



SUPREME COURT BAR ASSOCIATION (REGD.)

SUPREME COURT OF INDIA, TILAK MARG, NEW DELHI-110001 (INDIA)

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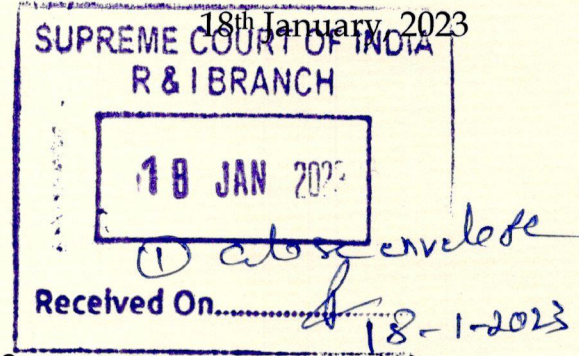
Ms. Nandani Gupta

Mr. Satbir Singh Pillania

Ms. Sangeeta Singh

PRESIDENT/CJI/26/

Dr. Justice D.Y. Chandrachud
The Chief Justice of India
Supreme Court of India
New Delhi - 110001



Sub: Listing and hearing of 2 urgent matters pertaining to
'lives and livelihood' of the SCBA Members.

Dear Sir,

It has always been the practice of this Hon'ble Court that the matters listed on a 'Miscellaneous Day' (i.e., fresh and after notice/ admission matters) are heard on that day itself and normally hearing matters are not taken up on Miscellaneous Days at the cost of Miscellaneous matters the reason being that Miscellaneous matters have pre-fixed dates for hearing where invariably clients and sometimes lawyers comes from outstation and there is certainty that their matter will be taken up on that date itself. In rare cases, if matter listed on a Miscellaneous Day is not called out on that date due to heavy board, the matter is listed automatically on the next available Miscellaneous Day. We agree that the Hon'ble Chief Justice of India has powers to change a system but we have every hope and trust that every CJI will bring a change for the better and ensure that the matters which get listed after great difficulty do not get out of the list without hearing and that too get posted 4 weeks thereafter.

Sir, I am expressing the aspirations of the Bar who merely want to be treated like any other litigant without any priority and who expect expedition in decision making in their matters. The 2 very crucial matters concerning the 'lives and livelihood' of the Bar are as under:



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I. SCBA Vs. Ministry of Urban Development & Ors. WP (C) No. 640/2022:

The said writ petition has been filed by the SCBA seeking a mandamus directing the Ministry of Urban Development to grant permission for the conversion of the entire land admeasuring 1.33 acres allotted to the Supreme Court behind the petrol pump near ITO as chamber block for lawyers. Notice was issued by this Hon'ble Court on 12.09.2022. Thereafter, the only date when the matter was heard was 03.11.2022 when the submission of the undersigned appearing on behalf of SCBA was recorded as under:

"It is his submission that the plot of land in question can accommodate more than 1000 chambers if the user of the plot is confined for the chambers rather than having a mixed user as part of it is meant for the Archives of the Supreme Court of India. It is further submitted that the existing facilities available with the Supreme Court can certainly take care of the requirements of Archives. He, therefore, submits that the prayer (a) made in the writ petition may be granted so that appropriate changes in the user pattern as well as in the plans for development can be made at the initial stage itself."

The matter was adjourned to 21.11.2022 upon request made by Mr. R. Venkataramani, Ld. Attorney General for India to have a discussion with the concerned officials of the Ministry of Urban Development.

Instead of 21.11.2022 the matter was listed on 28.11.2022 at serial no. 58. The matter was neither taken up nor next date was given by the Court Master. When the order was uploaded on the Supreme Court website, it came to light that the next date was given as 09.01.2023.

In the meantime, we were informed that the Ministry of Urban Development has consented for the change in land use to enable construction of lawyers' chamber. Thus, in order to expedite the construction of chambers at the ITO site, the undersigned made



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a listed mentioning before your goodself on 14.12.2022 for listing the matter before vacations, the said request was not entertained on the specific understanding that the matter will be heard on the date fixed which was 09.01.2023.

The matter was listed on 09.01.2023 at Serial No. 37 before the Bench headed by your goodself. The Bench rose at 4:30 pm after finishing serial no. 35 and the matter could not be heard again as some hearing matters were included in the list last minute which took considerable time. In view of urgency, the matter was mentioned on 10.01.2023 at mentioning serial no. 6 when request was made by the undersigned to hear the matter any day this week. While the request made by other counsels for listing of matters was being allowed, the request for listing of the SCBA matter, no order was passed as your goodself said that your goodself will look into it. The matter was again mentioned on 11.01.2023 while mentioning the Supreme Tower matter and your goodself again assured that the matter will be looked into. However, the case status still shows the date of 03.02.2023.

