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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision:- 26th July, 2024.

+ W.P.(C) 2506/2019 & CM APPL. 19643/2021

ANJANA GOSAIN

.....Petitioner

Through: None.

versus

GOVERNMENT OF NCT AND ANR.

.....Respondents

Through: Mr. Sameer Vashisht, ASC (Civil),
GNCTD with Mr. Vanshay Kaul, Adv.
Mr. Naushad Ahmed Khan, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.

Background

2. Legal profession involves three main participants—litigants, lawyers and Judges. Litigation lawyers usually do not earn salaries and are usually engaged by litigants, for a fee, to represent them before Judges. Some lawyers earn monthly retainers or consultancies when they are regularly engaged by litigants who have steady flow of work.

3. One of the most important litigants in Courts across the country are the governments, PSUs and other government bodies. They usually have a panel of lawyers to represent them before various Courts and tribunals. Such panel of lawyers also have regular flow of work and raise regular fee bills— almost on a daily basis. Usually, government lawyers cannot appear for any private litigants. While it is a matter of some prestige for lawyers to be engaged by



the Government, payment of bills raised is also of critical importance for the daily professional and personal needs of such lawyers.

4. If payment of fee bills is delayed for a very long period, sometimes lawyers are compelled to approach Courts for recovery of the fee bill amounts. The present writ petition is one such petition filed by the Petitioner, who sought to recover a sum of Rs.5,93,850/- from the Respondent No. 1-GNCTD. As per the Petitioner, she was appointed, vide the order dated 24th March, 2011, passed by the Department of Law & Justice and Legislative Affairs, GNCTD, as a Panel Counsel. The writ petition was filed on the ground that despite repeated follow-ups, the amount was not released to her.

5. During the course of the present writ petition, GNCTD has not disputed the pendency of payment of fee bills. The Petitioner, in fact, issued a legal notice dated 11th July, 2016 and since there was no response, a second legal notice was sent on 22nd November, 2018. The Petitioner relied upon similar orders passed by Courts previously for payment of fee bills. As fee bills continued to remain pending for over five years, the present writ petition was filed.

Procedural History

6. Notice was issued on 13th March, 2019. On 24th July, 2019, the Respondents stated that the Petitioner's bills were being processed, to which the Court noted that the process of verification/processing cannot be allowed to continue indefinitely, and thus directed the Respondents to complete the said process within a period of eight weeks. Thereafter, on 3rd December, 2019, this Court directed the Respondents to file a status report in this matter providing details of the bills received and payments made to the Petitioner.

7. Various orders were passed by the Court since 2019 for processing,



verification, etc. Settlement was also explored at one stage. The present petition *qua* the Petitioner was finally disposed of on 17th February, 2021 in the following terms:

“3. Ms. Kapoor, ld. counsel for the Respondent submits that even during the lockdown period various bills of the Petitioner have been cleared and they are in the process of being cleared.

4. The Court has perused the reply filed by the Petitioner, to the status report dated 22nd September, 2020 filed by the Respondent. As per the reply of the Petitioner, in paragraph 4 there are details of approximately 36 memos which are still pending and in para 5 there are 8 memos which are still pending. According to the Petitioner, in some of the bills, the Brief Transmission Form (hereinafter ‘BTF’) was not issued.

5. The order passed in W.P. (Crl.) 1549/2009 titled Court on its Own Motion v. State, dated 12th December, 2013, deals with payment of Government Counsels. The said order holds that even if the BTFs have not been issued by the Law Department of the GNCTD, payment shall be made by all administrative Departments of the GNCTD to their concerned Standing Counsels. The said payments ought to be made, so long as the Petitioner has appeared for the Government and has represented the Government and such appearances are certified by the Standing Counsel. The relevant portion of the order is as under :

“So far as the payment of Government counsels is concerned, it is directed that all the administrative departments of the Government of NCT of Delhi shall make the payment without committing any default within a period of two months from the date



of receipt of the bills. It is made clear that so far as the past pending bills of the counsels are concerned, even where the BTFs have not been issued by the Law Department, the payment shall be made by these departments on the certification of the concerned Standing Counsel on the bills.”

