

ITEM NO.15

COURT NO.1

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).1867/2006

MALIK MAZHAR SULTAN & ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION
THROUGH ITS SECRETARY & ORS.

Respondent(s)

(for considering the position in relation to the NCT of Delhi along with IA Nos. 37616 of 2021, IA. Nos. 51919,51992 and 52071 of 2023)

IA No. 52071/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 37616/2021 - INTERVENTION APPLICATION

IA No. 51992/2023 - INTERVENTION/IMPLEADMENT

IA No. 51919/2023 - INTERVENTION/IMPLEADMENT)

Date : 14-12-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE MANOJ MISRA

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Mr. Adith Deshmukh, Adv.

Mr Vijay Hansaria, Sr. Adv. (amicus curiae)

Mr. Gaurav Agrawal, Sr. Adv. (amicus curiae)

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For Respondent(s) Mr. Vikramjeet Banerjee, A.S.G.
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Ms. Kirti, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

NCT of Delhi

- 1 In pursuance of the order of this Court dated 11 December 2023, a meeting chaired by the Acting Chief Justice of the High Court of Delhi was convened, which was attended by the Chief Secretary, GNCTD, Principal Secretary (Law), Principal Secretary (PWD), Secretary (Finance), other officers of GNCTD and L&DO. The meeting was also attended by Justice Rajiv Shakdher, Judge of the High Court of Delhi and the Registrar General.
- 2 The Minutes of the Meeting are annexed to the note dated 14 December 2023 submitted by Mr K Parameshwar, counsel appearing on behalf of the High Court

of Delhi. The outcome of the meeting is tabulated in the following statement:

“I. COURT ROOMS

Project	Date of approval of plan	Estimated cost (in Rs.)	No. of court rooms	Decision
District Centre, Shastri Park	25.03.2021	184 Crores	48	The Chief Secretary, Govt. of NCT of Delhi has assured that all issues with respect to Shastri Park and Karkardooma Projects will be sorted out so that tenders in this regard are floated not later than 26.01.2024 and the work is awarded by mid of March, 2024. The expected date of completion is 18 months from the date of award.
Karkardooma Court Complex	25.03.2021	178 Crores	50	
Sector 26, Rohini	25.03.2021	663 Crores	102	The Chief Secretary, Govt. of NCT of Delhi has assured that all issues with respect to the project at Rohini will be sorted out so that tenders in this regard are floated not later than 26.01.2024 and the work is awarded by mid of March, 2024. The expected date of completion is 21 months from the date of award.
Rouse Avenue	26.09.2019	243 Crores	55	The Chief Secretary, Govt. of NCT of Delhi has informed that the plot of land measuring 3.036 acres at Rouse Avenue is partly under unauthorized occupation of CPWD and a political party, however, a part of said plot is vacant and can be utilized for construction of 55 courtrooms as part of Phase I of the project. It has been assured by The Chief Secretary, Govt. of NCT of Delhi and Mr. Suresh Kumar Rana, Engineer Officer, L&DO that the possession of the portion of the aforesaid plot at Rouse Avenue, on which there is no encroachment/ which is vacant, shall be taken over by the Govt. of NCT of Delhi/ delivered by L&DO on 13.12.2023. The Chief Secretary, Govt. of NCT of Delhi has further assured that all issues with respect to aforesaid vacant portion of the plot at Rouse

				<p>Avenue will be sorted out and Administrative Approval and Expenditure Sanction will be granted as expeditiously as possible so that tenders in this regard are floated not later than 26.01.2024 and the work is awarded by mid of March, 2024. He has further assured that project will be completed and the buildings shall be finally handed over to the Court administration within a period of 18 months from date of award of work.</p> <p>The Chief Secretary, Govt. of NCT of Delhi has further assured that the matter shall be taken up with the L&DO, MoHUA on priority basis to get encroachment removed and obtain the vacant possession of the other portion of the plot Rouse Avenue as well. Mr. Suresh Kumar Rana, Engineer Officer, L&DO has assured that the needful will be done in this regard, at the earliest. The Chief Secretary has further assured that once the encroachment on the remaining portion of the land is cleared and vacant possession is taken over by the Govt. of NCT of Delhi, the tenders for remaining work shall be awarded as early as possible and steps shall be taken to complete the project expeditiously.</p>
Tikri Khurd 10 acres [Proposal for construction of centralized Record Room and Digitization centre, catering to all the District Courts of Delhi]				<p>The Chief Secretary, Govt. of NCT of Delhi has assured that all issues with respect to the said project at Tikri Khurd plot will be sorted out and Administrative Approval and Expenditure Sanction will be granted as expeditiously as possible so that the tenders in this regard are floated not later than 26.01.2024 and the work is awarded by mid of March, 2024. He has further assured that project will be completed and the buildings shall be finally handed over to the Court administration within a period of 6 months from date of award of work.</p>
Provision of additional Court rooms				<p>(i) One vacant MTNL building at Sector 6, Rohini has been identified. The Chief Secretary, Govt. of NCT of</p>

