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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6037/2018

**NCLT BAR ASSOCIATION THR ITS
SECRETARY GENERAL**

..... Petitioner

Through: Mr.P. Nagesh, Sr. Adv. & Mr.Jayant
Mehta, Sr. Adv. with Mr.Saurabh
Kalial, Ms.Mahima Aggarwal, Mr.
Shikhil Suri, Mr.Shivam Wadhwa,
Mr.Rakesh Kumar & Mr.Lav
Dhawan, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms.Bharathi Raju, Senior Panel
Counsel for UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **22.04.2022**

CM APPL. 15532/2022 in W.P.(C) 6037/2018

1. On 17.09.2019, while appreciating the problems being faced by the petitioner/Bar Association of the Advocates practicing in the NCLT, this Court had taken note of the fact that the NCLT was operating on the sixth, seventh and eighth floors of the building in question, wherein, other institutions were operating on the ground, first and second floors. This Court had observed that rather than providing space admeasuring 11,860 square feet at the first floor of Block No. 12, CGO Complex, Lodhi Road, for setting up two additional Benches of the NCLT, the space on the ground, first and second floor of the same building could be made available to NCLT and instead, the space of 11,860 square feet could be allocated to other

Government departments.

2. After the passing of this Order, an affidavit was filed by Mr. G.P. Sarkar, Deputy Director of Estates in the Ministry of Housing and Urban Affairs, disclosing that the Ministry of New and Renewable Energy was constructing its own building, which would be completed by October 2020 and, as such, the first floor of Block B-3, that is, the building in which the NCLT is currently housed, would be vacated by December 2020.

3. Ms Raju submits that the Ministry of New and Renewable Energy vacated the first floor of the said building where the NCLT is housed, and the same has been allocated to other Ministries. This action of the Director of Estates appears to be incomplete disregard of the Order passed by this Court on 17.09.2019. There appears to be absolutely no application of mind to either the problems being faced by the Advocates practicing in the NCLT, or even the litigants. The authorities do not appear to have given due consideration to our order and no reasons have been placed before us, for not providing the vacated first floor for use by the NCLT in the same building and, instead, allotting the same to other departments. Having different Benches of the NCLT at different locations, is bound to cause administrative difficulties in the functioning of the NCLT, as well as difficulties for the Advocates and litigants. It goes without saying, that the entire institution should be housed at one place, if the institution which requires the assistance and coordination of the Bar, has to run efficiently.

4. Since the first floor of the building where the NCLT is housed became available with the vacation of the said floor by the Ministry of New and Renewable Energy, in our view, that area should have been allotted to the NCLT in preference over any other Ministry, and the area earlier allotted to

the NCLT admeasuring 11,860 square feet could, instead, be allotted to the other Ministries.

5. We direct the Director of Estates to file a specific affidavit in this regard. We also direct maintenance of *status quo* with regard to the occupation, renovation or construction of the space vacated by the Ministry of New and Renewable Energy in the building, where the NCLT is located, till the next date.

6. Ms Raju submits that the L&DO requires further time to file an affidavit in terms of the last order. Let the same be filed within a week.

7. List on 4th May, 2022.

VIPIN SANGHI, ACJ

NAVIN CHAWLA, J

APRIL 22, 2022/rv