6. Accordingly, last and final opportunity is granted to the Respondent to clear all outstanding fee within a period of six weeks. If the Respondent fails to do so, the Petitioner is permitted to approach his Court by way of an application. If such a situation arises, the Court would then consider imposition of heavy costs, as also interest for delayed payment, in respect of the outstanding amounts.

7. The Law Department of the GNCTD shall, upon receiving sanction and making payments, intimate the Petitioner as to against which bills the payments are being made.

8. The petition is disposed of in these terms.”

8. As can be seen from the above order, the outstanding fee was directed to be cleared within six weeks. However, the Petitioner was again constrained to move an application. An application being **CM APPL.19643/2020** was moved by the Petitioner seeking compliance of the above order dated 17th February, 2021. The said application was considered by this Court on 7th July, 2021. At that stage, various counsels appearing for the GNCTD also made submissions that there was considerable delay in processing & payment of fee bills.

9. This Court was of the opinion that counsels cannot be made to wait



endlessly for clearing their outstanding payments for the professional services they had rendered, and there ought to be a proper streamlined mechanism, which needs to be centralised, to expedite and make timely payments. This Court observed that a proper procedure & system was needed to ensure that counsels are not made to run from pillar to post for submitting their bills, getting the same approved and thereafter, for following up on payment from the department/authority concerned. Thus, this Court directed as follows:

“8. As is clear from a reading of the order dated 17th February, 2021, there are other cases where repeated directions have been issued to the Government for making payment of outstanding dues of its counsels. Thus, this is not the first such case and the problem seems to be endemic.

9. Ld. counsel for the Respondent submits that there are various authorities who need to process the bills and hence, there is a delay.

10. Considering the fact that counsels cannot be made to wait endlessly for clearing of their outstanding payments for the professional services they have rendered, there ought to be a proper streamlined mechanism which is centralised to expedite and make timely payment. This would ensure that counsels are not made to run from pillar to post for submitting their bills, getting the same approved and thereafter, for following up on payment from the department/authority concerned.

11. In order to ensure that such a mechanism is put in place, it is directed that the Law Secretary, GNCTD would hold a meeting with relevant departments of the GNCTD and put up a proper centralized scheme for payment of counsels' bills. The said report shall be placed on record within four weeks.



12. The Law Secretary, GNCTD is requested to join the present proceedings virtually on the next date in order to appraise the Court of the recommendations made in the report.

13. As recorded in order dated 17th February, 2021, this Court would, upon receipt of the report, consider whether heavy costs, as also interest on the delayed payment, would be imposed in the present case for the delayed period.

10. In compliance of the above order, the Id. ASC filed a status report dated 16th August, 2021. As per the said status report, the Department took the stand that it was in the process of initiating a **'Single Window System'** for seamless payment of fees to counsels appearing for the GNCTD. Further, a meeting was convened on 15th March, 2021 with all departments of GNCTD to appoint Nodal Officers to gather the requisite information.

11. On 23rd August, 2021, the Principal Secretary (Law) appeared and stated that since clearing the bills of lawyers involved coordination between various departments, the Additional Chief Secretary was given the responsibility of coordination. It was further submitted that the services of the National Informatics Centre (*hereinafter, 'NIC'*) were availed of by the GNCTD to create a **Single Window System** for the clearance of lawyers' bills. According to Mr. Aggarwal, two steps were involved: *firstly*, manpower had to be deputed for the required software to be prepared based on inputs given by the various Departments; *secondly*, software had to be made operational. Status report stated that the IT Department had approved the deployment of technical resources for a period of six months. However, when



queried, Mr. Aggarwal submitted that the first step of the process would take at least two months, and after that, three to four months would be required to make the software operational. Considering these submissions, vide order dated 23rd August, 2021 this Court directed as follows:

“5. The timelines given by the GNCTD are not satisfactory. In general there is no doubt that insofar as the lawyers’ bills are concerned, they take several months and sometimes years to process the same. It is submitted by Ms. Nair, ld. Counsel that as of today, even the bills of 2018 are pending. Ms. Nair submits that approximately Rs. 40,000/- has been paid since the last order and more than Rs.2 lakhs is still outstanding. Though the Government Departments keep asking queries from the Petitioner, as they do not have any details of the cases etc., the amount has not yet been released.

