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

+ W.P.(C) 7528/2023 & CM APPLs. 29208/2023, 38842/2023,
52238/2023

SALES TAX BAR ASSOCIATION (REGD) Petitioner

Through: Mr. A. S. Chandhiok, Sr. Advocate
with Mr. H. C. Bhatia, Mr. Sanjay
Sharma, Dr. Rakesh Kumar, Ms.
Nitika Khanna, Mr. Subhash Chandra
Gupta, Mr. Vineet, Mr. Rakesh
Aggarwal, Mr. Kumarjee Bhatt, Ms.
Nupur, Ms. Saloni Mahajan and Mr.
Avadh Bihari Kaushik, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Debcharan De and Mr. Sachin Dubey,
Advocates for R-1.
Mr. Satyakam, ASC for GNCTD with
Ms. Tapasya Raghav, Special
Commissioner, DTT and Mr. Pankaj
Kumar, Special Secretary, PwD.
Mr. Manu Chaturvedi, SC for MCD
with Ms. Devika Singh Roy,
Choudhury, Advocates.
Ms. Manika Tripathy, SC with Mr.
Ashutosh Kaushik, Advocate for R-8.
Mr. Digvijay Rai and Mr. Archit
Mishra, Advocates for AAI with Mr.
Sachin Yadav, AGM (Law).

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**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER
04.01.2024**

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1. While disposing of W.P.(C) 14052/2006, which was filed by the Petitioner herein regarding construction of chambers for members of the Sales Tax Bar Association, this Court on 12.01.2011 gave a road map for construction of a building to house lawyers chambers and offices of the State. The said road map reads as under:

“1) Work shall be awarded to the Construction Agency after completion of CODAL FORMALITIES as per the provisions of CPWD Manual, GFRs and other relevant rules, instructions, guidelines etc.

2) Govt. of NCT of Delhi approves the estimates at DSR 2007 and Cost Index items @ 9%, DC/PMC including consultancies @ 5% (when project is assigned to any Agency other than PWD/I&FC) and contingencies and labour cess @ 1% each for Civil/Electric Works and an undertaking from the Agency that it is willing to work on these parameters of cost estimation.

3) Works shall be completed within the given time-frame and within the sanctioned cost and as per CPWD Manual.

4) The Administrative Deptt. and/or Construction Agency must not change the scope of work on their own. It shall be brought before the EFC for approval if there is any such change perceived subsequently.

5) Admn. Deptt./Construction Agency may identify the probable impediments in the execution of the projects



well in advance and may project contingent measures/plan as identified to deal with them, so as to ensure the timely completion of the projects.

6) Work completion certificate and copy of the 3rd party Quality Control Certificate may be furnished to Admn. Deptt. & FD on completion of the work.

7) The Construction Agency will submit the final bill to Admn. Deptt. showing utilization of funds, completion of project and settlement of advance/deposit money on the completion of the Work/Project.”

2. Twelve years have passed and nothing has happened. The Petitioner has, thereafter, filed the instant Writ Petition.

3. This Court has expressed its anguish on more than one occasion regarding the complete inaction on the part of the Government to implement the Orders of this Court.

4. On 29.05.2023, after quoting the Order dated 12.01.2011, this Court observed as under:

“6. The case of the Petitioner is that the MCD had originally sanctioned the building plans. All the authorities had given their no objection on the earlier plan. However, in 2019 the FAR has been increased from 200% to 300%. However, when the FAR was increased, the plan had to be put up before the various authorities again including the Delhi Fire Service, AAI, ASI, Delhi Urban Arts Commission etc. However, it is submitted that, recently, the Chief Inspector of Factories and the Delhi Fire Service have rejected the building plan.

7. On the oral prayer of the Petitioner, the Airport Authority of India is impleaded as Respondent No. 10. Let an amended memo of parties be filed within one



week. Ms. Nakra, ld. Counsel accepts notice on behalf of the Airport Authority of India.

