



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

D.B. Civil Writ Petition No. 3651/2020

The District Bar Association Banswara & Anr.

----Petitioner

Versus

State Of Rajasthan & Ors.

----Respondent

Connected With

D.B. Civil Writ Petition No. 2428/2018

Bar Association, Rajgarh

----Petitioner

Versus

State Of Rajasthan And Ors.

----Respondent

D.B. Civil Writ Petition No. 13902/2021

Dinesh Khandelwal & Anr.

----Petitioner

Versus

State Of Rajasthan & Ors.

----Respondent

For Petitioner(s) : Mr. Pankaj Mehta
Mr. Anil Bhandari
Mr. Vikas Bijarnia
Mr. Gajendra Panwar

For Respondent(s) : Mr. Rajendra Prasad, Senior Advocate
& Advocate General, assisted by
Mr. Praveen Khandelwal, AAG &
Mr. Anirudh Singh Shekhawat
Mr. R.D. Rastogi, ASG, through VC
assisted by Mr. C.S. Sinha
Mr. Mukesh Rajpurohit, Dy. S.G.
assisted by Mr. Uttam Singh
Dr. Sachin Acharya, Sr. Adv.
assisted by Mr. Chayan Bothra
Mr. Bhanu Pratap Bohra
Mr. Lalit Kumar Morodia, Joint
Secretary, Finance Department

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE RAJENDRA PRAKASH SONI**



22/03/2024

1. Shri Rajendra Prasad, learned Senior Advocate & Advocate General assisted by Mr. Praveen Khandelwal, learned Additional Advocate General has filed an affidavit as directed by this Court.

2. The said affidavit contains all the details, which were sought, and to summarize the details, this Court is reproducing the statement of Provision and Expenditure/Release from the years 2014-15 and 2023-24 for construction of Judicial Houses and Judicial Buildings (CSS Scheme):-

(Rs. In lacs)

Year	Provision			Expenditure/Release			Amount Received from GoI
	SF	CA	Total	SF	CA	Total	
2014-15	-	-	10994.69	-	-	4688.84	00
2015-16	-	-	8437.04	-	-	4212.93	5000.00
2016-17	-	-	15211.14	-	-	5914.13	4374.00
2017-18	4874.70	5648.95	10523.65	4106.46	3993.01	8099.47	1734.00
2018-19	4046.57	5978.75	10025.32	3508.31	3812.90	7321.21	1741.00
2019-20	7643.33	4695.95	12339.28	5565.75	3581.43	9147.18	6421.00
2020-21	11948.27	10922.38	22870.65	4060.83	5214.12	9274.95	2990.00
2021-22	9701.00	14399.00	24100.00	3384.27	3892.51	7276.78	4150.00
2022-23	18448.75	26451.25	44900.00	7367.19	9565.98	16933.17	7166.00
2023-24	12706.00	19058	31764.00	4021.00	6031.00	10052.00	6031.00
Total	69368.62	87154.28	191165.77	32013.81	36090.95	82920.66	39607.00

3. Taking one part of the aforesaid chart, this Court noticed that in the year 2023-24, a budgetary provision to the tune of Rs.127 crores was made by the State in the budget and about Rs.190 crores budgetary provision was made by the Union of India, which amounted to about Rs.317 crores. Out of the total budgetary provision, the State has released only about Rs.40 crores and the Centre has released only about Rs.60 crores, amounting to Rs.100 crores, whereas rest of the amount is yet to be released.





3.1. It is further noticed that in last ten years i.e. 2014-15 to 2023-2024, a budgetary provision to the tune of Rs.693 crores has been made by the State and about Rs.871 crores has been made by the Centre, amounting to a total of Rs.1911.65 crores (as indicated in the above table). In furtherance, out of the said total budgetary provision, the State has released about Rs.320 crores, whereas the Centre has released about Rs.360 crores, amount to a total of Rs.829.20 crores. It is pertinent to mention here that the State's affidavit clearly indicates that out of budgetary provision, in last ten years, average usage/release has been only to the extent of 43.38 percent.

4. In the understanding of this Court, it is agonizing to see that out of the budgetary provision, which comes only after the experts at the State and Centre have applied their mind, only 43 percent, as mentioned above, has been released, resulting into stalling of many of the vital projects including Court buildings and Advocate Chambers. The aforesaid proposition is about the Centrally Sponsored Scheme (CSS).