6. Considering that the counsels for the GNCTD are rendering regular assistance to the Court across the city of Delhi, laying out a timeline for payment of their bills is extremely crucial for their continued and efficient services. The entire process of clearing of lawyers’ bills needs to be improved. Timelines are required to be fixed, failing which, the Government ought to pay interest on the bills of lawyers.

7. Accordingly, it is directed that the Additional Chief Secretary who is now in charge of clearing the lawyers’ bills shall appear before Court on the next date of hearing to appraise the Court of the further steps. Further, a senior official from NIC who is handling/supervising the preparation of the Single Window System shall also appear on the next date. The meeting scheduled for 20th August, 2021 at 4.00 p.m. was re-scheduled to 25th August, 2021 due to the declaration of the holiday. The minutes of the said



meeting shall also be placed on record at least two days before the next date of hearing. A status report, stating the various steps along with a timeline for operationalising the Single Window System, shall also be filed at least two days before the next date of hearing.”

12. In terms of the above order, the Respondents filed a status report dated 12th September, 2021, wherein in relation to the Petitioner’s bills, the Respondents stated that out of 44 bills, 32 bills have been paid, and only 7 were pending. Thus, vide order dated 14th September, 2021 this Court directed the Respondent No. 1-GNCTD to clear the pending bills of the Petitioner within four weeks.

13. On the said date, the Court was further informed that the setting up of the Single Window System for the clearance of lawyers’ bills was underway. Status report also showed that hiring of two technical resources was pending approval by the authorities. Thus, the Court directed that expeditious steps be taken to hire two technical resources to avoid delays. The relevant portion of the said order reads as follows:

“6. Accordingly, let all the pending bills, which are 11 in number, be now processed and the payments be made, in respect thereof, within four weeks.

7. Insofar as setting up of the Single Window System for clearance of lawyers’ bills is concerned, the timelines and the activity chart has been submitted to the Law Department, and technical manpower is stated to be required for commencing the work.

8. According to the chronology of events which has been put before the Court in the status report, the file is pending for hiring two technical resources as required



by the NIC. The same is stated to be pending with the Hon'ble Minister of Law, GNCTD, for approval of manpower.

9. Let expeditious steps be taken to avoid any delay in the hiring of two technical resources, and it shall be ensured that they are in place by 1st October, 2021, so that they can commence work with effect from 1st October, 2021 itself."

14. In the present petition, at the request of various counsels for GNCTD, the scope of the petition was enlarged to ensure not only that the Petitioner's bills are cleared, but also that the Single Window System for clearance of lawyers' bills is operationalised by Respondent No.1.

15. On 13th December 2021, there was no change in respect of the Petitioner's bills. The Petitioner submitted that some bills were yet not reflected in the status report for payment. Taking cognisance of the inaction of the Respondent No. 1, this Court directed that if all bills were not cleared, the Court would be constrained to take action for non-compliance, and fix responsibility on specific officers.

16. In respect of the Single Window System, Mr. Anil Kumar Mittal (NIC) and Mr. Sanjay Kumar Aggarwal (Principal Secretary (Law), GNCTD) presented a timeline for the development and deployment of the software for the Single Window System. It was stated that the proposal for the software development was approved, and technical manpower had been hired. The relevant portion of the said order states as follows:

"7. Ms. Gosain submits that some bills are not yet reflected in the Status Report. Let the same be communicated to the Principal Secretary (Law), GNCTD, as also to Mr. Sameer Vashisht, ld. ASC for



the GNCTD. If by the next date, all the memos of the Petitioner are not cleared, this Court may be compelled to take action for non-compliance of orders and fix responsibility on the specific officers concerned.

...

9. A perusal of the said Chart shows that the proposal for development of the software is stated to have been approved by the GNCTD. The hiring of the technical manpower for the development of the **Online Single Window System is also stated to have taken place. Currently, the Functional Requirement Study (FRS) has been prepared and the same has to be studied by the NIC. The approval of the FRS and the system requirement is to be done by the Department of Law, Justice & Legislative Affairs (hereinafter “Dept. of Law”), GNCTD. Thereafter, the software and Graphical User Interface (hereinafter “GUI”) designing has to begin. The entire process involving the study and approval of the FRS, preparation of the software, GUI designing, coding, and validation would, as per Mr. Mittal, take approximately 25 to 30 days.**

10. Accordingly, list this matter on 17th January, 2022 in order to enable the NIC or the Dept. of Law, GNCTD to produce the software or the GUI design thereof, for the Single Window System which is to be set up, in an electronic form, before this Court. 11. Mr. Anil Kumar Mittal, Scientist (NIC) and Mr. Sanjay Kumar Aggarwal, Principal Secretary (Law), GNCTD are permitted to join the virtual proceedings on the next date.”