Chambers in advocates profession play an integral role in their practice. The site plan for construction of chambers on the 40% of the land was ready in the tenure of Hon'ble Mr. Justice NV Ramana (former CJI) who even wanted to lay the foundation of the chamber block, however, the said piece of land being the last piece of vacant land available near the Supreme Court, the SCBA filed the present writ petition seeking the entire land admeasuring 1.33 acres for construction of chambers for its members. This indefinite delay in hearing of the matter is affecting the livelihood of the members of SCBA.

II. Supreme Court Bar Association Multi-State Co-operative Group Housing Society Ltd. Vs. Aftab Alam & Anr. Contempt Petition (C) No. 80 OF 2022 in Civil Appeal No. 2818 of 2020 AND Rajesh Aggarwal & Ors. Vs. M/s Purvanchal Construction Works Pvt. Ltd. & Ors. MA No. 672/2021 in CA No. 2818/2020.



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The critical issue in the matter pertains to effecting **urgent repairs** to the 'Supreme Towers' constructed for the Supreme Court Bar Association Multi-State Group Housing Society Limited in Noida, by M/s Purvanchal Construction Works Pvt. Ltd., where more than 700 lawyers with their families are residing.

This Hon'ble Court vide order dated 21.03.2022 requested Hon'ble Ms. Gita Mittal, former Chief Justice of the High Court of J&K & Ladakh to intervene in the matter and submit a report after ascertaining the view of the members of the society on the work of repair. After a detailed deliberation with the members of the Society, a Report was submitted by Hon'ble Ms. Gita Mittal on 17.08.2022. Thereafter, the matter has been listed on various dates viz., 08.09.2022, 16.09.2022, 23.09.2022, 30.09.2022, 21.10.2022, 31.10.2022, 17.11.2022 and 23.11.2022, however no hearing took place on the said dates. In spite of specific direction for listing the matter on top of the board on 2 occasions, the matter was not heard. On 23.11.2022, the matter was directed to be listed on 29.11.2022 at the top of the board but since then it has not been listed.

The inhabitants of the Society are living under constant threat to their lives. The condition of the building is pathetic. The building of Supreme Towers within just 5 years of possession started looking like a 100 years old building. The roof/ceiling of the apartments have fallen down in some flats and the inhabitants luckily survived. The plaster keeps falling from balconies any time of the day. Water is logging in basement at several places. Iron rods from lintels are coming out at several places and has got rusted.

As the matter is not being heard, there has been delay in signing of the Agreement by which the renovation work has to be carried on by M/s Purvanchal under the supervision of IIT-Delhi and WAPCOS Ltd. This delay can cause any untoward incident anytime and thus the lives of the SCBA Members living



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in the Society is at peril. This matter was mentioned on 11.01.2023 at serial No. 27 and a request was made to change the date from 17.01.2023 to 18.01.2023 and to form a Special Bench by excluding Justice Narsimha for the matter to be taken up on 18.01.2023 at 2 PM. In spite of the request being allowed upon mentioning on 11.01.2023, the matter is not showing in today's list. This problem is also being faced by the members of the Bar as in spite of their mentioning being allowed, the matters are not getting listed.

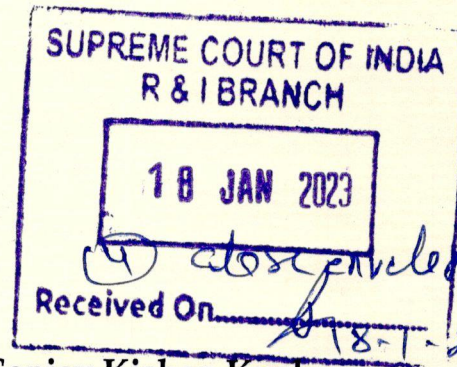
Sir, the above 2 matters are concerning the 'lives and livelihood' of the Members of SCBA and non-hearing of these matters is a serious concern. SCBA being equal stakeholder in the institution of justice dispensation cannot be construed as stranger in asserting the listing and hearing of a matter related to welfare of its members, in ordinary course. However, by declining the request made by SCBA for hearing of the matters, SCBA is being treated worse than an ordinary litigant. We are now getting a feeling that the SCBA, since it has never resorted to strike in its history, is not being given its due importance. Given this unfair treatment, we hope and trust that a situation will not be created to force us to resort to some dignified way of protest.

We are hoping that we will be treated fairly like the ordinary litigants.

Thanking you.

Sincerely,

[VIKAS SINGH]



CC: ✓ Hon'ble Mr. Justice Sanjay Kishan Kaul
✓ Hon'ble Mr. Justice K.M. Joseph
✓ Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah
✓ Hon'ble Mr. Justice Ajay Rastogi
Mr. Sanjeev S. Kalgaonkar, Secretary General, Supreme Court of India