5. The same affidavit also contains details of the second component, which is 100 percent to be contributed by the State Government, which is at page 23 of the affidavit, which also reflects that for the year 2023-24, Rs.61/- crores were allocated in the budget, whereas about Rs.20/- crores have been released and out of Rs.422/- cores budgetary provision in last ten years, only Rs.220/- crores have been released by the State. The said details of the second component as contained in the affidavit are reproduced as hereunder:-



वर्ष 2014-15 से 2023-24 तक राजस्थान उच्च न्यायालय जयपुर एवं जोधपुर के निर्माण एवं राजस्थान राज्य न्यायिक अकादमी जोधपुर के निर्माण (100 प्रतिशत राज्यांश) के संबंध में बजट प्रावधान एवं व्यय का वर्षवार विवरण :-

वर्ष	बजट प्रावधान	व्यय
2014-15	5498.87	4050.00
2015-16	7256.04	2298.87
2016-17	2302.00	1802.00
2017-18	3761.45	2000.00
2018-19	1692.60	528.64
2019-20	3920.20	1674.83
2020-21	3900.00	1970.84
2021-22	3710.00	3165.57
2022-23	4108.00	2500.00
2023-24	6120.00	2036.23
योग	42269.16	22026.98

6. This Court is conscious about the observations made by the Hon'ble Apex Court in the case of **Malik Mazhar Sultan & Anr. Vs. U.P. Public Service Commission & Ors. (Civil Appeal No.1867/2006)** and in the case of **Imtiyaz Ahmad Vs. The State of Uttar Pradesh & Ors. (Criminal Appeal No.254-262/2012)**.

7. This Court is also conscious of the fact that concerned officers of the State, which include the Chief Secretary of the State of Rajasthan and the Additional Chief Secretary Finance, Additional Chief Secretary PWD, Additional Principal Secretary Law/Revenue, Chief Secretary Revenue (UDH)(G) are all regularly monitoring the issue, as per the affidavit submitted by the Chief Secretary before the Hon'ble Apex Court on behalf of the State of Rajasthan. The commitment and/or assurance given by the Chief Secretary, Government of Rajasthan, Jaipur before the Hon'ble



Apex Court is to the effect that Government of Rajasthan is fully committed to provide suitable Court buildings for all the Courts and residences for all the judicial officers on priority basis, and also other details of timely completion of the ongoing projects, which included 234 court buildings.

8. The aforesaid affidavit was filed about five years ago and thereafter, this Court has also been monitoring the situation, however, the condition as reflected in the affidavit filed on behalf of State as well as Union of India, is a matter of great concern.

9. Learned Advocate General submits that today no order on merits may be passed and the matter may be kept pending, and in the meantime, he shall take into consideration all the orders passed by this Court on earlier occasions as well as problems arising out of the issues involved herein and make efforts to resolve the same.

10. Learned Advocate General further assures this Court that he shall be filing an affidavit mentioning therein a proper road map for the amount to be released, as per the budgetary provisions for the purpose in question for all ongoing /approved projects before next date.

11. This Court thus directs that such affidavit shall be signed by the Chief Secretary and shall be filed on the next date regarding such road map, as assured by the learned Advocate General. The affidavit of Union of India shall be supported by the Secretary, Department of Justice, Government of India. The said affidavit shall also contain a road map for releasing budgetary provisions and efforts made on the part of the Union of India so as to ensure



continuance of the ongoing projects. The aforesaid affidavit shall be filed before next date.

12. Further, the Secretary PWD, Secretary Revenue, Secretary Law, Secretary Finance, Chairman-cum-MD, Rajasthan State Road Development Corporation (RSRDC) are directed to provide all assistance to the Advocate General to address this Court regarding the road map for approved plans for which budgetary provisions have already been made.

13. **List the matter on 06.05.2024.**

14. It is made clear that this opportunity is being given only on count of the aforesaid submissions made by the learned Advocate General and the assurance so given. Learned Additional Solicitor General appearing on behalf of the Union of India has assured this Court that in this non-adversarial litigation, all the necessary support/assistance shall be given by Union of India as well.

15. The affidavit given by the learned Advocate General yesterday has been taken on record. All the documents furnished by Dr. Sachin Acharya, learned Senior Advocate assisted by Mr. Chayan Bothra are also taken on record.

(RAJENDRA PRAKASH SONI),J

(DR.PUSHPENDRA SINGH BHATI),J

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