17. On 17th January, 2022, the Court recorded that the Petitioner’s bills had been largely satisfied, except for one pending bill. The same was directed by this Court to be cleared within four weeks. Regarding the operationalisation



of the Single Window System, officials from Respondent No. 1 stated that various features of the software had already been incorporated, finalized, and submitted to the GNCTD. It was submitted that the software was being tested and, following a security audit, would go live on the GNCTD platform. It was informed that there were certain steps to be followed for setting up of the Single Window System- such as:

- i. Changes suggested by the GNCTD, which are yet to be incorporated in the software;
- ii. Testing of the software;
- iii. Security audit;
- iv. Procurement of virtual machines;
- v. Software to go live.

18. Vide order dated 7th April, 2022, the Court recorded the submission of the Petitioner that all her outstanding fee memos/bills had been cleared by the Respondent No. 1-GNCTD. In respect of the Single Window System, the status report dated 7th April, 2022 stated that the SWS was at an advanced stage of development. In order to make the Single Window System functional, this Court on 7th April, 2022 directed as follows:

*“8. The Court has perused the status report and is of the view that the SWS should be made functional soon, in view of the progress that has been made as per the status report. **Thus, the features that have to be incorporated on the basis of the suggestions that would be made by the Government counsels, as also the training of officers yet to be undertaken, if any, shall be completed by 15th May, 2022.** Further, the security audit is directed to be completed by 30th June, 2022. An endeavour shall be made to make the SWS portal fully functional by 15th July, 2022.*



9. *The GNCTD may proceed further and allot the User IDs to the various Government counsels whose services are being utilised for by the Government. **Further, it shall be ensured that those officials in various departments who are handling the processing and clearing of bills do so in a fixed time frame. The process of clearing of fee memos after being uploaded on the SWS by the counsels ought to be completed within a period of 30 days from the date of the uploading or any reasonable time limit so that clearing of Government counsel's memos is not postponed indefinitely.***

19. Thereafter, this Court vide order dated 21st July, 2022, recorded in relation to the outstanding bills/memos of the Petitioner-Ms. Anjana Gosain are concerned, the said bills were stated to have been cleared by the GNCTD. The same was also confirmed by Ms. Nair, Id. Counsel for the Petitioner, as also, Mr. Vashisht, Id. ASC. On the same date, the Court was informed that that the final presentation of **'Online Single Window System'** (hereinafter, 'OSWS') portal would be made to the Hon'ble Minister of Law, GNCTD on 26th July, 2022, after which it would be functional.

20. As captured in the status report dated 4th October, 2022, the Respondent No. 2 developed OSWS for the payment of fee bills to Government Counsels. The status report also apprised the Court that the OSWS portal was hosted on NIC, and user IDs and passwords for most counsels had been created, and further that the portal would be made publicly accessible.

21. In the meantime, as noted vide order dated 14th December, 2022, a new issue in relation to clearing of lawyers' bills arose. In the status report dated 4th October, 2022, the minutes of the meeting dated 5th September, 2022



conducted by the Respondent No.2 are highlighted. As per the said minutes of the meeting, Rule 29 of the Receipts and Payments Rules, 1983 was highlighted to show that a signed hard copy of the bill for payment of the Counsel would still be required. Thus, this Court directed as follows:

“4. In the prima facie opinion of the Court, the entire purpose of creating a OSWS would be defeated if a hard copy of the signed bill is still going to be insisted upon. Accordingly, Mr. Sanjay Kumar Aggarwal, Principal Secretary (Law) may join the proceedings on the next date along with Mr. Anil Mittal, Sr. Technical Director, NIC and Mr. Krishan Kumar, Joint Director, IT Department so as to resolve any outstanding issues.

