocate:-

Sh. Abdus Samad, Advocate submitted that he is 2nd allottee of Chamber no. 243 and has good relation with Sh. Matloob Alam, the 1st allottee of Chamber No.370. They also share good understanding as he refer Civil Cases to Sh. Matloob Alam and he refer Criminal Cases to him. He also submitted that said Chamber No.370 is partitioned in two separate cabins having single entry from outside.

However, President, SBA intervened and informed that both the cabins/partitions have their separate lockable doors.

He further submitted that he moved an application on 18.07.2023 informing that the allottee of 2nd Slot in Chamber No. 370, Sh. Juber Ahmad Khan, Advocate has expired, while intended to be allotted the said slot of Chamber No.370. He also enclosed the NOC given by the Co-Allottee of Chamber No.370, Sh. Matloob Alam. However the chamber was not declared as vacant at the time of his representation and the vacancy of chamber was taken on record by the Office vide order dated 28.02.2024 and Committee taken up matter in the meeting held on 04.04.2024 after the vacancy of said slot of chamber on 28.02.2024. But the matter was deferred due to paucity of time on that day. Aggrieved with the decision of Committee he preferred a Writ Petition in the Hon'ble High Court with Sh. Matloob Alam on 23.05.2024 which decided on 28.05.2024 with directions to hear his representation in the next meeting of LCAC.

It is also submitted that his matter was referred to the Sub-Committee vide minutes of meeting dated 01.06.2024. The Sub-Committee recommended to decline his representation and same was accepted by the LCAC in the meeting held on 30.07.2024.

It is further submitted that he again moved the present Writ Petition jointly with Sh. Matloob Alam and as per the direction of Hon'ble High Court, Sh. Shakeel Ahmad has been included as one of the respondents in the said Writ Petition. Vide order dated 22.08.2024, Hon'ble High Court directed that both sides should appear before the Lawyers' Chamber Allotment Committee on 31st August, 2024, wherein the proposals of both sides can be considered, without prejudice to their rights and contentions.

In the last he requested that since he has good relation with Sh. Matloob Alam and being Co-Allottee Sh. Matloob Alam has issued NOC in his favour, he may be allotted vacant slot of Chamber No.370 or they both may be allotted any other chamber jointly.

Submissions of Sh. Matloob Alam, Advocate:-

Sh. Matloob Alam submitted that he has been allotted Chamber No.370 with Sh. Juber Ahmad Khan and he renovated/partitioned the chamber with him. He further submitted that it was he who incurred all the expenditure on the renovation of the chamber and he never demanded the money from Sh. Juber Ahmad Khan. He further submitted that he has given NOC/consent/preference to Sh. Abdus Samad with a rider that he will pay **50% payment** incurred on renovation of said chamber to the LRs of Sh. Juber Ahmad Khan for which Sh. Abdus Samad is ready to pay. He also submitted he has good relation with Sh. Abdus Samad and he is not comfortable with Sh. Shakeel Ahmad.

Submissions of Sh. Shakeel Ahmad, Advocate:-

Sh. Shakeel Ahmad submitted that he is allottee of chamber No.635 and was associated with Sh. Juber Ahmad Khan (since deceased), the earlier allottee of Chamber No.370 and was practising with him alongwith other lawyers namely Ms. Sana Khan and Sh. Haider, from Chamber No.370.

After the death of Sh. Juber Ahmad Khan, Advocate, he moved application for change of chamber from 635 to 370 as the chamber No.370 was his identity and he was practicing from that chamber since long time.

He further submitted that the other reason for change of chamber from 6th floor to 3rd floor is his medical issues and in support thereof, he submitted medical documents alongwith his representation, simultaneously he is senior to Sh. Abdus Ahmad, hence he may be given preference.

He also submitted that he moved application for change of chamber from 6th to 3rd floor whereas Sh. Abdus Ahmad is requesting for change of chamber from 2nd to 3rd Floor which is also not justified. He also share cordial relation with Sh. Matloob Alam.

Qua NOC given by co-allottee Sh. Matloob Alam, it is submitted by Sh. Shakeel Ahmad that since the chamber No.370 is already partitioned and having two separate cabins, there is no need of NOC from Co-Allottee. He further submitted that being associated with earlier Co-allottee Late Sh. Juber Ahmad Khan, he also incurred money for furniture/AC etc. which is installed till today in chamber No.370.

Observation of the Committee:-

It is observed by the Committee that vide Minutes of Meeting dated 30.07.2024, the Committee unanimously resolved to decline the request of Sh. Abdus Samad, Advocate for change of chamber from 1st slot in chamber no. 243 to 2nd slot in Chamber No. 370 and the request dated 01.04.2024 of Sh. Shakeel Ahmad, Advocate/ allottee of 2nd slot in chamber

no. 635 for change of chamber to said slot was allowed.

