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

Date of decision: 2nd November, 2023

+ **W.P.(C) 2506/2019 & CM APPL. 19643/2021**

ANJANA GOSAIN

..... Petitioner

Through: None.

versus

GOVERNMENT OF NCT AND ANR.

..... Respondents

Through: Mr. Sameer Vashisht, ASC, Civil,
GNCTD with Ms. Harshita Nathrani,
Adv.

Mr. Bharat Parashar, Principal
Secretary. (through VC)

Ms. Nandita Rao, Adv. (M:
9999031918)

Mr. Shubham Prasad (GP).

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present writ petition concerns the outstanding bills of the Petitioner who is a lawyer and was a Counsel engaged by the GNCTD. The grievance of the Petitioner was that she had raised various memos for her professional services, which were outstanding and not being cleared by the Respondents.
3. Vide order dated 7th July, 2021, this Court noted that Counsels cannot be made to wait endlessly for clearing of their outstanding payments for the professional services they have rendered and directed that there was a need to put in place a streamlined mechanism which is centralised to expedite and make timely payment. Thereafter, vide order dated 23rd August, 2021, the



Court observed that the entire process of clearing of lawyers' bills needs to be improved and streamlined. It was also made clear that timelines needed to be fixed for clearing of bills failing which, the Government ought to pay interest on the bills of lawyers. In response to the directions of the Court, the GNCTD submitted that a Single Window System for clearance of the bills of Lawyers was being put in place. The relevant extract of order dated 23rd August, 2021 is set out below:

*“4. Mr. Sanjay Kumar Aggarwal submits that since clearing the bills of lawyers involves coordination between various departments, the Additional Chief Secretary has now been given the responsibility of coordination. **He further submits that the services of the National Informatics Centre (hereinafter, ‘NIC’) are being availed of by the GNCTD to create a Single Window System for clearance of the bills of Lawyers.** However, when orally queried as to how long this would take, Mr. Aggarwal submits that there are two steps which are involved. Firstly, man-power has to be deputed for the software to be prepared on the basis of the inputs given by the various departments. Secondly, the software has to be made operational. The status report itself states that the IT Department has approved the deployment of technical resources for six months. However, when queried, Mr. Aggarwal submits that the first step of the process could take at least two months and after that, three to four months would be required for making the software operational.*

5. The timelines given by the GNCTD are not satisfactory. In general there is no doubt that insofar as the lawyers' bills are concerned, they take several months and sometimes years to process the same. It is submitted by Ms. Nair, ld. Counsel that as of today, even the bills of 2018 are pending. Ms. Nair submits that approximately Rs. 40,000/- has been paid since the last order and more than Rs.2 lakhs is still outstanding.



Though the Government Departments keep asking queries from the Petitioner, as they do not have any details of the cases etc., the amount has not yet been released.

6. Considering that the counsels for the GNCTD are rendering regular assistance to the Court across the city of Delhi, laying out a timeline for payment of their bills is extremely crucial for their continued and efficient services. The entire process of clearing of lawyers' bills needs to be improved. Timelines are required to be fixed, failing which, the Government ought to pay interest on the bills of lawyers.

7. Accordingly, it is directed that the Additional Chief Secretary who is now in charge of clearing the lawyers' bills shall appear before Court on the next date of hearing to appraise the Court of the further steps. Further, a senior official from NIC who is handling/supervising the preparation of the Single Window System shall also appear on the next date. The meeting scheduled for 20th August, 2021 at 4.00 p.m. was re-scheduled to 25th August, 2021 due to the declaration of the holiday. The minutes of the said meeting shall also be placed on record at least two days before the next date of hearing. A status report, stating the various steps along with a timeline for operationalising the Single Window System, shall also be filed at least two days before the next date of hearing."

4. Timelines for preparation and deployment of the Single Window System for payments to the panel counsels were once again submitted to this Court on 13th December, 2021. On the said date, it was recorded that the System would be developed, designed and validated in approximately 25 to 30 days. The relevant extract of order dated 13th December, 2021 is set out below:



“8. Insofar as the Single Window System for smooth and seamless payments to the panel counsels is concerned, Mr. Anil Kumar Mittal, Scientist, National Informatics Centre (hereinafter “NIC”) and Mr. Sanjay Kumar Aggarwal, Principal Secretary (Law), GNCTD are both present in Court. They have submitted a Chart to show the timeline for the preparation of the software and the final deployment of the same.

*9. A perusal of the said Chart shows that the proposal for development of the software is stated to have been approved by the GNCTD. The hiring of the technical manpower for the development of the Online Single Window System is also stated to have taken place. Currently, the Functional Requirement Study (FRS) has been prepared and the same has to be studied by the NIC. The approval of the FRS and the system requirement is to be done by the Department of Law, Justice & Legislative Affairs (hereinafter “Dept. of Law”), GNCTD. Thereafter, the software and Graphical User Interface (hereinafter “GUI”) designing has to begin. **The entire process involving the study and approval of the FRS, preparation of the software, GUI designing, coding, and validation would, as per Mr. Mittal, take approximately 25 to 30 days.***

10. Accordingly, list this matter on 17th January, 2022 in order to enable the NIC or the Dept. of Law, GNCTD to produce the software or the GUI design thereof, for the Single Window System which is to be set up, in an electronic form, before this Court.”