5. In the meantime, let the passwords and user ID for the OSWS portal be allotted to the Standing Counsels and Panel Counsels on the criminal side of the GNCTD as well. Standing Counsel (Civil), Mr. Tripathi and Standing Counsel (Criminal), Mr. Sanjay Lao, shall check up from their respective panel counsels regarding allotment of username and passwords and apprise the Court on the next date.”

22. Vide order dated 17th January, 2023, several counsels appeared on the said date and submitted that a number of GNCTD counsels were allotted login ID and password. However, there were a large number of existing and past counsels of the GNCTD, who are yet to be allotted the login ID and password. In addition, it was submitted that the quantum of bills for payment pending with the revenue department are substantial and no payments were released and only technical issues were being raised. On the said date, this Court directed both Mr. Sameer Vashisht & Mr. Naushad Ahmed Khan to hold an interaction/meeting with Mr. Bharat Parashar, Principal Secretary (Law) to



resolve the issues. The relevant portion of the said order reads as follows:

“5. In view of the fact that a number of issues being faced are common to most counsels, let a joint note be prepared by Mr. Sameer Vashisht and Mr. Naushad Ahmad Khan, Id. ASCs (hereinafter ‘Committee’), after interacting with all the ASCs and panel counsels. The Committee shall then submit the same to Mr. Bharat Parashar within one week and also file the copy of the same before this Court.

6. Mr. Bharat Parashar shall also hold an interaction with the Committee, so as to understand the grievances of the counsels relating to pending memos and arrive at some solution in terms of time lines, verification, approval processes, etc., after coordinating with the Departments concerned.

7. In any event, in the interregnum, while grievances of the counsels are being addressed, the following steps are directed to be taken immediately:

a. All the past and present counsels of GNCTD in the civil side shall be allotted login ID and password on or before 31st January, 2023. If such counsels have not been allotted the login ID and password, they shall communicate the same to the Principal Secretary, through the Committee, so that the respective login ID and password can be obtained from the NIC.

b. Let the test run of the NIC portal, which is stated to be almost ready for accepting bills in the scanned form, be done with the bills of 5 GNCTD counsels, who may be identified by the Committee, set up above.

c. If there are any glitches, which are faced in the running of the portal, then they shall be addressed to the NIC by Mr. Parashar. Let a status report in regard to the functioning of the NIC portal be placed before the



Court before the next date of hearing.

d. Insofar as the generation of OTP based signature is concerned, since the same is to be done under the aegis of Centre for Development of Advanced Computing ('CDAC'), the said efforts shall parallelly continue. The same would not affect the development and commencement of NIC portal where the counsels would be permitted to place their scanned bills until the OTP mechanism is operational.

8. Let the first meeting be held on 3rd February, 2023 at 4:00 pm between the Committee and Mr. Bharat Parashar."

23. Due to the lack of competent IT personnel, OSWS portal was not operational. On 17th April, 2023, the IT Department, GNCTD, stated that it had initially deputed one technical staff member, but this individual was subsequently withdrawn, and the file for engaging new personnel remains pending approval. Therefore, this Court directed the IT Department to provide two skilled technical personnel within four weeks, either on a regular or contractual basis, to collaborate with NIC for launching the OSWS portal.

24. On 25th July, 2023, Mr. Santulan Chaubey, Joint Director, IT, GNCTD appeared and submitted that he had provided two system analysts to the Respondent No. 2-Law Department in order to assist in the development of the portal for the clearance of the bills of the advocates. He submitted that the IT Department did not have any developers on its rolls to be made available for the Law Department. Considering the lack of system analysts, this Court directed as follows:

"8. Mr. Bharat Parashar submits that repeatedly, there is merely file movement between the Law Department,



IT Department and Finance Department but the approvals for the engagement of the developer is not being given.

9. From the submissions made today by Mr. Bharat Parashar and Mr. Santulan Chaubey, it is clear to the Court that the Law Department requires some developers to assist in the development/operationalisation of the portal.

10. Considering that the fee memos of a number of advocates have been pending for several years which are not being cleared by the GNCTD and in order to ensure that there is a quicker and better mechanism for the clearing of the bills, it is directed that the Law Department may engage developers for the purpose of operationalising the portal fully. The approval for the same shall be given by the Finance Department within two weeks from now.

11. This order shall be brought to the notice of the Finance Secretary, GNCTD by Mr. Sameer Vashist, ld. Counsel immediately.”

