

IN THE HIGH COURT OF DELHI AT NEW DELHI

Final Draft

No. 9065-W /DHC/WRITS/D-7/2021

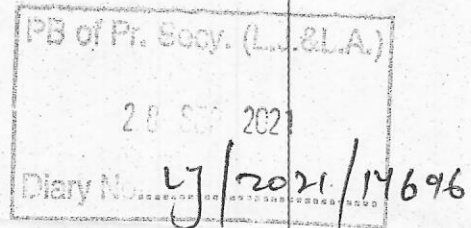
Dated 21-9-21 Disposed of 24.06.2021

From

The Registrar General
Delhi High Court
New Delhi

To

761/2nd/
28/9/21



- 1/ The Principal Secretary law(GNCTD), 8th Level, C-Wing, Delhi Secretariat, Players Building, I.P. Estate, New Delhi-110002.
Email:- slaw@nic.in
2. Delhi Judicial Academy, Sector-14, Dwarka, New Delhi-110078.
Email:- dja@nic.in

WRIT PETITION (CIVIL) NO. 8092/2016

Sh. Santosh Kumar Jha

Vs.

The Deputy Labour Commissioner (South)

....Petitioner/s

....Respondent/s

Sir,

I am directed to forward herewith a copy of order dated 24.06.2021 passed by Hon'ble Mr. Justice J.R. Midha of this Court in the above noted case along with a copy of Memo of Parties for information and immediate compliance/necessary action.

Please acknowledge receipt.

Yours faithfully

[Signature]
Admn. Officer Judicial (Writs)
for Registrar General

[Signature] 19

AS(Law) 29/9/21
07.09.2021

DS(S)

29/9/21

30/9/21
Sh. Tareem

(4)

IN THE HIGH COURT OF DELHI AT NEW DELHI

EXTRA ORDINARY WRIT JURISDICTION

Writ Petition (Civil) No. 92/2016

In the matter of:-

Shri Santosh Kumar Jha

.....Petitioner

Versus

The Deputy Labour Commissioner (South)

.....Respondent

Writ Petition under Article 226 & 227 Of the Constitution of India for issuance of writ in the nature of *mandamus* or any other appropriate order or direction directing the respondent to implement the Award 16.05.2012 passed by Shri Mahavir Singhal, Presiding Officer of Industrial Tribunal, Karkardooma Courts, Delhi in O.P. No. 48/2010 titled as M/s Tops Security Ltd. Versus Shri Santosh Kumar Jha

MEMO OF PARTIES

Shri Santosh Kumar Jha,

S/o – Late Shri Parmanand Jha,

R/o - H. No. 45, D – Block,

Near Aggarwal Sweets,

Main Market Lakkarpur Village,

Faridabad, Haryana - 120100

...Petitioner

Versus

The Deputy Labour Commissioner,

South District, Govt. of NCT of Delhi,

A -- Wing, 1st Floor,
Room No.116-123, Pushp Bhawan,
Pushp Vihar, New Delhi -- 110062

New Delhi
Date:23.08.2016

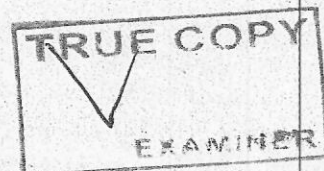
Through

...Respondent

[Signature]
Petitioner

[Signature]
(PRABHAKAR)

Counsel for Petitioner,
A -- 102/1, 2nd Floor,
Wazirpur Industrial Area,
Delhi -- 110052,
Mob: 9718167410



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 24th June, 2021

+ W.P.(C) 8092/2016

SANTOSH KUMAR JHA
Through:

..... Petitioner

versus

THE DEPUTY LABOUR
COMMISSIONER (SOUTH)

Through:

..... Respondent

Ms. Nandita Rao, Additional Standing
Counsel for GNCTD.

Mr. Rajiv Agarwal, Advocate as
Amicus curiae

Mr. Saurabh Prakash, Advocate as
Amicus curiae

Mr. S.P. Jain, Advocate as *Amicus
curiae*

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (O R A L)

1. The petitioner has filed this writ petition seeking implementation of the award dated 16th May, 2012 passed by the Industrial Tribunal whereby the petitioner was awarded reinstatement with back wages.

2. This writ petition was taken up for consideration on 08th December,

2016 when this Court noted that there was no prescribed procedure for implementation of the awards. This Court noted that the Recovery Officers were not holding proceedings in open Court, daily cause lists were not being displayed outside the Court room and the orders passed were not released on the website of the Court.

