

\$~8

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

+ **W.P.(C) 3227/2020**

MR. ANAND VAID

..... Petitioner

Through: Mr. Ankur Mahindro, Advocate with Mr. Ankush Satija and Ms. Sanjoli Mehrotra, Advocates alongwith petitioner-in-person

versus

MS. PREETY VAID & ORS.

..... Respondents

Through: Mr. Sanjoy Ghose, Advocate with Mr. Naman Jain, Advocate for High Court of Delhi Mr. Mohit Mathur, President, DHCBA and Mr. Abhijat, Secretary, DHCBA with Mr. Shaashwat Jindal and Mr. Arpit Kumar Singh, Advocates for DHCBA

Mr. Anupam Srivastava, ASC for GNCTD with Mr. Dhairya Gupta, Advocate for R-4 & R-5

Mr. Reetesh Singh, OSD (Examination for DHJS and DJS, Member Secretary- State Court Management System Committee (SCMSC), Litigation and Rules)

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **29.07.2020**

HEARD THROUGH VIDEOCONFERENCING

CM. 15113/2020 (on b/o Delhi High Court Bar Association for impleadment)

1. A Status Report dated 24.07.2020, has been filed by the Delhi Government through the Additional Secretary (Law & Justice), Government

of NCT of Delhi. The said Status Report seeks to rely on an order dated 10.07.2020, issued by the Finance Department, Government of Delhi to state that for incurring expenditures not included in paras 2 and 3 of the said order and have financial implications above Rs.1.00 crore, relaxation has to be solicited from the Council of Ministers.

2. Relying on the said order, Mr. Anupam Srivastava, learned ASC for the GNCTD states that the two urgent proposals forwarded by the District Court to the Delhi Government relating to procurement of manual attached storage and routers, both essential for conducting Virtual Courts, have not been cleared as the financial implications of the said proposals is above Rs.1.00 crore. Instead, the matter has to be placed before the Council of Ministers for according appropriate sanction.

3. On enquiring from Mr. Reetesh Singh, OSD (Examination) and Mr.Virender Kumar Bansal, Chairman, Centralised Computer Committee, District Court as to whether the Delhi Government is required to release additional funds besides the budget already allocated to the District Courts for disbursing amounts for the aforesaid two proposals, we are informed that both the said proposals fall under the head of non-plan expenditure for which funds are already available with the District Courts and only a formal approval for spending money on the aforesaid proposals is required from the Delhi Government.

4. In view of the above submission, we have requested Mr Srivastava, learned ASC, to clarify as to how would the order dated 10.07.2020 apply to the aforesaid proposals. In fact, the matter was passed over to await the presence of the Secretary (Finance), Delhi Government to assist the court on this aspect. However, on the second call Mr. Srivastava, learned ASC states

that Secretary (Finance) is presently held up in a meeting with the Speaker of the Legislative Assembly and requests that orders may be deferred till the next date.

5. Mr. Mohit Mathur, President, DHCBA and Mr. Abhijat, Secretary, DHCBA state in unison that the legal community and the litigants are facing great difficulty in participating virtually in matters listed before the Judges of the District Courts as in the absence of adequate bandwidth, the Judges are having to resort to using the software of CISCO Webex, which is a free app that provides a slot of 40 minutes at one time and halfway through the arguments, counsels get automatically delinked. The whole process of re-linking has to be taken for arguments to continue, which causes considerable disruptions and delays in the hearing. They submit that the Delhi Government be called upon to take expeditious steps to clear the pending proposals referred to hereinabove, to provide seamless hearing in virtual courts.

6. We may note that all the pending proposals in question relating to the District Courts have been pending at the end of the Delhi Government since the year 2018. It is a different matter that due to the COVID-19 pandemic situation that occurred in March, 2020, courts have had to resort to virtual hearings. The need of the hour is to provide adequate bandwidth, Network attached storage and Routers, etc., to facilitate conducting virtual courts. However, lawyers, litigants and the subordinate judiciary are being inconvenienced due to the stand now sought to be taken by the Delhi Government.

7. At the request of Mr. Srivastava, learned ASC, list on 31.07.2020, to await the presence of the Secretary (Finance). Delhi Government. It is also

directed that henceforth, any correspondence exchanged between the District Judge (Headquarters) and the Delhi Government shall be preferably conducted electronically to save precious time and to ensure expeditious disposal of pending issues.

8. As we are informed that the Law Minister, Delhi Government, is in the process of preparing a note on the pending proposal for being placed before the Council of Ministers, this order shall be brought to his notice today itself for him to apprise the Council of Ministers as well.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 29, 2020

hsk