

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO. 156 OF 2011
WITH
PUBLIC INTEREST LITIGATION NO. 216 OF 2010
WITH
PUBLIC INTEREST LITIGATION NO. 14 OF 2012
WITH
PUBLIC INTEREST LITIGATION NO. 7 OF 2011
WITH
PUBLIC INTEREST LITIGATION NO. 52 OF 2015
WITH
WRIT PETITION NO. 2544 OF 2015
WITH
WRIT PETITION NO. 2547 OF 2015
WITH
WRIT PETITION NO. 8352 OF 2016
WITH
PUBLIC INTEREST LITIGATION NO. 133 OF 2012
WITH
WRIT PETITION NO. 175 OF 2016
WITH
CONTEMPT PETITION NO. 234 OF 2017
IN
PUBLIC INTEREST LITIGATION NO. 156 OF 2011

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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PUBLIC INTEREST LITIGATION NO.156 OF 2011:

*Mr. Uday P. Warunjikar for petitioner,
Mr. A.Y. Sakhare, Sr. Counsel (Spl. Counsel)a/w Mr. A.B.Vagyani, G.P
along with Mr. Manish Pabale, AGP for the Respondent State.*

PUBLIC INTEREST LITIGATION NO.216 OF 2010:

*None for the Petitioner.
Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel A/w Mr. A.B.Vagyani, G. P along
with Mr. Manish Pabale,A.G.P for the Respondent Nos.3 & 4*

PUBLIC INTEREST LITIGATION NO.14 OF 2012:

*None for the petitioner
Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along*

*with Mr.Manish Pabale, A.G.P for the Respondent Nos. 1 to 3 /State
Mr. S.R. Nargolkar for the R.No.4*

PUBLIC INTEREST LITIGATION NO.7 OF 2011:

Mr. S.R. Nargolkar for the Petitioner.

*Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along
with Mr. Manish Pabale, A.G.P for the Respondent Nos. 1 to 9*

PUBLIC INTEREST LITIGATION NO.52 OF 2015:

None for the Petitioner.

*Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along
with Mr .Manish Pabale, A.G.P for the Respondent Nos. 1 /State*

WRIT PETITION NO.2544 OF 2015 :

None for the Petitioner.

*Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along
with Mr. Manish Pabale, A.G.P for the Respondent Nos. 1 & 2
Mr. S.R. Nargolkar for the R.No.3*

WRIT PETITION NO.2547 OF 2015:

None for Petitioner

*Mr. A.Y. Sakhare, Sr. Adv.(Spl. Counsel) a/w Mr. A.B.Vagyani, G.P along
with Mr. Manish Pabale, A.G.P for the Respondent State.*

WRIT PETITION NO.8352 OF 2016:

None for the Petitioner.

*Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along
with Mr. Manish Pabale, A.G.P for the Respondent Nos. 1 to 3*

PUBLIC INTEREST LITIGATION NO.133 OF 2012:

None for the Petitioner.

*Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along
with Mr. Manish Pabale, A.G.P for the Respondent Nos. 1 to 3*

WRIT PETITION NO.175 OF 2016:

Mr. Rahul Rao for the Petitioner

*Mr. A.Y. Sakhare, Sr. Adv. (Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along
with Mr. Manish Pabale, A.G.P for the Respondent Nos.1 to 8.*

CONTEMPT PETITION NO.234 OF 2017 IN

PUBLIC INTEREST LITIGATION NO.156 OF 2011

None for the Petitioner.

*Mr.A.Y. Sakhare, Sr. Adv.(Spl. Counsel) A/w Mr. A.B.Vagyani, G.P along
with Mr. Manish Pabale, A.G.P for the Respondent /state*

CORAM : A.S.OKA AND A.K.MENON, JJ.

DATE : 4th May 2018

P.C.:

The learned counsel appearing for the High Court Administration tendered across the bar a copy of the report submitted on 2nd May 2018 by the learned President of the Maharashtra State Co-operative Appellate Court. It records that only the plans are prepared by the Public Works Department. However, estimate has not been prepared. It is also pointed out that fit-out period of three months will come to an end on 31st May 2018 and, therefore, the licence fee payable in respect of the premises in Apeejay House will become payable with effect from 1st June 2018. It is pointed out that due to the delay on the part of the Public Works Department (PWD) of the State Government, work could not be carried out in the premises.

2. We direct the PWD to prepare estimates on the basis of the proposed plans already prepared and submit the same to the learned President of the Co-operative Appellate Court within a period of three weeks from today. The learned President of the Co-operative Appellate Court after consulting the learned Guardian Judge shall finalize the plans and estimates and shall forward the same at the earliest to the concerned department of the State Government. The State Government shall take a

decision on the issue of approval of the plans and estimates as expeditiously as possible and, in any event, within fifteen days from the date on which the proposal is submitted by the Co-operative Appellate Court.

3. Any delay on the part of the State will affect the State exchequer as the licence fee will become payable with effect from 1st June 2018 onwards. The State will be required to pay licence fee without there being effective use of the premises.

4. The learned senior counsel appearing for the State has produced for our perusal, a copy of the letter dated 18th April 2018 addressed by the Department of Co-operation to the Government Pleader. It records that the State is prepared to sanction expenditure required for scanning of the old records of the Co-operative Court as well as Co-operative Appellate Court and necessary provision will be made in the Monsoon Session of the Legislature by submitting supplementary demands. We accept the said statement. We direct the learned President of the Co-operative Appellate Court to prepare a detailed proposal for scanning of the records. It will also be open for the learned President to submit a proposal to the State Government for grant of funds required for scanning and digitization of the records of disposed of cases. He is free to take help of the team of this Court dealing with the e-Court Project for the

purpose of preparing estimates and working details of the scanning and digitization. For preparing the estimate of the amounts required for scanning and digitization work, if the learned President requires help of an expert, the State Government to ensure that necessary assistance of the experts in the field is made available to the learned President of the Co-operative Appellate Court. This arrangement can be made by the Information and Technology Department of the State Government. The learned President shall ensure that the proposal is submitted to the concerned department of the State by the end of May 2018 so that necessary supplementary demands can be approved by the State Legislature in the Monsoon Session.

5. In the meanwhile, the State shall make available a suitable premises in the vicinity of Apeejay House to the Co-operative Appellate Court for shifting all old records and for doing the work of scanning. The premises will have to be close to Apeejay House as constant supervision by the Court staff is necessary during the process of digitization. The State Government after identifying the premises shall give inspection thereof to the learned President who, after consulting the learned Guardian Judge, will decide whether the premises is adequate and suitable. If the premises is found to be suitable, he will submit necessary proposal to the High Court Administration for grant of approval. If the proposal is approved, the entire

record of disposed of cases shall be shifted to the said premises offered by the State Government.

6. As regards the State Commission, its Registrar (Legal) has submitted a detailed report to Shri Nikhil Gupta, Deputy Registrar working in e-Court Project of this Court who has agreed to visit the premises in one or two days.

7. The learned counsel appearing for the High Court Administration pointed out that even during the financial year 2017-18, large amount of grant was released at the fag end of the financial year and, therefore, the grant has lapsed. A detailed statement setting out the details of the grants lapsed shall be provided by the High Court Administration to the learned Government Pleader who will make a statement in what manner the grants which have lapsed can be revived. There is already a direction issued in the impugned judgment directing the State Government to ensure that the grants released at the fag end of the financial year do not lapse. Even the Registrar (Legal) of the State Commission shall submit similar details to the learned Government Pleader at the earliest.

8. Place the petition under the caption of direction on 15th June 2018 at 5.00 p.m.