3. On 08th December, 2016, this Court constituted a Committee comprising of Mr. Rahul Mehra, learned Senior Standing Counsel for Government of NCT of Delhi (as he then was); Principal Secretary - Law and Justice, Government of NCT of Delhi; Secretary - Labour, Government of NCT of Delhi; Chief Labour Commissioner - Central; Mr. Sanjoy Ghose, learned Additional Standing Counsel for Government of NCT of Delhi (as he then was) and Mr. Rajiv Agarwal, Advocate to formulate the procedure for the proceedings before the Recovery Officer. The aforesaid Committee deliberated upon the matter and submitted the report dated 24th March, 2017. This Court accepted the report on 27th March, 2017.

4. Vide order dated 27th March, 2017, this Court, after considering the Report of the Committee, exercised the extra-ordinary writ jurisdiction to streamline and regulate the procedure to be followed by the SDMs/Recovery Officers. The guidelines issued by this Court are reproduced hereunder:

"1. The Committee appointed by this Court vide order dated 8th December, 2016 has submitted its report along with the proposed guidelines. The original report has been perused and the proposed guidelines are accepted, subject to the following: -

1.1. Delays and difficulties in execution of awards/orders erode public confidence and trust in justice delivery system. To prevent such delays, the SDM shall direct the respondent to be present in Court (and even ensure his presence by coercive process) to receive such information or documents as will aid in the execution of the decree.

1.2. The most important aspect in execution proceedings is to ascertain the assets/means of the respondent to satisfy the award/order and, therefore, in fresh cases the SDM shall direct the respondent on the very first hearing to file an affidavit of his assets, income and expenditure in the form attached hereto as Annexure-A within 30 days of the receipt of the notice. With respect to the pending matters, direction to file the affidavit of assets, income and expenditure be issued within 15 days of the commencement of these guidelines.

1.3. The notice issued to the respondent shall indicate the direction to file the aforesaid affidavit within 30 days of the receipt of the notice and Annexure-A shall be attached to the notice. The notice shall also indicate that the proceedings for detention of the respondent may be initiated in the event of the non-filing of the affidavit within 30 days of the receipt of the notice. The notice shall also indicate that the respondent shall remain present before the Court.

1.4. If the respondent files the affidavit but is not willing to satisfy the award/order, the SDM shall proceed to attach the assets of the respondent in accordance with law.

1.5. Upon the aforesaid affidavit being filed, the SDM may examine the respondent and/or conduct an inquiry to examine whether the respondent has truly disclosed his assets, income and expenditure in his affidavit.

1.6. If the respondent fails to appear and file the affidavit of his assets, income and expenditure, the SDM may initiate proceedings for his detention in accordance with law.

1.7. The SDM shall follow the principles of natural justice by affording a reasonable opportunity to the respondent.

1.8. All proceedings before the SDM shall be held in open Court. The daily cause list of the cases shall be displayed outside the Court Room and the orders passed by the SDM shall be released on the website of the respective SDM/E-Courts portal within one week.

1.9. The SDM shall follow this procedure in respect of the proceedings under Industrial Disputes Act, Employee's Compensation Act, Motor Vehicles Act as well as other statutes which provides for the recovery as arrears of land-revenue.

1.10. These guidelines shall apply to all pending cases as well as the new cases to be instituted after 1st May 2017.

2. *The guidelines of the Committee with the modifications mentioned above be implemented with effect from Labour Day, i.e., 1st May 2017.*
3. *Government of NCT of Delhi shall publish the guidelines as modified by this Court in the official gazette as well as on its website and shall circulate it to all its concerned.*
4. *The status report with respect to the implementation of this order for the period 1st May 2017 to 31st July 2017 be filed by all the Recovery Officers before the Secretary-Revenue by 16th August 2017. The Secretary Revenue shall compile the reports and submit the same before this Court."*

5. On 10th January, 2018, this Court examined the status reports filed by the recovery officers/SDMs. This Court noted that the Recovery Officers were not holding the proceeding in open Court in terms of the directions issued, daily cause lists were not being displayed outside the Court room and the orders passed were not released on the website of the Court. This Court, therefore, issued a show cause notice to the Recovery Officers to show cause as to why action be not initiated for non-compliance of the directions of this Court. The relevant portion of the order dated 10th January, 2018 is reproduced hereunder:

"1. Mr. Sanjoy Ghose, learned Additional Standing Counsel for Government of NCT of Delhi has handed over the status report which is taken on record. Copy of the same is handed over to counsel for the petitioner.

2. Learned counsel for the petitioner submits that the directions of this Court are not being complied with by the Recovery Officers/SDM's.

3. This Court is not satisfied with the status report. It appears that the Recovery Officers are not holding open Courts in terms of the directions of this Court; the daily cause list is not being displayed outside the Court room and the orders passed by the Recovery Officers are not being released on the website of the Court.

