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

+ W.P.(C) 2018/2021

ANIL KUMAR HAJELAY & ORS.Petitioners

Through: Petitioner No.1 (through video conferencing)

versus

HONBLE HIGH COURT OF DELHIRespondent

Through: Dr. Amit George and Mr. Arkaneil Bhaumik, Advocate for Delhi High Court.

Mr. Anuj Aggarwal, ASC GNCTD with Ms. Arshya Singh, Mr. Yash Upadhyay and Mr. Siddhant Dutt and Mr. Sanjay Verma, Advocate for respondent No.2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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18.07.2024

CM Appl.39903/2024

1. Keeping in view the averments in the application, delay in filing the CM Appl.No.39902/2024 is condoned.

2. Accordingly, the application stands disposed of.

CM Appl.39902/2024

3. Present application has been filed by the respondent seeking modification of the order dated 29th April, 2024 passed by this Court.

4. Learned counsel for the respondent states that GNCTD is fully committed to implement the instant project of providing adequate infrastructure in Delhi District Courts for hybrid hearing, at the earliest,



especially in the light of the enactment and enforcement of the new Criminal laws. He states that lately, a series of meetings have been held to discuss inter-alia, the road map to implement new criminal laws in the NCT of Delhi between officers from jail administration, officers from forensic science laboratories, senior police officers, senior officers of department of law and home department, GNCTD with the Chief Secretary, GNCTD.

5. He further states that in order to test the efficacy and smooth working of the overall project of the hybrid system of hearing, it would be more viable that hybrid system of hearing is initially introduced in two Pilot Courts in every District Court Complex (which are total seven in number), out of the proposed 691 Courts. He states that it is requested that in place of words “each district” as appearing in the order dated 29th April, 2024, the words “each district court complex” may be substituted. It is clarified that the effect of the said modification, as prayed for, shall be that a total of 14 Pilot Courts instead of 22 Pilot Courts, will be set up.

6. Considering the submissions made and in the totality of the facts and circumstances, GNCTD is permitted to initially set up two pilot Courts per Court complex instead of two pilot Courts per district in terms of order dated 29th April, 2024. However, the choice of the two pilot Courts shall be decided by the Registrar General, Delhi High Court. The order dated 29th April, 2024 stands modified to that extent.

7. However, a perusal of the status report dated 12th July, 2024 filed by the Department of Law, GNCTD reveals that Law Minister, GNCTD upon the file being forwarded to grant necessary financial approval has opined on 11th May, 2024 that as the matter involves a policy decision, it needs the approval of the Council of Ministers. Learned counsel for GNCTD also



relies on Clause 9 of the Schedule of the Transaction of Business Rules.

8. Since the expenditure involved for hybrid hearing is less than Rs.500 crores and the policy of hybrid hearing has already been implemented in the High Court of Delhi by the GNCTD, this Court is of the view that Clause 9 of the Schedule is not attracted and no mandatory cabinet approval is required. Further, the matter brooks no delay as technology becomes obsolete very fast.

9. Consequently this Court directs the Chief Secretary, GNCTD to simultaneously proceed with and expedite the matter regarding grant of financial sanction in respect of all the 691 Courts as stated in preliminary estimate dated 19th April, 2024 for a sum of Rs.387,03,19,388/- as per the configuration approved by NIC and to implement the entire project on priority basis. It is clarified that a comprehensive tender for all the 691 Courts, including pilot courts, shall be floated.

10. List on 30th September, 2024.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 18, 2024

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