8. It is not even disputed before this Court by Mr. Satyakam, ld. ASC that the PWD has to construct the Chamber block. The land is already allotted for the purpose of the Chamber block construction which is land bearing 2180.05 Sq. yards adjoining Vyapar Bhawan at Indraprastha Estate by the L&DO.

9. Since the land has already been identified, this Court is unable to comprehend as to why there is a delay of more than 11 years even in commencing the construction. The Authorities within the Delhi Government have rejected the plan. In a matter of this nature, there needs to be better coordination as the Chamber block construction is in the larger interest of the legal community.”

5. This Court, in the said Order, directed the Commissioner, VAT, Department of Trade and Taxes, Chief Engineer PWD, Director, Land and Building Department, Director, Industrial Safety and Health, Director, Delhi Fire Service, Senior official nominated by the Vice Chairman, DDA, Commissioner, MCD, Airport Authority of India and other relevant authorities to hold a meeting to ensure implementation of the Order dated 12.01.2011. In the said Order this Court had made it clear that no further delay on the part of the Department will be condoned. This Court had also made it clear that if there are any corrections or if there are any changes to be made in the building plan, the same shall be informed to the PWD who shall carry out the said corrections and the Chief Engineer PWD shall be responsible to get the plan approved by 15.07.2023.

6. On 26.09.2023, this Court, after quoting the Order dated 29.05.2023,



had requested the Chief Secretary to give a road map for implementation of the Orders passed by this Court. This Court had expected that the Order dated 12.01.2011 would be implemented in right earnest and at the earliest.

7. The Order dated 12.01.2011 has not been implemented for the last 12 years.

8. Status Reports have been filed by the Respondents. Status Report dated 02.01.2024 reads as under:

“3. It is humbly and respectfully submitted that after detailed deliberation by appropriate authorities, it was observed that construction of chambers would take a fair amount of time and a plan for accommodation may be made in the interregnum, while the construction (in whatever form gets finalized) process is ongoing.

4. It is submitted that it has been identified and decided to provide a temporary built up space to the Petitioner Association at Vikas Bhawan building which is located in front of the Vyapar Bhawan building and across the road and is connected by a foot over bridge. It is submitted that Vikas Bhawan building is also located adjacent to the Central GST Zonal Head Office and is highly convenient for the Petitioner's GST related practice.

5. It is further submitted that chambers for advocates would be constructed and allocated in consultation with this Hon'ble Court in Vikas Bhawan building in a plinth area of 955 sqm. which is far more than the existing built-up space of 343 sqm. allocated and being utilized by the Petitioner in Vyapar Bhawan building.

6. It is respectfully submitted that proposed shifting/arrangement would be subject to the Petitioner



furnishing an undertaking that they would completely vacate the space currently occupied in Vyapar Bhawan building, which is required to allocate to Government Departments to house their offices.”

9. The Status Report does not indicate as to whether the directions passed by this Court vide Order dated 29.05.2023 have been complied with or not. The Status Report rather indicates that the Order dated 29.05.2023 has not been complied with. It is stated that the GNCTD is contemplating a construction of a twin tower on the land and the same would require a complete change of plan. This Status Report indicates that the State is not acting in accordance with the directions passed by this Court in 2011 rather it is acting contrary to the directions of the Court.

10. Orders of this Court cannot be permitted to be flouted with impunity. Nothing concrete has been done for the last 12 years.

11. The Chief Secretary is directed to give a road map before the next date of hearing as to by when the construction will be completed and orders of the Court will be implemented.

12. Ms. Tapasya Raghav, Special Commissioner, DTT, who is present in Court today and Mr. Pankaj Kumar, Special Secretary, PwD, are requested to be present in Court on the next date of hearing to assist this Court.

13. List on 12.01.2024.

SUBRAMONIUM PRASAD, J

JANUARY 4, 2024

Rahul