4. Show cause notice is hereby issued to the Recovery Officers to show cause as to why the directions of this Court recorded in the order dated 27th March, 2017 are not being complied with. Learned

counsel for Government of NCT of Delhi accepts notice on behalf of the Recovery Officers. Let the reply to the show cause notice be filed within four weeks.

5. The Recovery Officers are once again directed to comply with the order dated 27th March, 2017 within two weeks from today failing which an appropriate action shall be taken in accordance with the law. The Recovery Officers shall send the monthly compliance report to the Secretary Revenue with a copy to learned Additional Standing Counsel for Government of NCT of Delhi who shall place the same before this Court. The Secretary Revenue shall ensure the compliance of this order by all the Recovery Officers.

6. Learned counsel for the petitioner submits that in the event of the failure of the Recovery Officers to comply with the order of this Court, the non-compliance be recorded in their service record to be considered at the time of their promotion. This submission shall be considered on the next date of hearing."

6. On 22nd March, 2018, this Court directed the Recovery Officers to reply to the show cause notice on affidavit and furnish the following information:

"2. The recovery officers are directed to file the reply to the show cause notice on affidavit within four weeks and the following information shall be disclosed in the reply:-

(i) Number of cases pending as on 01st May, 2017.

(ii) Whether the respondent have been directed to file the affidavit in the format attached as Annexure A to the order dated 27th March, 2017 in all the pending cases as on 01st May, 2017? If so, give the details month wise when the said direction was given. Copy of five orders of each SDM in which the said directions was issued to be attached.

(iii) Give the details of the fresh cases filed on the month wise from 01st May, 2017 to 31st March, 2018 and whether the notice issued to the respondent contained a direction to file the affidavit in the format of Annexure A within 30 days of the receipt of the notice. If so, copy of five orders of each SDM in which the said directions was issued to be attached.

(iv) Whether the notice issued contained the direction to the

respondent remain present. If so, copy of five orders of each SDM in which the said directions was issued to be attached.

(v) Number of cases pending as on 01st March, 2018.

(vi) Number of cases in which the recovery officer had attached respondent's asset in terms of clause 1.4 of the order dated 27th March, 2017. If so, copy of five orders of each SDM in which the said directions was issued to be attached.

(vii) Number of cases in which the recovery officer have examined and/or conducted an inquiry whether the respondent has truly disclosed income and expenditure in terms of clause 1.5 of the order dated 27th March, 2017.

(viii) Number of cases in which the action has been initiated against the respondent for non-appearance and failure to file the affidavit of assets, income and expenditure in terms of clause 1.6 of the order dated 27th March, 2017.

(ix) Whether the recovery officers are holding the open Courts in terms of clause 1.8 of the order dated 27th March, 2017 and the daily cause list is being displayed outside the Court room. Copy of one cause list of each SDM in the month January, 2018 be attached.

(x) Whether the recovery officers are releasing the orders on their website within one week in terms of clause 1.8 of the order dated 27th March, 2017.

(xi) In the event of non-compliance of any of the aforesaid directions, the reasons for non compliance be disclosed in the reply on affidavit.

3. The Secretary, Revenue shall ensure that the directions of this Court in the order dated 19th February, 2018 are being followed in true letter and spirit by all the recovery officers. In the event of non-compliance, the Secretary, Revenue shall consider the implications of the same and file a status report before this Court before the next date of hearing."

7. On 19th July, 2019, this Court directed the Labour Department, Government of NCT of Delhi to convene a meeting of all the Recovery Officers to sensitize them with respect to the implementation of the directions of this Court. Relevant portion of the order dated 19th July, 2019 is reproduced hereunder:

“2. Dr. Rajender Dhar, Additional Labour Commissioner has filed the status report dated 17th July, 2019. As per the status report, the meeting of the Divisional Commissioner and the Secretary(Labour) took place on 24th May, 2019. The minutes of the meeting have been placed on record along with the status report which reflects the serious concern of the department.

3. Mr. Sanjoy Ghose, ASC for GNCTD has handed over the compliance report in terms of para-1 of the order dated 29th March, 2019. This Court is not satisfied with the said status report with respect to the compliance of the directions of this Court. Govt. of NCT of Delhi is directed to file a fresh status report and give the particulars of the number of cases in which affidavit of assets in the Format attached to the order dated 27th March, 2017 has been received. The status report shall also specify the action taken in the remaining cases for non-filing of the affidavit. The status report shall also specify as to what action have been taken after the receipt of the affidavit in terms of the aforesaid order. The fresh status report be filed within a period of four weeks.”

8. Vide order dated 13th December, 2019, this Court partially modified the guidelines issued on 27th March, 2017. Paras .1 to 6 of the order dated 13th December, 2019 are reproduced hereunder:

“1. Vide order dated 27th March, 2017, this Court directed the SDM's to execute and enforce the awards in terms of the directions given by this Court in *Bhandari Engineers & Builders Pvt. Ltd. v. Maharia Raj Joint Venture*, (2016) 155 DRJ 212.

