

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 28th January, 2021
+ **W.P.(C) 1309/2020 & CM APPL. 23676/2020**
PABITRA ROYCHAUDHURI Petitioner
Through: Petitioner in person.

versus

COMMISSIONER OF VAT, DELHI AND ANR. Respondents
Through: Mr. Gautam Narayan, ASC for
GNCTD with Ms. Dacchita Shahi &
Mr. Adithya Nair, Advocates (M:
9811411735).

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done by video conferencing.
2. The present litigation is the unfortunate consequence of the Petitioner, who was appointed as a lawyer for representing the GNCTD before the High Court of Delhi, not being paid his professional fees.
3. The case of the Petitioner is that he was appointed as the Additional Standing Counsel (Civil) on 24th June, 2016. Between July, 2016 to August, 2017, he submitted various bills for the professional services rendered by him, which constituted about 124 bills. The appointment of the Petitioner was withdrawn by the GNCTD on 8th September, 2017, however, his bills totalling to Rs.26,31,200/- were not cleared. Accordingly, the Petitioner prays for issuance of a writ of mandamus for payment of the said bills.
4. Notice was issued in the matter on 13th March, 2020. Thereafter, on 24th September, 2020, ld. counsel appearing for the GNCTD submitted that the bills of the Petitioner have been sanctioned and the sanction letters have

also been issued. On 21st October, 2020 the Court records that the amounts mentioned in two of the three sanction orders have been duly credited to the Petitioner's account, however, the monthly retainerhip amount which was agreed to at the time of his engagement has not been paid.

5. Mr. Gautam Narayan, Id. ASC appearing for the GNCTD submits that the fact that the lawyers are paid a monthly retainerhip is not disputed, however, he has not received any instructions as to when the said payments are likely to be released.

6. The Supreme Court has, in the case of *State of Rajasthan & Anr. v. Luna Ram & Ors. [Criminal Appeal No. 1718/1995, order dated 18th May, 2018]*, dealt with a similar case wherein the State Government of Rajasthan was directed to pay the arrears of its Panel Advocates. Recently, a Id. Division Bench of this Court in *Piyush Gupta v. GNCTD & Ors. [W.P.(C) 5373/2020, decided on 1st December, 2020]*, has also taken note of several grievances regarding the non-payment of professional fee/retainerhip fee bills of empanelled lawyers of the GNCTD and directed the GNCTD to clear the outstanding payments as early as possible.

7. Lawyers and counsels who are engaged by various Governments/Departments render their professional services to the said Departments and Governments. The respective Governments /Departments are expected to clear the professional bills of the lawyers within a reasonable time. Under no circumstances should a counsel who has been engaged by the Government/Department be forced to sue his/her own client, especially a government or its agency, and seek legal remedies for seeking clearance of his/her professional fee.

8. The fact that the Petitioner was forced to approach this Court is

extremely unfortunate. Though the professional bills of the Petitioner are stated to have now been cleared, his retainership fee is still not being paid. Since there is no dispute on the factum that retainership fee is to be paid, this Court directs the GNCTD to clear the pending retainership payments to the Petitioner within one month from today.

9. Needless to add, Governments/Departments are directed to ensure that the fees of the lawyers appointed by them are cleared within a reasonable time after the bills are submitted to them and lawyers are not forced to file petitions for the said purpose.

10. With these observations, the present petition, along with all pending applications, is disposed of.

JANUARY 28, 2021

dj/T

**PRATHIBA M. SINGH
JUDGE**

सत्यमेव जयते