5. On 17th January, 2022 it was recorded that the Single Window System software was had been finalized, and had been submitted to the GNCTD for testing. It was stated that the said system would go live after the security audit. The relevant extract of the said order is set out below:

“4. Insofar as the setting up of a Single Window System for smooth and seamless payment of counsels appearing



for the GNCTD is concerned, a status report has been placed on record along with an e-mail dated 11th January, 2022 by National Informatics Centre (hereinafter, 'NIC'). A perusal of the same shows the status of the Single Window System and the various features that have been developed for setting up of the same.

5. Mr. Anil Kumar Mittal, Scientist, NIC submits that as per the said e-mail, various features of the software have already been incorporated. The software has been finalized, and has been submitted to the GNCTD. He submits that the same is undergoing testing at this point, and after the security audit, the same would go live on the platform of the GNCTD.

6. The following steps for the setting up of the Single Window System are now stated to be outstanding:

- i. Changes suggested by the GNCTD, which are yet to be incorporated in the software;*
- ii. Testing of the software;*
- iii. Security audit;*
- iv. Procurement of virtual machines;*
- v. Software to go live.*

7. Ms. Ruchi Aggarwal, Additional Secretary, GNCTD, submits that the requirements/ additions or changes would be communicated to the NIC, within the next two to three days. Accordingly, let the process of communication of further requirements as also the submission of the final software, testing and security audit, be achieved within the next four weeks.

8. In the meantime, if any virtual machines are to be procured by the GNCTD, the said procurement be also initiated simultaneously. Further, testing of the platform shall also be conducted by allowing a few panel counsels of GNCTD to use the said platform, so that any technical glitches can be addressed before the software goes live.

9. List on 7th April, 2022, for reporting further progress of the finalization and launching of the Single Window



System for payment of fees to counsels.”

6. Vide order dated 7th April, 2022, it was recorded that the outstanding bills of the Petitioner were cleared. The said order also recorded that a Virtual Machine had been created and the URL of the link was provided to the Department of Law, GNCTD for the security audit. On the said date, it was also stated that training of government counsels for using the SWS system was also fixed from 25th April, 2022 to 29th April, 2022. The following directions were issued vide order dated 7th April, 2022:

“8. The Court has perused the status report and is of the view that the SWS should be made functional soon, in view of the progress that has been made as per the status report. Thus, the features that have to be incorporated on the basis of the suggestions that would be made by the Government counsels, as also the training of officers yet to be undertaken, if any, shall be completed by 15th May, 2022. Further, the security audit is directed to be completed by 30th June, 2022. An endeavour shall be made to make the SWS portal fully functional by 15th July, 2022.

9. The GNCTD may proceed further and allot the User IDs to the various Government counsels whose services are being utilised for by the Government. Further, it shall be ensured that those officials in various departments who are handling the processing and clearing of bills do so in a fixed time frame. The process of clearing of fee memos after being uploaded on the SWS by the counsels ought to be completed within a period of 30 days from the date of the uploading or any reasonable time limit so that clearing of Government counsel’s memos is not postponed indefinitely.”

7. In the *interregnum*, several government Counsels had raised several grievances including non-allocation of login ID and passwords, huge quantum of



pending bills with the revenue department, requirement of submission of hard copies of bills, lack of any timelines in clearing pending bills etc., In order to get a list of such issues of the government Counsels, this Court constituted a committee comprising of Mr. Sameer Vashisht and Mr. Naushad Ahmad Khan, Id. ASCs (*hereinafter 'Committee'*), to interact with all ASCs and Panel Counsels and prepare a joint note in this regard. Mr. Bharat Parashar, Principal Secretary (Law), GNCTD, was also directed to engage with the Committee, understand the grievances of the Counsels regarding pending memos, and work towards finding solutions in terms of timelines, verification, approval processes, etc., after coordinating with the relevant departments. In addition, vide order dated 17th January, 2023, the following directions were issued by the Court:

“7. In any event, in the interregnum, while grievances of the counsels are being addressed, the following steps are directed to be taken immediately:

a. All the past and present counsels of GNCTD in the civil side shall be allotted login ID and password on or before 31st January, 2023. If such counsels have not been allotted the login ID and password, they shall communicate the same to the Principal Secretary, through the Committee, so that the respective login ID and password can be obtained from the NIC.

b. Let the test run of the NIC portal, which is stated to be almost ready for accepting bills in the scanned form, be done with the bills of 5 GNCTD counsels, who may be identified by the Committee, set up above.

c. If there are any glitches, which are faced in the running of the portal, then they shall be addressed to the NIC by Mr. Parashar. Let a status report in regard to the functioning of the NIC portal be placed before the Court before the next date of hearing.

d. Insofar as the generation of OTP based signature is concerned, since the same is to be done under the aegis of Centre for Development of



Advanced Computing ('CDAC'), the said efforts shall parallelly continue. The same would not affect the development and commencement of NIC portal where the counsels would be permitted to place their scanned bills until the OTP mechanism is operational."