25. On 11th September 2023, this Court directed the Respondents to provide a demonstration of the OSWS platform. On 2nd November, 2023, the Court was provided a demonstration of the portal. The Court inquired about timelines, and Mr. Mishra from the IT Team explained that the maximum time for each level of review is 3 to 7 days, with the entire bill clearing process taking 20 to 25 days. Mr. Bharat Parashar, Principal Secretary (Law), GNCTD, assured the Court that the portal was ready to go live, pending final approval for inauguration. Considering the submissions of the parties on the said date, the Court directed as follows:



“10. Today, the IT team of the Law Department, GNCTD has given a demonstration of the portal, which has been created namely - Online Single Window System (hereinafter, ‘OSWS’) for processing of bills of advocates, who appear for GNCTD. The said demonstration has been given in the form of a video presentation consisting of several slides. The Court has perused the said slides, which have been shown to the Court, which would demonstrate that in terms of the portal, the following steps are to be taken for the purpose of any advocate’s bill to be submitted and processed on the portal.

(1) Creation of username and password on the said web portal OSWS. Mr. Sameer Vashisht, Id. ASC submits that most of the GNCTD panel lawyers have been allotted the username and password.

(2) In the second step, the advocate, creates his or her own profile on the portal and can submit their personal information on the basis of the work done.

(3) In the third step, it is observed that upon the submission of documents by the users, the same is processed through three levels i.e. L1, L2 and L3 i.e., two dealing assistants as L1 and L2; and one Dealing Officer as L3, on the OSWS.

(4) Once the documents and bills submitted by the users are processed and reviewed by two dealing assistants and a dealing officer, a memo of the review goes to the Drawing and Disbursing Officer (hereinafter, DDO). The DDO sanctions the payments, and thereafter the subject matter of the user is sent to the Principal Accounts Officer (hereinafter, PAO) for the release of payments.

11. During the proceedings, the Court put a query



*relating to time lines, to Mr. Mishra from IT Team of the Law Department, who replied that the OSWS software has a built-in timeline and the maximum time within which the memos can pass through each level of officials, on the said web portal is between 3 to 7 days. **According to the said official, the overall timeline for clearing of the bill would, therefore, be no more than 20 to 25 days.***

12. Mr. Bharat Parashar, Principal Secretary, Law, GNCTD has also joined the proceedings virtually, and he has assured the Court that the portal is ready to go live and the file for the same has been moved to the concerned authority, for inauguration of the portal.

13. Let the GNCTD and the officials concerned take steps immediately for operationalising the OSWS portal and for inaugurating/starting the same within the next one month. Let a report qua functioning of the portal be placed on record at least 2 weeks before the next date of hearing.

14. Mr. Sameer Vashisht, Id. ASC submits that six departments namely Commission of Women, Financial Commissioner, Transport Department, Planning, Revenue Department and Prohibition, have yet not appointed their Nodal Officers for the portal to be managed. The said six departments shall appoint their Nodal Officers within the next two weeks.”

26. On 21st March, 2024, a status report was placed on record by Mr. Bharat Parashar, Principal Secretary (Law), GNCTD, stating that all the directions of the Court have been complied with by the Law Department of the GNCTD. However, as per the submission on behalf of Mr. Sameer Vashisht, Id. ASC, the website through which the OSWS was implemented, crashed on two



occasions. He further submitted that no bills of the panel lawyers of the GNCTD were processed, and there was no coordination between the National Informatics Centre (NIC), the Law Department of the GNCTD, and the IT Department of the GNCTD. Thus, on the said date, this Court directed Mr. Bharat Parashar, Principal Secretary, Law, GNCTD, to seek instructions and make submissions, regarding the status of the OSWS.

27. On 22nd March, 2024, Mr. Bharat Parashar submitted that the operationalisation of the OSWS platform faced a setback as NIC stated that the servers had become obsolete. This resulted in a situation where the Law Department had to purchase fresh servers. It was submitted that the cooperation of the NIC was absolutely essential for the operationalization of OSWS. It was further submitted that certain Departments had not appointed Nodal Officers. Vide order dated 22nd March, 2024, this Court directed as follows:

“4. In compliance with order dated 21st March, 2024, Mr. Bharat Parashar, Principal Secretary, Law, GNCTD, has appeared virtually before the Court. He submits that the operationalisation of the OSWS platform has faced a setback as NIC has now stated that the servers have become obsolete. This has resulted in a situation where the Law Department has to obtain and purchase fresh servers, for which steps are being taken in accordance with the prevalent situation when elections have been notified. He submits that the cooperation of the NIC would be absolutely essential for the operationalization of OSWS.

