

\$~7, 8, 12 to 14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 17th July, 2020

14

+ **W.P.(C) 3362/2020 & CM APPLs. 11901-02/2020**

BAR COUNCIL OF DELHI THROUGH ITS CHAIRMAN K.C
MITTAL Petitioner

Through: Mr. Kailash Vasdev, Senior Advocate
with Mr. K. C. Mittal, Chairman with
Mr. Yugansh Mittal and Mr. Amit P.
Shahi, Advocates for Bar Council of
Delhi.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Satyakam, ASC for
GNCTD.
Mr. Anil Soni, CGSC with Mr.
Devesh Dubey, Advocate for UOI.

WITH

7

+ **W.P.(C) 4303/2020 & CM APPL. 15480/2020**

BAR COUNCIL OF DELHI THROUGH ITS
CHAIRMAN K. C. MITTAL Petitioner

Through: Mr. K. C. Mittal, Chairman with Mr.
Yugansh Mittal and Mr. Amit P.
Shahi, Advocates for Bar Council of
Delhi.

versus

GOVT. OF NCTD & ORS. Respondents

Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Satyakam, ASC for
GNCTD.

8
+

WITH

W.P.(C) 4304/2020 & CM APPL. 15481/2020

BAR COUNCIL OF DELHI THROUGH ITS
CHAIRMAN K. C. MITTAL

..... Petitioner

Through: Mr. K. C. Mittal, Chairman with Mr.
Yugansh Mittal and Mr. Amit P.
Shahi, Advocates for Bar Council of
Delhi.

versus

GOVT. OF NCTD & ORS.

..... Respondents

Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Satyakam, ASC for
GNCTD.
Mr. Anil Soni, CGSC with Mr.
Devesh Dubey, Advocate for UOI.

WITH

12
+

W.P.(C) 3298/2020 & CM APPL. 11567-68/2020

GOVIND SWAROOP CHATURVEDI

..... Petitioner

Through: Petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Satyakam, ASC for
GNCTD.
Mr. K. C. Mittal, Chairman with Mr.
Yugansh Mittal and Mr. Amit P.
Shahi, Advocates for Bar Council of
Delhi.

WITH

13
+

W.P.(C) 3357/2020

BALVINDER SINGH BAGGA & ORS.

..... Petitioners

Through: Mr. Amarjit Singh Chandiok, Senior

Advocate with Mr. Naginder Benipal,
Advocate with Petitioner Nos.1, 3 to
5 in person.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents
Through: Mr. Rajiv Nayyar, Senior Advocate
with Mr. Satyakam, ASC for
GNCTD.
Mr. K. C. Mittal, Chairman with Mr.
Yugansh Mittal and Mr. Amit P.
Shahi, Advocates for Bar Council of
Delhi.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.
2. Petitions being W.P.(C)s 4303/2020 & 4304/2020 are fresh petitions filed by the Bar Council of Delhi (*hereinafter*, 'BCD') seeking extension of the Chief Minister Advocates' Welfare Scheme (*hereinafter*, 'Scheme') to include advocates who are enrolled with the Petitioner but are residing in National Capital Region (*hereinafter*, 'NCR') and also for permitting advocates, who were unable to register themselves under the Scheme within the 19th April, 2020 deadline, to register for the said Scheme.
3. Further to the last order in some of the petitions viz., W.P (C) 3298/2020, 3357/2020 and 3362/2020 passed on 18th June, 2020, the status report has been placed on record by the Government of NCT of Delhi (*hereinafter*, 'GNCTD'). As per the status report, Mr. Satyakam, Id. Additional Standing Counsel (ASC) for GNCTD submits that Notice Inviting Tenders ("NITs") was published after duly consulting with Mr. K.C.

Mittal, Chairman, BCD. The first advertisement was issued on 25th June, 2020 on the Delhi Government e-procurement portal. Advertorial notices were also published in both Hindi and English newspapers on 26th June, 2020. As per the said NITs, the last date for submission of tender was 10th July, 2020 and pre-bid meetings were also held on 3rd July, 2020. In the pre-bid meeting, various bidders/insurance companies had participated, including The New India Assurance Co. Ltd., National Insurance Co. Limited, Hindustan Insurance Brokers Ltd., Secure Now Insurance Broker Pvt. Ltd. and Life Insurance Company. Suggestions were put forth pursuant to the said pre-bid meeting. Further to the said suggestions, corrigenda were issued in the NITs for both tenders i.e. Group Mediclaim Insurance and Group (Term) Life Insurance on 13th July, 2020. The said corrigenda were then published on the e-procurement portal and also on the website of Law department. Accordingly, now the last date for submission of tender is 27th July, 2020. The date for opening of Technical Bids is 28th July, 2020. The status report is taken on record.

4. Mr. Kailash Vasdev, Id. Senior Counsel appearing for the BCD, on the instructions of Mr. Mittal submits that the tender process is now continuing. Mr. Amarjit Singh Chandiok, Id. Senior Counsel, appearing for the Petitioner in W.P(C) 3357/2020 however submits that there are two other categories of advocates who have to be considered i.e. advocates who could not have registered themselves within the deadline of April, 2020, which was fixed by GNCTD and secondly, advocates residing in NCR regions. Mr. Govind Swaroop Chaturvedi, who is the Petitioner-in-person in W.P(C) 3298/2020, also submits that if this Court adjudicates that advocates residing in the NCR regions are eligible for availing benefits under the

Scheme, then the tender would also be more effective as the number of eligible advocates would be much more.

5. While this Court is seized of the issue in respect of advocates from NCR regions, which is yet to be adjudicated, in the opinion of the Court, there is no need to delay the tender process for advocates who are already registered and who reside in Delhi. Accordingly, it is directed that the GNCTD will go ahead with the tender process. The date for opening of Technical Bids is already fixed. After the technical bids are open, the date and time of opening of financial bids shall also be fixed on any date before 7th August, 2020. After financial bids are opened, the GNCTD shall go ahead with evaluating the bids and awarding the same to the successful tenderer. The final contract would however, be executed under the aegis of Technical Evaluation Committee (TEC). After the final contract is signed, the successful bidder, would then start the process of issuing insurance policies under the Scheme in favour of advocates.

6. Insofar as the other two categories of advocates are concerned i.e. (i) advocates who could not register before the April deadline and (ii) advocates from the NCR region, Mr. Rajiv Nayar, Id. Sr. Counsel appearing for GNCTD submits that he intends to hold a meeting with all the representatives and also seek instructions from the appropriate authorities.

7. Insofar as the former category of advocates are concerned, since the deadline for registering for the Scheme was in April, 2020 during the early lockdown period of the COVID-19 pandemic, the GNCTD may consider opening a two-weeks window permitting advocates from Delhi to register themselves.

8. The outcome of the meeting may be appraised to the Court on the

next date. If no favourable decision is taken in respect of advocates from either category, this Court would hear submissions in this regard on the next date.

9. A sealed envelope has been received on the last date containing a Pen Drive from the Chairman, BCD, consisting of the list of 29,098 advocates from NCR region, in compliance of order dated 18th June, 2020. The same is taken on record and is directed to be kept in the safe custody of concerned Deputy Registrar.

10. Rejoinder is taken on record in WP(C) 3298/2020. Parties are permitted to file additional documents, if any, at least 5 days prior to the next date.

11. List all these petitions on 28th August, 2020 at the end of board.

PRATHIBA M. SINGH
JUDGE

JULY 17, 2020/dk/A