8. The commencement of the Single Window Portal had been delayed for more than a year due to technical and coordination issues at the GNCTD. On 7th March, 2023, Mr. Bharat Parashar, Principal Secretary (Law), GNCTD, sought further time of about one month for operationalising the Single Window System. On the said date, this Court directed the GNCTD to engage two technical personnel, even if on a contractual basis, for the purposes of ensuring that the day to day running of the portal can be managed and administered. Thereafter, vide order dated 17th April, 2023, this Court expressed concern over the non-engagement of required technical personnel and also the delays in operationalising the Single Window System for payment of dues of government Counsels. The following directions were issued on the said date:

"5. However, till today, despite more than one month having elapsed, as per submissions it is clear that the required technical personnel have not been engaged. The Additional Secretary, Law, Justice and Legislative Affairs, GNCTD also informs the Court that the IT Department had earlier deputed one technical personnel, who has, however, been withdrawn subsequently. The Court is further informed that the file for engaging the IT personnel is pending for approval.

6. The matter concerns a portal to be created with the help of NIC and is also of significant importance for the Counsels, who appear for the GNCTD as their bills are lying pending for several months and years as well. Accordingly, the IT Department, GNCTD is directed to



immediately make available two technical personnel, with the required skill sets, within four weeks, either on regular basis or through contractual basis for the purpose of working with the NIC and for launching the portal.

7. It is made clear that if there is any failure in doing so, Mr. Santulan Chaubey, Joint Director, IT Department, shall remain physically present in the Court on the next date of hearing.”

9. Vide order dated 25th July, 2023, the Law Department of GNCTD was directed to engage developers for the purpose of operationalising the portal fully with approval for the same from the Finance Department of GNCTD. Further, this Court directed that a demonstration of the working of the portal meant for uploading and clearing of fee bills of advocates appearing for GNCTD, be given to the court. However, on the next date of hearing, on 11th September, 2023, the Respondents submitted that the portal was not fully ready and the status report for the same was filed at the Court.

10. Today, the IT team of the Law Department, GNCTD has given a demonstration of the portal, which has been created namely - Online Single Window System (hereinafter, ‘OSWS’) for processing of bills of advocates, who appear for GNCTD. The said demonstration has been given in the form of a video presentation consisting of several slides. The Court has perused the said slides, which have been shown to the Court, which would demonstrate that in terms of the portal, the following steps are to be taken for the purpose of any advocate’s bill to be submitted and processed on the portal.

(1) Creation of username and password on the said web portal OSWS. Mr. Sameer Vashisht, Id. ASC submits that most of the



GNCTD panel lawyers have been allotted the username and password.

- (2) In the second step, the advocate, creates his or her own profile on the portal and can submit their personal information on the basis of the work done.
- (3) In the third step, it is observed that upon the submission of documents by the users, the same is processed through three levels i.e. L1, L2 and L3 i.e., two dealing assistants as L1 and L2; and one Dealing Officer as L3, on the OSWS.
- (4) Once the documents and bills submitted by the users are processed and reviewed by two dealing assistants and a dealing officer, a memo of the review goes to the Drawing and Disbursing Officer (hereinafter, DDO). The DDO sanctions the payments, and thereafter the subject matter of the user is sent to the Principal Accounts Officer (hereinafter, PAO) for the release of payments.

11. During the proceedings, the Court put a query relating to time lines, to Mr. Mishra from IT Team of the Law Department, who replied that the OSWS software has a built-in timeline and the maximum time within which the memos can pass through each level of officials, on the said web portal is between 3 to 7 days. According to the said official, the overall timeline for clearing of the bill would, therefore, be no more than 20 to 25 days.

12. Mr. Bharat Parashar, Principal Secretary, Law, GNCTD has also joined the proceedings virtually, and he has assured the Court that the portal is ready to go live and the file for the same has been moved to the concerned authority, for inauguration of the portal.



13. Let the GNCTD and the officials concerned take steps immediately for operationalising the OSWS portal and for inaugurating/starting the same within the next one month. Let a report *qua* functioning of the portal be placed on record at least 2 weeks before the next date of hearing.
14. Mr. Sameer Vashisht, Id. ASC submits that six departments namely Commission of Women, Financial Commissioner, Transport Department, Planning, Revenue Department and Prohibition, have yet not appointed their Nodal Officers for the portal to be managed. The said six departments shall appoint their Nodal Officers within the next two weeks.
15. List on 7th March, 2024 for compliance.
16. This is a part heard matter.

PRATHIBA M. SINGH
JUDGE

NOVEMBER 02, 2023/dk/am