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

\+ W.P.(C) 15341/2024

VIJENDER GUPTA & ORS. .....Petitioners

Through: Mr. Mahesh Jethmalani, Mr. Jayant Mehta, Mr. Pavan Narang, Senior Advocates with Mr. Neeraj, Mr. Satya Ranjan Swain, Mr. Ravi Sharma, Mr. Vaibhav Thaledi, Mr. Ajay Awasthi, Ms. Mugdha Pande, Mr. Soumyadip Chakraborty, Mr. Kautilya Birat, Mr. Himanshu Sethi, Mr. Sachin Saraswat, Mr. Ankush Kapoor, Mr. Rudra Paliwal, Mr. Sanjay Pal, Mr. Amit Tiwari, Mr. Shoumendu Mukherjee, Mr. Yash Tyagi, Mr. Rahul Sharma, Mr. Ankit Siwach, Mr. Sarvesh Srivastav, Mr. Sushil Kumar Pandey, Mr. Ashok Kumar Verma, Mr. Vikramaditya Singhi, Mr. Vijay Joshi, Advocates

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ORS. .....Respondents

Through: Mr. Sudhir Nandrajog, Senior Advocate with Mr. Rishikesh Kumar, ASC for GNCTD and Ms. Sheenu Priya, Mr. Vikas Saini, Mr. Atik Gill, Mr. Sudhir Kumar Shukla, Mr. Sudhir, Advocates

Mr. Ripudaman Bhardwaj, CGSC with Mr. Vedansh Anand, GP for UOI

Ms. Bani Dikshit, Mr. Uddhav Khanna, Mr. Anirudh Sharma, Advocates for R-4
Mr. Shreeyansh U. Lalit, Mr. Himanshu Vats, Ms. Runjhun Garg, Mr. Lavan Tyagi, Mr. Angad, Advocates for R-5 & 6
Mr. Sushil Kumar Pandey, SPC

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **16.12.2024**

1. Petitioner No. 1, the Leader of Opposition, along with Petitioners Nos. 2 to 7, all Members of the Legislative Assembly, Delhi, are aggrieved by the inaction of the Department of Finance, Government of NCT of Delhi/Respondent No. 2 and the Government of NCT of Delhi/Respondent No. 1 in sending proposals containing Reports of the Comptroller and Auditor General of India[1]/Respondent No.5 to the Lt. Governor/ Respondent No. 4 to cause them to be laid before the Legislative Assembly of Delhi.

2. Pursuant to the notice issued on 02^{nd} December, 2024, Respondents have filed their responses. The CAG has filed their counter affidavit stating that as per the records available with them, the Reports of the CAG pertaining to the NCT of Delhi are pending with the Government of NCT of Delhi, for laying before the Legislative Assembly, in accordance with the provisions of Section 48 of the Government of National Capital Territory Delhi Act, 1991.[2]

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[1] "CAG"
[2] "GNCTD Act"

3. Further, it has been stated in the said counter affidavit that the Accountant General (Audit), Delhi has addressed a communication to the Principal Secretary (Finance), GNCTD, requesting him to lay the CAG Reports relating to GNCTD pending with the Government. The copy of the said communication has been annexed with the counter affidavit.

4. The Office of the Lieutenant Governor of Delhi has also filed a counter affidavit, providing the status of the CAG Reports. However, as the proceedings progressed, the Court took note of certain developments, especially in light of the counter affidavit filed by Respondent Nos. 1 and 2. Accordingly, directions were issued to the Office of the Lieutenant Governor of Delhi to file an affidavit apprising the Court of the latest position regarding the movement of the file pertaining to the CAG Reports.

