

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

Decided on: 10.02.2017

+ **W.P.(C) 8106/2010**

P.K. DASH, ADVOCATE AND ORS.

..... Petitioners

versus

BAR COUNCIL OF DELHI AND ORS.

..... Respondents

Through: Sh. Ravinder Sethi, Sr. Advocate with
Sh. Harsh Prabhakar, Sh. Aditya Vikram, Sh.
Harjeet Singh Sachdeva with Sh. Anirudh Tanwar,
Advocates.

Sh. J.P. Sengh, Sr. Advocate with Sh. Sunil Dalal,
Ms. Manisha Tyagi, Sh. Amit Saxena and Ms.
Manisha Mehta, Advocates, for DHCBA.

Sh. Rajiv Khosla, Advocate, for Rohini Court Bar
Association.

Sh. Vishal Gera, Advocate.

Sh. Pawan Kalra, Dy. Registrar and Sh. Sanjeev
Kumar, Assistant Registrar, for Delhi High Court.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

MR. JUSTICE S. RAVINDRA BHAT

%

C.M. APPL.30904/2016

Allowed, subject to all just exceptions.

C.M. APPL.30903/2016

1. This application by certain members of the Delhi High Court Bar Association seek clarification and modification of the final judgment of this Court delivered on 31.05.2016. The modification sought is in respect of para 52(b) which deals with the conditions for allotment of chambers to Advocates in the Delhi High Court complex.

2. This Court has heard learned counsel for the applicants as well as the Bar Associations. The difficulty articulated during the hearing was that

unless an appropriate modification is made of the judgment, members of the Bar who are allottees of chambers in one or the other Bar Association would be prohibited even from applying for allotment in chambers in other Court complexes. It is urged that this would act in an extremely restrictive manner and that instead the judgment ought to be suitably corrected or modified so as to reflect the intention of the Court to ensure that no one in fact enjoys allotment of two chambers, which can equally be given effect to by deleting the prohibition to application but ensuring at the same time that allotment and possession is not given to anyone who is already an allottee unless she or he gives up the allotment and possession in the other Court complex.

3. The Court has considered the submissions and is of the opinion that there is some merit in it. As at present, para 52(b) even bars application for allotment by members of the Bar who are beneficiaries of allotment in one Court complex. The judgment of this Court was to ensure the introduction of the one chamber-one person rule in Delhi which can be equally effectuated by ensuring that in the event of allotment, the beneficiary of allotment in one Court complex is in fact not allotted the chamber in another Court complex unless he gives up that allotment or hands over possession. In these circumstances, the following para 52(b) shall be substituted instead of the existing para 52(b) of the final judgment dated 31.05.2016. The following rule shall stand incorporated:

“(b) The following rule shall stand incorporated in the rules applicable for allotment of Chambers to Advocates in all Delhi Court complexes (whose Courts are subject to the administrative control of the Delhi High Court):

“No Advocate who has been allotted a chamber in any Court complex, or has constructed or owns any chamber

in the Tis Hazari or any other Court complex shall be allotted another chamber in any Court complex unless the advocate duly surrenders the said chamber being held by her/him when a chamber is offered for allotment in accordance with the seniority in the List of Members awaiting Chamber Allotment.

Each applicant shall also furnish a declaration that she or he has not been allotted any chamber in any Court complex or that she/he would duly surrender the chamber already allotted/owned/constructed by her/him when a chamber is offered for allotment in accordance with the seniority in the List of Members Awaiting Chamber Allotment. Any false declaration shall entail cancellation of chamber allotment, or removal of the name from list of eligible applicants.

All Advocates, whose names have been included in existing lists of otherwise eligible candidates/applicants and who await allotment, too, shall furnish a declaration within 60 days failing which their names shall not be considered for any allotment. In case the declaration furnished is false, their names shall be struck off the list of eligible applicants.

Explanation: the expression “any Court complex” shall mean that if the applicant/Advocate is allotted a chamber in one complex – e.g. the Saket Court complex, she or he shall not be allotted chamber in the Delhi High Court Lawyers Chambers or any District Court complexes or any other Court complex to be constructed with lawyers chambers hereafter unless the advocate duly surrenders the chamber already being held by her/him when a chamber is offered for allotment.

Form of Declaration:

I.....(State name, and full description, i.e. parentage, age, particulars of Bar Council enrolment, and membership of the Bar Association of the Court complex where chamber allotment is sought) do hereby solemnly declare and affirm that I am not allottee of any chamber in any Court complex other than the one in which I hereby seek.

Or

I (State name, and full description, i.e. parentage, age, particulars of Bar Council enrolment, and membership of the Bar Association of the Court complex where chamber allotment is sought) do hereby solemnly declare and affirm that I am an allottee/owner/have constructed a chamber atand undertake to duly surrender the said chamber when a chamber is offered for allotment as per my seniority in the List of Members Awaiting Chamber Allotment.”

The above conditions shall be deemed to have been incorporated with immediate effect. The concerned District Judge of each Court complex and the Registrar concerned of the Delhi High Court are hereby directed to ensure that the above conditions are suitably incorporated in the Chamber Allotment Rules, within two weeks. Till then, the above conditions are applicable and would govern all allotments of chambers.....”

The application is disposed of in the above terms.

**S. RAVINDRA BHAT
(JUDGE)**

**SIDDHARTH MRIDUL
(JUDGE)**

FEBRUARY 10, 2017