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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12802/2024 & CM APPLs. 53383/2024, 53385/2024**
KIRAN DHARAM VATIPetitioner
Through: **Mr. R.K. Saini, Mr. Puneet Verma**
and Mr. Kiran Dharam, Advocates.

versus

LAWYERS CHAMBERS ALLOTMENT COMMITTEE & ANR.
.....Respondents
Through: **Mr. Satyakam, ASC for GNCTD.**

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
30.09.2024

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1. The present petition assails decision dated 4th April, 2024 passed Respondent No. 1, Lawyers Chambers Allotment Committee, District Court Complex, Saket,¹ thereby rejecting Petitioner's request for allotment of chamber to her in the Saket Court Complex.
2. The Petitioner, a member of the Saket Bar Association, is a practicing advocate bearing Enrolment No. D-955/97(R). She asserts that she has been in practice since 1997 and has now completed more than 20 years of experience.
3. On 26th May, 2015, Saket Court Complex issued a notice for allotment of chambers and in furtherance of the same, Petitioner applied for the allotment accompanied with the requisite documents, however, her claim was rejected. Aggrieved by the same, the Petitioner filed a writ petition before this Court [W.P. (C) No. 6257/2018] and through order dated 5th



August, 2019, the said petition was disposed of with the following directions:

“1. The petitioner has filed the present petition, inter alia, impugning the minutes of meetings of the Lawyers Chamber Allotment Committee held on 05.09.2017 and 27.11.2017. In terms of the said minutes, the petitioner’s representation against non-consideration for allotment of a chamber, has been rejected.

2. The petitioner’s principal grievance was that she was not provided an opportunity to establish that she fulfilled the eligibility criteria for allotment of a lawyer’s chamber. The said contention was examined by this Court on 19.07.2019 and the following order was passed:

“1. The principal grievance of the petitioner is that she has not been allotted a lawyer’s chamber at the Saket Court Complex, despite being eligible for one. Her application for a lawyer’s chamber was rejected as she had not provided the requisite documents to establish that she met the eligibility criteria.

2. She contends that no information regarding any defect in her application for a Lawyer’s chamber was informed to her and she was provided no opportunity to cure the defects. On the contrary, the petitioner was led to believe that her application was in order.

3. The learned counsel appearing for the petitioner has referred to a list published on 26.05.2014 which bears the names of the petitioner and there are no defects mentioned against her name. He also pointed out that there were several persons whose applications were found to be defective and such defects were mentioned against their names in the aforementioned list.

4. He also submits that such persons were given an opportunity to cure the defects and resubmit the requisite documents. This opportunity was denied to the petitioner since she was not informed of any defect in her application, either separately or in the list published by respondent no. 1. The petitioner rests her case on her right to be treated on parity with other applicants. She seeks that a similar opportunity to cure the defects, as provided to other applicants, be also provided to her.

5. The learned counsel appearing for the respondents seeks time to take instructions in this regard.

¹ “the Committee”



6. *List on 05.08.2019.”*

3. *The learned counsel appearing for the respondents states that the matter has been re-examined and the petitioner’s grievance that she was not granted an opportunity, is merited. She states that the petitioner’s application would be considered afresh on the basis of the documents filed in this Court for allotment of chamber on multiple occupancy basis.*

4. *In this view, the petitioner is directed to file with the respondents, a certified copy of the documents relied upon by her, which have been filed in this Court. The respondents shall consider the petitioner’s representation afresh for allotment of a lawyer’s chamber on multiple occupancy basis. This is so, because the chambers on dual occupancy basis are no longer available. In this regard, it is clarified that as and when a chamber on dual occupancy falls vacant, the petitioner’s case would be considered for such allotment on her own seniority.*

5. *The petition is disposed of in the aforesaid terms. The pending application is also disposed of.”*

4. In compliance with the afore-noted directions, the Petitioner submitted certified copies of the documents relied upon by her. She also addressed a representation dated 09th March, 2022 to the Committee asking them to consider her request for allotment of chamber.

5. The Petitioner submits that the conditions specified for allotment required that the applicant must have at least 15 Vakalatnamas or orders. Accordingly, the Petitioner submitted 18 Vakalatnamas, wherein 10 Vakalatnamas were bearing her signature alone and 5 Vakalatnamas were signed by her and her husband, Mr. Puneet Kumar, who is also a practicing advocate.

6. Subsequently, the Committee rejected the Petitioner’s case through minutes of meeting dated 20th September, 2022, on the ground that the Petitioner had not submitted the requisite number of Vakalatnamas.

7. Thereafter, on 17th January, 2023 the Petitioner made a representation clarifying that the ***Ajay v. Kavita*** are two different matters; one bearing No.