The application of Sh. Abdus Samad, Advocate for change of chamber was received on 28.07.2023, when the requested chamber was not available for allotment as its vacancy process was not commenced. In his application, the applicant had informed that the allottee of 2nd Slot in Chamber No. 370, Sh. Juber Ahmad Khan, Advocate has expired.

Prior to application received from Sh. Abdus Samad, Advocate, no intimation has been received by the office qua death of said allottee of 2nd Slot in Chamber No.370.

The office in its action proceeded to take possession of said slot of Chamber No.370, which is received on 28.02.2024 after due process. Thereafter, the matter was taken up in the immediate next meeting held on 04.04.2024 and the matter was deferred on that day due to paucity of time.

The request of Sh. Shakeel Ahmad, Advocate was received in the office on 03.04.2024 at 16:38 PM when agenda for 04.04.2024 was already prepared and circulated, hence his application was taken up in the next meeting of LCAC i.e. on 01.06.2024.

In the minutes of meeting dated 01.06.2024, the matter was referred to the Sub-Committee.

The Sub-Committee considered the fact in the meeting dated 19.07.2024 that Sh. Shakeel Ahmad, Advocate, D/126A/2001 is senior in profession than Sh. Abdus Samad, Advocate, D/2260/2006. Simultaneously, his request is on medical grounds and has expressed his willingness to shift on lower floor i.e. in chamber no. 370.

The Committee considered the above observation of the Sub-Committee in the minutes of Meeting dated 30.07.2024; and since, Chamber no. 370 is already partitioned in two, the Committee considered it viable to allot the 2nd slot in chamber no. 370 on merits. Accordingly, request of Sh. Shakeel Ahmad Advocate/Allottee of 2nd slot in Chamber No. 635 was acceded to and the said slot of chamber No.370 was allotted to him.

After hearing all the representationists, the Committee came to the conclusion that it is clear that there is some financial aspects involved in giving NOC by Sh. Matloob Alam to Sh. Abdus Samad and Committee does not encourage any such practice.

For the sake of repetition, it may be mentioned that though the application for change of chamber from Sh. Abdus Samad was received in July 2023 but at that time there was no vacancy in that chamber on office record, hence his application was kept pending. It was only on his application on which action was initiated and vacancy of chamber was taken on record in February, 2024.

On 03.04.2024, the application of Sh. Shakeel Ahmad was also received in Office but it was not taken up in agenda on 04.04.2024 as agenda was already prepared and, therefore, both applications were taken up in the meeting on 01.06.2024. Thus to say that Abdus Samad had made representation about eight (08) months before Shakeel Ahmad and should be considered, is not justifiable as on the date when he had made representation, the vacancy of chamber was not notified and it was notified only in February, 2024. Also Sh. Shakeel Ahmad, Advocate is senior in professions than Sh. Abdus Samad and, therefore, being senior, he is entitled for the change of chamber. Not only that, Sh. Shakeel Ahmad also made representation on medical ground and he also enclosed medical documents.

Further, Shakeel Ahmad sought change from 6th to 3rd Floor whereas Abdus Samad made representation for change of chamber from 2nd to 3rd Floor. The chamber is already partitioned and both the cabins/partitions have their separate lockable doors, therefore, NOC of Matloob Alam has no consequences/relevancy.

Hence Committee does not find any merit in the submissions made by Sh. Abdus Samad and Sh. Matloob Alam, thus unanimously resolved not to alter/interfere in the resolution of the Committee taken on 30.07.2024.

Copy of these minutes be communicated to the Standing Counsel representing this Department before the Hon'ble High Court in the abovesaid Writ Petition.

2. Agenda:-

Matter received from Genl. Branch regarding complaint against Sh. Rakesh Sherawat, Advocate of holding two chambers.

Minutes:-

It is observed by the Committee that two complaints were received intimating that Sh. Rakesh Sherawat, Advocate is holding two chambers/ slots in his name, one in Saket Court Complex & another in the Lawyers' Block of the Complex of Hon'ble High Court of Delhi, which was confirmed with the records of office & letter dated 26.04.2024 of Hon'ble High Court of Delhi.

It is apprised to the Committee that Chamber No.155 (on Single Occupancy basis) was allotted to Sh. Rakesh Sherawat, Advocate vide minutes of Meeting dated 03.12.2011. Subsequently he surrendered his chamber in Patiala House Court Complex and took possession of said chamber on 21.04.2012.

It is observed by the Committee that vide order dated 10.02.2017 of the Hon'ble High Court of Delhi in the writ petition (Civil) no. 8106/2010 titled as P.K.Dash, Advocate & Ors. Vs. Bar Council of Delhi & Ors., the Lawyers have been restricted to have only one chamber/ slot in either of the court complexes in Delhi including the complex of Hon'ble High Court of Delhi.