5. Mr. Naushad Ahmed Khan, Id. Counsel, who is present in Court, has submitted that certain departments of the GNCTD have also not appointed Nodal Officers for the implementation of the OSWS platform, as



directed by order dated 2nd November, 2023.

6. After some hearing, Mr Bharat Parashar and Mr. Sameer Vashisht, Id. ASC have clarified that the following departments have either not appointed the nodal officers or have not mapped the details of the said Nodal officer. The same are - 1. Department of Transport 2. Delhi Commission for Women 3. Department of Prohibition 7. The above three Departments of the GNCTD shall ensure that the nodal officers are notified within one week, failing which, stringent action would be liable to be taken.

8. Further, Mr Bharat Parashar has submitted that there is a lack of support from the NIC for implementing the OSWS, which has been designed, developed, and tested after considerable efforts.

9. In these circumstances, the Court directs the State Informatics Officer (SIO) for Delhi, NIC, Ms. Manie Khaneja, Deputy Director General, NIC, to join virtually on the next date of hearing. Any other concerned officials may also join the proceedings virtually to assist the Court. Let the registry communicate the present order to the concerned official at the e-mail address: manie@nic.in

10. Mr. Parashar submits that the matter may be retained as part heard before this Bench so that OSWS implementation can be streamlined and implemented in an expeditious manner.

28. Thus, at the request of the Secretary (Law), GNCTD, the matter was retained as part-heard. In relation to the submissions made by Mr. Bharat Parashar on 22nd March 2024, two issues remained pending, hindering the complete operationalization of the OSWS platform. On 28th March, 2024, Mr.



Anil Mittal submitted that SQL licenses and servers needed to be obtained, requiring specific exemption from the Election Commission due to the notification of elections. The bid for the SQL license has been floated and would be submitted by 1st April, 2024. After finalising the bids, the required exemption would be sought.

29. Ms. Khaneja from the NIC identified two main issues: finalising the bid and purchasing the SQL servers/licenses after obtaining the exemption, and conducting a security audit by the IT department of GNCTD. On 28th March, 2024, Ms. Khaneja assured that if the SQL servers/licenses are purchased promptly, NIC will ensure a seamless migration to the new server within four weeks. Thereafter, this Court directed as follows:

“18. Mr. Naushad Ahmed Khan, Id. ASC submits that the Revenue Department is yet to appoint the Nodal Officer and do the mapping. Let an authorized official of the Revenue Department be present in the Court on the next date, either physically or virtually and file a report on the question as to why there has been a delay in appointing the Nodal Officer and why details of the Nodal Officer have not been mapped.

19. List this matter for the above purpose on 8th April, 2024.

20. Let the GNCTD, Law Department continue its efforts to finalize the bids and take steps for purchase of the SQL servers/licences, so that the lawyers who are appearing can upload their bills and expeditious payments can be made to them. According to Mr. Khan, for the last three months, there has been a significant delay being faced by the lawyers in the payment of the bills.”



30. On 8th April, 2024, the matter was adjourned at the request of Mr. Bharat Parashar on the submission that the mapping was at an advanced stage. On the same date, Mr. Naushad Ahmed Khan, Id. Counsel informed the Court about technical difficulties with the OSWS system, wherein over 500 uploaded invoices were not processed for required sanctions. Further, it was also informed that the OSWS system did not reflect the status of these invoices, such as being under process or sanctioned. In respect of these issues, the Court directed on 8th April, 2024 as follows:

“6. In addition, Mr. Khan also submits that once the portal is fully functional, more bills are likely to be uploaded and a provision needs to be made for accepting multiple order sheets in respect of multiple invoices submitted by the Counsels. He further, submits that there is a glitch at the time of submission; for example, if in one matter there are multiple invoices, the system is accepting only one order sheet, in respect of even multiple invoices filed by the Counsels, and therefore, it is creating a confusion on the portal.