5. In compliance with the aforenoted directions, Respondent No. 4, Lieutenant Governor of Delhi, through its Principal Secretary has filed an affidavit stating as follows:

> *"5. Pertinently, it was only in pursuance of the fervent requests made by the LG office to the Hon'ble Chief Minister, Finance Minister and other functionaries to place the CAG reports with the LG office and thereafter on account of the present Writ Petition, that the Hon'ble Finance Minister of Delhi, currently also functioning as the Chief Minister of Delhi has released the long pending CAG reports and forwarded them to the LG office only on 11.12.2024.*
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> *6. The CAG reports mentioned at Sr. No. 1 to 12 were received in the LG office on 11.12.2024 at 3:30 PM and the CAG Reports mentioned at Sr. No. 13 and 14 were received on 12.12.2024 at 7:50 PM for seeking approval of the Hon'ble Lt. Governor in terms of Section 48 of the GNCTD Act, 1991 with the purpose of laying such CAG reports before the Legislative Assembly of the NCT of Delhi. In this regard, it is pertinent to apprise this Hon'ble Court that 14 CAG reports have been received from the Office of the Hon'ble Finance Minister:*

No.	Report No. & year	Report	Period	Marked to Finance Minister by the Department	Nos. of days file kept by Finance Minister/Chief Minister
1	*Report No 1 of 2022*	*State Finances Audit Report*	*Year ended 31.03.2021*	*09.08.2023*	*490 days*
2	*Report No 2 of 2022*	*Performance Audit on Prevention and Mitigation of Vehicular Air Pollution in Delhi*	*Year ended 31.03.2021*	*09.08.2023*	*490 days*
3	*Report No 3 of 2022*	*Revenue, Economic, Social and General Sectors & PSUs*	*Year ended 31.03.2020 & 31.03.2021*	*09.08.2023*	*490 days*
4		*Finance Accounts*	*2021-22*	*09.08.2023*	*490 days*
5		*Appropriation Accounts*	*2021-22*	*09.08.2023*	*490 days*
6	*Report No 1 of 2023*	*Performance Audit Report on Children in Need of Care and Protection*	*(2018-19 to 2020-21) Year ended 31.03.2021*	*09.08.2023*	*490 days*
7	*Report No 2 of 2023*	*State Finances audit Report*	*Year ended 31.03.2022*	*02.08.2023*	*497 days*
8		*Finance Accounts*	*2022-23*	*21.02.2024*	*294 days*
9		*Appropriation Accounts*	*2022-23*	*21.02.2024*	*294 days*

10	*Report No 1 of 2024*	*Performance Audit on Regulation and Supply of Liquor in Delhi*	*2017-18 to 2021-22*	*08.03.2024*	*278 days*
11	*Report No 2 of 2024*	*State Finances Audit Report*	*Year ended 31.03.2023*	*11.07.2024*	*153 days*
12	*Report No 3 of 2024*	*Public Health Infrastructure and Management of Health Services*	*Year ended 31.03.2023*	*24.09.2024*	*78 days*
13	*Report No 4 of 2024*	*Performance Audit Report on Functioning of Delhi Transport Corporation*	*Year ended 31.03.2022*	*10.12.2024*	*2 days*
14	*Report No 5 of 2024*	*Revenue, Economic, Social and General Sectors & PSUs and Performance Audit of the Department of H&FW and Compliance Audit*	*Year ended 31.03.2022*	*10.12.2024*	*2 days*

7. A perusal of the Table clearly reflects that the files were kept pending in the office of the Hon'ble Finance Minister/ Chief Minister for an inordinate amount of time, causing delay in laying of these CAG Reports in the Legislative Assembly of Delhi. Such undue delay, oftentimes of over an year, is an affront to the Government of NCT's constitutional and statutory duties towards the citizens of Delhi, contained in Article 151(2) of the Constitution of India, 1950, Regulation 210(1) of the Regulations on Audit and Accounts, 2007 and Section 48 of the

Government of National Capital Territory of Delhi Act, 1991. There is no justification provided to this delay whatsoever.

8. Keeping in view the unjustified delay already caused by the Hon'ble Finance Minister/ Chief Minister, depriving the Legislative Assembly of Delhi and the general public of their right to scrutinize the executive actions of the government, and with an intent to ensure that there is no further delay, the Hon'ble LG has promptly and expeditiously accorded his approval under Section 48 of the Government of NCT of Delhi Act, 1991 on 13.12.2024 itself (within less than 48 hours of the files having been received in the LG Office), so that further necessary steps may be taken by the Respondent Nos. 1 and 2 along with the office of the Hon'ble Finance Minister for laying all these 14 CAG Reports before the Legislative Assembly of Delhi in the present session.

