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

+ W.P.(C) 5583/2022

AMIT SAHNI

..... Petitioner

Through: Petitioner-in-person

versus

HIGH COURT OF DELHI AT NEW DELHI THROUGH ITS
REGISTRAR GENERAL & ORS Respondents

Through: Mr. Gaurav Agrawal, Advocate for
R-1/Delhi High Court

Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Ayushi Bansal,
Mr. Sanyam Suri, Ms. Aishwarya
Sharma, Advocates for R-2

Mr. Chetan Sharma, ASG with
Mr. Apoorv Kurup, CGSC along with
Ms. Nidhi Gupta, Mr. Amit Gupta,
Mr. Ojaswa Pathak, Advocates for R-3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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05.07.2022

1. The instant writ petition has been filed praying for issuance of a writ, order or direction, directing the Respondents to set up 42 more Commercial Courts as notified by Respondent No.2/GNCTD on 13.04.2021 which has been issued in furtherance of a Cabinet decision dated 22.03.2021 to ensure speedy redressal of commercial disputes.

2. Notice was issued on 04.04.2022. The Respondent No.1/High Court of Delhi was directed to file its counter affidavit disclosing the position

regarding the availability of courtrooms for the purposes of accommodating judicial officers who could man the Commercial Courts.

3. In pursuance of the directions of this Court, counter affidavit has been filed on behalf of Respondent No.1/High Court of Delhi. Paragraph Nos. 5 to 8 of the said counter affidavit reads as under:-

“5. In pursuance to the aforesaid, all the Principal District and Sessions Judges of District Court complexes or Delhi were requested to provide latest information in respect of vacant / availability of courtrooms in their respective court complexes. The information received from the office of the respective Principal District and Sessions Judges of Districts Court of Delhi has been compiled as under:-

<i>S. No.</i>	<i>Name of the court complex</i>	<i>Total number of courtrooms in the complex</i>	<i>Total number of vacant courtrooms available</i>
<i>1</i>	<i>Tis Hazari</i>	<i>145</i>	<i>03</i>
<i>2</i>	<i>Patiala House</i>	<i>38</i>	<i>-</i>
<i>3</i>	<i>Saket</i>	<i>82</i>	<i>-</i>
<i>4</i>	<i>Karkardooma</i>	<i>84</i>	<i>-</i>
<i>5</i>	<i>Dwarka</i>	<i>79</i>	<i>06</i>
<i>6</i>	<i>Rohini</i>	<i>72</i>	<i>-</i>
<i>7</i>	<i>Rouse Avenue</i>	<i>54</i>	<i>-</i>
	Total	554	09

6. It is submitted that 44 pre-fabricated courtrooms at Karkardooma have been completed and possession of the same has been handed over to the office of Principal District and Sessions Judge (East) Karkardooma. Construction of pre-fabricated courtrooms at Tis Hazari [50 in number] and Saket [46 in number] are in advanced stage and it is expected that the same would be completed in the near future.

7. It is humbly submitted that at present 64 posts of District Judge (Commercial Court) are sanctioned in Delhi Higher Judicial Service and against these 64 posts, 22 Courts of District Judge (Commercial Courts) are functional. It may also be pointed out that out of 64 posts 42 posts were sanctioned on 13.04.2021 and these posts have been included in the schedule of DIOS Rule 1970 w.e.f. 19.08.2021. Copy of Notification issued by Principal Secretary (Law, Justice & L.A.), Government of NCT of Delhi dated 13.04.2021 is annexed as Annexure R1.

8. Thus, at present there is shortage of courtrooms in the court complexes in Delhi to start 42 additional commercial courts, immediately. Once, the remaining 96 under construction court rooms are handed over, the process of establishing 42 new commercial courts may be initiated.”

4. Mr. Gaurav Agrawal, learned Counsel for the Respondent No.1, states that all efforts are being made to ensure that the requisite infrastructure is made available, and that within six months, the additional Commercial Courts will be functional. The statement of Mr. Agrawal is taken on record.

5. The writ petition is disposed of on the basis of the aforesaid statement. Pending applications, if any, stand disposed of.

6. Liberty is granted to the Petitioner to approach this Court in case the need arises in the future.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JULY 05, 2022/hsk