HMA 284/2011 and the other bearing No. HMA 633/2012, which constitute a part of the original application submitted with the Committee. She further pointed out that *Agrimas Chemicals Ltd v. Ram Akbal Sharma* are two different cases bearing Complaint No. 4367/1/2011 and Complaint No. 4373/1/2011, both having separate indexes. Pursuant thereto, a personal hearing was provided to the Petitioner. However, through communication dated 30th April, 2024, the Petitioner was informed that her case was rejected in terms of minutes of meeting dated 4th April, 2024 on the ground that the Petitioner could not furnish the requisite number of Vakalatnamas. The minutes of meeting dated 4th April, 2024 reads to the following effect:

"SL. NO.	AGENDA	MINUTES
<i>Representations for Allotment of Chamber (Initial Allotment Phase/ Subsequent Allotment Phase)</i>		
	..XX..	..XX..
	..XX..	..XX
13	<i>Representation dated 17.01.2023 received from Ms. Kiran Dharam Vati, Advocate for allotment of chamber.</i>	<i>It has been noticed that earlier the Member Secretary LCAC had given report that the applicant has established herself as Main Counsel in 13 cases against desired 15 cases. On the recommendations of Sub-committee, both the ACJ(s) had now given her personal hearing and reconsidered the three rejected cases. Earlier, the case of Ajay Kumar Vs. Smt. Kavita was not considered as documents of case no. 633/2012 were different to case no. 284/2011. It is found that the applicant had already submitted the documents in relation to case no. 633/2012 earlier also, with her original application. Now, the certified copy of the documents is also on record and</i>



		<i>accordingly, this case may be considered valid to establish her as main counsel. During personal hearing, the applicant had submitted that she had submitted two separate vakalatnamas of two different cases bearing the same case title. The documents have been perused. The vakalatnamas do not bear case number and no other document has been placed on record to establish that the vakalatnamas pertain to two different cases. Therefore, the vakalatnama may be considered valid for one case only. Earlier also, the Member Secretary LCAC had given similar view.</i> <i>With these observations, she has established herself as Main Counsel in 14 cases against 15 cases desired for her eligibility for allotment of chamber.</i> <i>Since the applicant does not fulfill the eligibility criteria and found to be ineligible, it is unanimously resolved by the Committee to reject the representation filed by Ms. Kiran Dharam Vati, Advocate.”</i>
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8. In this background, Mr. R.K. Saini, counsel for Petitioner, submits that through impugned decision, the Committee accepted ***Ajay v. Kavita*** as two separate cases. However, the Committee refused to accept ***Agrimas Chemicals Ltd v. Ram Akbal Sharma*** as two different cases and treated it as a single case, bringing the total tally up to 14 cases. In this regard, Mr. Saini submits that invariably when the Vakalatnamas are filed in a fresh case, the



case number is not put thereon, which is added subsequently by the Court staff. Therefore, the impugned decision is incorrect and misplaced. In support of his contention, he places reliance on the certified copies of the Vakalatnama, which are annexed as Annexure P-9.

9. Mr. Satyakam, ASC for GNCTD, on the other hand, points out that the Petitioner was afforded sufficient opportunities to produce the requisite Vakalatnama to establish that the Petitioner had satisfied the eligibility requirement of filing Vakalatnamas in 18 cases. He points out that even the minutes of meeting held on 20th September, 2022 takes note of the inadequacy in the Petitioner's filing. The same was reiterated in the impugned order. Therefore, Petitioner had sufficient time to produce the relevant documents to establish their entitlement. He further submits that the certified copy of records, which has been annexed with the petition, has apparently been issued on 4th September, 2024 which is subsequent to the impugned order. Hence, these documents cannot be the basis for the Petitioner to impugn the decision. Mr. Satyakam also argues that Petitioner cannot be permitted to endlessly engage on the same issues.

10. The Court has considered the afore-noted contentions. The certified copy of the Vakalatnamas furnished by the Petitioner were issued along with the complete set of paper book. The filing number is also different for both the complaints. The unique complaint numbers identifying the complaints, have been affixed on the backside of the first page. Two complaints have identical title inasmuch as the Petitioner as well as the Accused are the same parties. These complaint numbers are allocated once the cases are presented before the Magistrate and after pre-summoning evidence is recorded, which is also done usually on the first date itself.



11. Mr. Saini has also explained that Petitioner had only filed Vakalatnamas and not the complete paper book which would link the two Vakalatnamas to two different complaints. This perhaps led to the confusion which, in the opinion of the Court, must be redressed.

12. Further, the Court finds also merit in the contention of Mr. Saini that although the documents were on record, the certified documents of the entire paper book alone could have clarified the issue and therefore, this is not a case as if the Petitioner is filing additional documents to establish this eligibility. The eligibility criteria have only been clarified through the certified copies.

13. In light of the above, the present petition is allowed with the following directions:

- (i) The impugned order dated 4th April, 2024 *qua* the Petitioner, is set aside.
- (ii) The Petitioner is directed to furnish the certified copies clearly delineating the complaint case number along with the Vakalatnama which shall then be placed before the Committee, who shall then take a fresh decision thereon. The same shall be done within a period of eight weeks from today, in accordance with law.

14. Mr. Saini volunteers to pay a cost of INR 10,000/- to the Delhi State Legal Services Authority for the delay caused.

15. With the above directions, the present petition, along with the pending application(s), if any, disposed of.

SANJEEV NARULA, J

SEPTEMBER 30, 2024/as