*9. It is submitted that the third Part of the Fifth Session of the Delhi Legislative Assembly was recently adjourned sine-die by the Hon'ble H a speaker on 04.12.2024. The copy of the brief summary of proceedings of the Assembly is annexed as Annexure-1. It is submitted that the Hon'ble o; Lt. Governor has not yet prorogued the House under Section 6 of the Government of NCT of Delhi Act, 1991, and therefore, the Fifth Session of the Delhi Assembly is still continuing (and only adjourned). Further, in accordance with Rule 17 of the Rules of Procedure and Conduct of Business in the Legislative Assembly of the National Capital Territory of Delhi, 1997 (hereinafter referred to as "**Assembly Rules**"), the Hon'ble Speaker may call Sitting of the House after the House has been adjourned sine die. The definition of the term "session" and Rule 17 of the Assembly Rules, also annexed as **Annexure-2**, are as under, -*

*Rule 2 (zm) - "**Session**" means the period of time commencing from the first sitting of the Assembly upon the summon of the Lieutenant Governor under subsection (1) of section 6 until its prorogation or dissolution under sub-section (2) thereof;*

*17. **Adjournment of the House and procedure for reconvening***

*(1) The Speaker shall determine the time when a sitting of the House shall be adjourned sine die or to a particular day, or to an hour or part of the same day: Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or **at any time after the House has been adjourned sine die.***

(2) In case the House, after being adjourned is reconvened under proviso to sub-rule (1), the Secretary shall communicate to each member the date, time, place and duration of the next part of the session.

10. The Hon'ble Lt. Governor, while returning all these CAG Reports to Hon'ble Chief Minister with his approval under Section 48 of the Government of NCT of Delhi Act, 1991 has directed that the Special Sitting of Legislative Assembly of Delhi may be convened immediately in accordance with the Assembly Rules (enunciated above) for laying these CAG Report on the table of the Legislative Assembly of Delhi without *further loss of time in order to ensure adherence to the constitutional mandate. The people of Delhi, through their representatives in the Legislative Assembly of Delhi are entitled to have access to the CAG Reports, and such access, if delayed for unjustified reasons inordinately, militates against the constitutional mandate.*

11. Therefore, this Hon'ble Court is beseeched to direct Respondent Nos. 1 and 2 along with the Office of the Hon'ble Finance Minister of Delhi to expeditiously perform their statutory and constitutional mandate / duties of laying all these CAG reports on the table of the House which are necessitated in the interest of the taxpayers and citizens of not only Delhi but India."

6. In light of the aforenoted affidavit, it now emerges that the Lt. Governor has received the CAG Reports, and has accorded his approval under Section 48 of the GNCTD Act. Further, the Lt. Governor has retuned all the CAG Reports to the Chief Minister and has directed that the special sitting of the Legislative Assembly of Delhi be convened immediately in accordance with Rules of Procedure and Conduct of Business in the Legislative Assembly of the National Capital Territory of Delhi, 1997, for laying the CAG Reports on the table of the Legislative Assembly of Delhi without any further loss of time.

7. Mr. Sudhir Nandrajog, Senior Counsel representing Respondent Nos. 1 and 2, asserts that having received the CAG Reports, Respondent Nos. 1 and 2 shall forward the same to the Speaker, Delhi Legislative Assembly/ Respondent No. 3. He states that the Reports shall be forwarded within a period of two to three days from today. The said statement is taken on record.

8. In light of the above, the relief sought in the present case, which was for issuance of a writ of *mandamus* to Respondent No. 2 to send the proposals to Respondent No. 4 for exercising his duties under Article 151 (2) of the Constitution of India, stands redressed.

9. In view of the above, the present proceedings are closed.

10. At this juncture, it must be noted that Mr. Mahesh Jethmalani, Senior Counsel for the Petitioners, has stressed that once the CAG Reports are forwarded to the Speaker, he must call for a Sitting of the House promptly.

11. In the event that such a decision is not taken, the Petitioners' rights to take recourse to appropriate legal proceedings in accordance with law, are reserved.

12. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

DECEMBER 16, 2024/ab