In respect of above, it is noticed that the application of rule “one advocate one chamber” in any of the court complex (including complex of Hon’ble High Court of Delhi) in NCT of Delhi was not in force at the time of allotment of chamber no. 155 in favour of advocate herein. However, Hon’ble High Court in it’s judgement/ order dated 31.05.2016 observed it reasonable that a lawyer/ advocate has only one chamber in either of court complexes in Delhi. Adopting the said principal, the Hon’ble Court vide order dated 10.02.2017 restrained allotment of chamber to any lawyer, who is having chamber(s) in other court complex(es) unless he/she opts to surrender the chamber(s) he/ she holds.

On receipt of complaint dated 20.02.2024 of Sh. Suresh Kumar, the General Branch, vide it’s letter dated 06.03.2024 sought comments of Sh. Rakesh Sherawat, Advocate, in the matter. Simultaneously, a complaint dated 24.02.2024 of Sh. Sona Singh, Advocate was also received through letter dated 12.03.2024 of Hon'ble High Court. Instead of reply to office's letter, he preferred writ petition; and in compliance of directions of Hon’ble High Court, he submitted reply dated 20.07.2024.

In his reply, he submitted that he didn’t apply for allotment of chamber in the Complex of Hon’ble High Court, though he was included as joint allottee with his father Sh. B.S. Sherawat, Advocate (since deceased), in half share of Chamber No. 171, Block II of Lawyers’ Chamber Block in said Complex, owing to deteriorating health condition of his father, vide letter dated 23.09.2009 of Hon'ble High Court. His father stated to had suffered with sudden paralytic attack. Consequently, he lost his ability to communicate effectively with authorities like BSES and Hon’ble High Court in the matters relating to his allotted chamber/ slot in said complex.

Chamber no. 155 (Single Occupancy) in this Court Complex stated to has been secured on surrender of chamber no. 161 at Patiala House Court Complex, in the year 2011.

Further, the Advocate submitted that the half share in chamber no. 171, Block II, Lawyers’ Block in the complex of Hon’ble High Court of Delhi is being held jointly by himself and his nephew Sh. Sheen Sherawat, Advocate after the death of his father Sh. B.S. Sherawat, Advocate, as per the approval of Hon’ble High Court of Delhi vide it’s letter dated 08.04.2019 and he intended to surrender his share in said chamber in the name of his nephew Sh. Sheen Sherawat, Advocate. His request dated 22.03.2024 in this regard was stated to be pending consideration before the relevant authority in Hon’ble High Court of Delhi.

As per the resolution of LCAC in it’s meeting dated 30.07.2024, a letter was written to Hon’ble High Court of Delhi for communicating fact of his request for surrender of his share in chamber no. 171 of Delhi High Court Complex.

In response, Hon'ble High Court of Delhi vide letter dated 28.08.2024 informed that his request dated 22.03.2024 for surrender of chamber has been acceded to.

The matter has been considered by the Committee and observations of the Committee are as under:-

1. Sh. Rakesh Sherawat did not make any misrepresentation before the Lawyers Chambers Allotment Committee in the year 2011 as he surrendered his chamber at Patiala House Courts and obtained chamber in Saket Court Complex;
2. As per the order dated 10.02.2017 by the Hon'ble High Court of Delhi in the writ petition (Civil) no. 8106/2010 titled as P.K.Dash, Advocate & Ors. Vs. Bar Council of Delhi & Ors., Lawyers have been restricted to have only one chamber/ slot in either of the Court Complexes in Delhi including the Complex of Hon'ble High Court of Delhi, therefore, rule "one advocate one chamber" in any of the Court Complex (including complex of Hon'ble High Court of Delhi) in NCT of Delhi was not in force at the time of allotment of chamber no. 155 in favour of Sh. Rakesh Sherawat on 03.12.2011;
3. Sh. Rakesh Sherawat was included as joint allottee with his father Sh. B.S. Sherawat, Advocate (since deceased), in half share of Chamber No. 171, Block II of Lawyers' Chamber Block in said Complex, owing to deteriorating health condition of his father; and
4. Hon'ble High Court of Delhi vide letter dated 28.08.2024 informed that the request dated 22.03.2024 of Sh. Rakesh Sherawat for surrender of chamber has been acceded to and said slot has been transferred in the name of his nephew.

Now since, he has only one chamber in his name i.e. in the Saket Court Complex, therefore, no further action is required/survives and complaint dated 20.02.2024 of Sh. Suresh Kumar and complaint dated 24.02.2024 of Sh. Sona Singh have been unanimously filed.

Meeting ended with vote of thanks to the Chair.

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