7. Let the above submissions be brought to the notice of the authorities and to NIC who shall address the same.

8. Mr. Khan has also pointed out that the Department of Transport, GNCTD, has not taken any action in respect of the appointment of the Nodal Officer and mapping. Accordingly, the Secretary of the said Department shall nominate a senior official to remain present in Court on the next date of hearing, with proper instructions.”



31. On 2nd May, 2024, this Court was informed of the following developments:

Status Update by Mr. Bharat Prashar:

- Permission from the Election Commission of India was received for obtaining a new server.
- The new server was purchased, and the OSWS portal has been shifted to it.
- The portal is operational, but certain bugs and glitches are being resolved.
- Some bills have been uploaded by counsels and are being cleared.

Mapping Issues:

- For the Revenue and Transport Departments, officer mapping was completed.
- Mapping needs to be redone whenever there is a change of officer. Efforts are being made to map based on designation instead of personal names.

Multiple Orders Upload Issue:

- The problem of being unable to upload multiple orders persists and needs to be addressed by the NIC team.

File Size Limitation:

- Due to file size limitations on the portal, lawyers should upload the first page, any relevant pages, and the last page of the order to confirm their appearance. This prevents delays in uploading invoices or memos.



Other updates

- Given the three-year development period of the OSWS portal, no GNCTD departments should object to delays in bill submission.

NIC's Assurance:

- Ms. Manie Khaneja from NIC submitted that the portal was operational and in the testing stage, with bugs and glitches expected to be resolved within one or two weeks for smooth operation.

32. Today, Mr. Naushad Ahmed Khan, Id. Counsel, submits that the OSWS portal has started functioning and the uploading of bills has become quite seamless. According to Id. Counsel, the only outstanding issue is with respect to API integration, so that the High Court orders need not be specifically uploaded with each bill by every counsel.

Conclusion

33. The **'One Single Window System'** ('OSWS') has now been set up by the GNCTD for processing and payment of fee bills of advocates. The said system ought to become a model for clearance of fee bills of the lawyers so that substantial paper work of the government officials in various departments may be avoided. In respect of fee bills, the process of uploading of bills and the Court orders displaying the appearance or any other document should be made smooth and without any glitches. This would also enable the verification of the bills in a faster manner. The Court is informed that there is an SOP named ***'Standard Operating Procedures Online Single Window System (OSWS) Portal' (July, 2023)*** prescribed by the GNCTD for submission of fee bills and timelines have also been prescribed in the SOP for clearance of fee bills and payments.



34. Considering the critical importance of the timely payment of advocates' fee bills, all departments of the GNCTD ought to ensure that the OSWS system works efficiently, and the concerned Officials ought to be sensitised that once bills are submitted, they are processed strictly in accordance with the process prescribed in the SOP. Further, the timelines prescribed in the SOP ought to be adhered to strictly. API integration, which is stated to be pending, ought to be carried out expeditiously, in any case within a period of three months.

35. The Respondent No. 1-GNCTD, Respondent No. 2-Law Department as also all the other departments shall strictly follow their applicable SOPs in respect of uploading of electronic bills, timelines for clearing of bills so that the counsels are not inconvenienced.

36. The NIC is also directed to continue to provide requisite support in running the OSWS portal so that any glitches and technical issues are fixed expeditiously and without any delay.

37. If any grievances arise, parties are free to agitate the same in accordance with law.

38. The Court records its appreciation for the cooperation given by the following organisations and individuals in the operationalisation of the OSWS:

- (i) Officials of the Law Department, GNCTD, and other departments, including the Principal Secretary (Law) Mr. Bharat Parashar and Mr. Sanjay Kumar Aggarwal, who from time to time cooperated in the launch of OSWS portal.
- (ii) Officials of the NIC, especially Ms. Manie Khaneja, who helped in setting up, operationalisation and implementation of the



OSWS portal.

(iii) Mr. Naushad Ahmed Khan and Mr. Sameer Vashisht, Id. Counsels, who painstakingly followed up at every step in the larger interest of their colleagues at the Bar.

39. No further orders are called for. All pending applications are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

JULY 26, 2024

dk/dn

(Corrected & released on 1st August, 2024)