on temporary basis				<p>Delhi has assured that the matter will be taken up with MTNL and other authorities and all requisite steps for making the said building available shall be taken and 24-25 courtrooms along with requisite infrastructure shall be created in the said building within a period of four months.</p> <p>(ii) The Chief Secretary, Govt. of NCT of Delhi has also stated that by January 2024, other options of centrally located buildings, which can be made available on rent or otherwise, will also be offered to the Delhi High Court for housing additional Courts on a temporary basis, till the pending judicial infrastructure projects are completed."</p>
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- 3 We have heard Mr Shyam Divan, *amicus curiae*; Mr K Parameshwar and Mr Vikramjit Banerjee, Additional Solicitor General appearing on behalf of the GNCTD with Mr Wasim Qadri, senior counsel.
- 4 The tabulation which has been prepared by Mr K Parameshwar, as extracted above, is agreed to be a correct statement of the decisions which were taken at the meeting.
5. The construction of a residential project comprising of 70 residential units for judicial officers commenced at Dwarka in October 2014. The construction, however, came to a standstill due to structural defects which endangered the construction. Report has been submitted by CBRI, Roorkee highlighting the substandard quality of construction. The project is stalled and there is no other ongoing project for construction of residential units for judicial officers in Delhi. The final decision in regard to the future course of action in respect of the residential project at Dwarka will have to be taken. For this purpose, we request

the Acting Chief Justice of the High Court of Delhi to convene a meeting at his earliest convenience. The members who attended the meeting, which was held in pursuance of the previous directions, shall attend the meeting on the date so appointed in order to facilitate a final decision being taken on the way forward in respect of the Dwarka Project.

- 6 The L&DO of the Union government shall take steps to ensure that possession of the vacant area available for the Rouse Avenue Project is handed over to the High Court of Delhi expeditiously and in any event by 31 December 2023.
- 7 To facilitate the implementation of the decisions taken in the meeting held on 12 December 2023, we pass the following directions:
 - (i) An affidavit shall be filed on behalf of the GNCTD by 31 January 2024 certifying that tenders have been floated for the construction of judicial infrastructure set out in the tabular statement, within the time lines which were specified in the meeting held on 12 December 2023; and
 - (ii) A review meeting on the same lines, as indicated in the order dated 11 December 2023, shall be convened on 12 January 2024 under the auspices of the Chief Justice of the High Court of Delhi at which the Chief Secretary, GNCTD shall intimate the steps taken in pursuance of the decisions which were arrived at in the meeting and, in addition, apprise the members of the action taken in respect of:
 - (a) Residential accommodation for judicial officers;
 - (b) The process for the recruitment of staff at the district level; and
 - (c) Provision of additional court rooms on a temporary basis, including making necessary outlays for the expenditure required for

converting the premises into court rooms.

- 8 The proceedings shall now be listed for specifically considering the provision of judicial infrastructure in relation to the district judiciary operating under the supervision and control of the High Court of Delhi on 5 February 2024.

IA Nos 37616 of 2021 and IA No 34127 of 2023

- 9 Mr John Mathew, counsel appearing on behalf of the applicant, seeks the permission of the Court to withdraw the IAs so as to enable the applicant to pursue the remedies available in accordance with law.

- 10 IAs are accordingly dismissed as withdrawn.

IA Nos 51919, 51992 and 52071 of 2023

- 11 List the IAs on 5 February 2024.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**