2. This Court had modified the directions given in *Bhandari Engineers & Builders Pvt. Ltd. (supra)*. The fresh guidelines have been issued by this Court on 05th December, 2019, copy whereof is annexed to this order.

3. In view of the above, paragraphs No.1.2, 1.3, 1.4, 1.6, 1.7 and 7 to 10 of the order dated 27th March, 2017 are modified.

4. All the SDM's are directed to execute and enforce the awards/orders in terms of the directions contained in the judgment dated 05th December, 2019. It is clarified that after filing of the

affidavits, the verification of the contents of the affidavit shall be done by the SDM through the SHO concerned.

5. Dr. Rajender Dhar, Additional Labour Commissioner shall circulate the copy of this order and the judgment dated 05th December, 2019 to all the concerned officers.

6. This Court is of the view that the Government of NCT of Delhi should convene a workshop to sensitize the SDM's with respect to the implementation of these directions within four weeks."

9 The guidelines issued by this Court are based on the judgment dated 05th December, 2019 passed in *M/s Bhandari Engineers & Builders Pvt. Ltd. v. M/s Maharia Raj Joint Venture*, 266 (2020) DLT 106 (hereinafter referred to as *Bhandari Engineers – I*). However, this Court subsequently modified *Bhandari Engineers – I* vide judgment dated 05th August, 2020 in *M/s Bhandari Engineers & Builders Pvt. Ltd. v. M/s Maharia Raj Joint Venture*, 270 (2020) DLT 582 (hereinafter referred to as '*Bhandari Engineers – II*') and which was subsequently modified vide judgment dated 24th June, 2021 (hereinafter referred to as '*Bhandari Engineers – III*'). In that view of the matter, the guidelines issued by this Court on 27th March, 2017 modified by the order dated 13th December, 2019, warrant further modification.

10. Mr. Rajiv Agarwal, Mr. Saurabh Prakash and Mr. S.P. Jain Advocates, assisting this Court as *amici curiae*, have given suggestions to be incorporated in the guidelines. The suggestions of the learned *amici curiae* have been considered.

11. Ms. Nandita Rao, learned Additional Standing Counsel for GNCTD submits that SDMs/Recovery Officers/Appropriate Authorities are competent to exercise all the powers of an executing Court under Code of

Civil Procedure apart from the powers under the various Statutes. She further submits that the Government of NCT of Delhi shall issue fresh Office Memorandum to clarify the powers of the SDMs/Recovery Officers/Appropriate Authorities with respect to execution of Recovery Certificates.

12. On a careful consideration of the suggestions given by the learned *amici curiae*, the directions issued by this Court on 27th March, 2017 and 13th December, 2019 are hereby modified, and substituted with the following directions. The SDM/Recovery Officer/Appropriate Authority shall follow the following procedure for execution of the Recovery Certificates:-

- I. The execution of *Recovery Certificate* deserves special attention considering that any delay in execution proceedings would frustrate the winning party from reaping the benefits of the award/order in their favor on account of inordinate delay.
- II. Upon receipt of the Recovery Certificate, the SDM/Recovery Officer/Appropriate Authority shall list the matter in open Court within one week of the receipt of the Recovery Certificate.
- III. On the first date of hearing, the SDM/Recovery Officer/Appropriate Authority shall issue notice to the respondent and direct the respondent to deposit the due amount within thirty days of the receipt of the notice with a further direction that if the amount is not deposited, the respondent shall file an affidavit of his assets on the date of cause of action, date of the award as well as on the date of

the swearing of the affidavit in *Form 16A* of *Appendix E* of the Code of Civil Procedure within 30 days of the receipt of the notice.

- IV. The SDM/ Recovery Officer/Appropriate Authority shall also direct the respondent that if the amount is not deposited within 30 days, the respondent shall file additional affidavit in terms of the formats of *Annexure A1 / Annexure B1* attached to the judgment of *Bhandari Engineers-II* (supra) within thirty days of the receipt of notice.
- V. If the respondent is an individual, the additional affidavit of his assets and income shall be in the format of *Annexure A1* attached to the judgment of *Bhandari Engineers-II* (supra).
- VI. If the respondent is a proprietor of a proprietorship firm/partner of a partnership firm/member of an HUF/Director/Promoter of a company/Managing Trustee of a Trust, the additional affidavit in respect of the assets and income of the firm/HUF /Company/Trust, as the case may be, shall be in the format of *Annexure B1* attached to the judgment of *Bhandari Engineers - II* (supra).
- VII. If the respondent is Central Government/State Government/ Municipal Corporation/PSU/State/Central Government Entity such as DJB/DDA etc., the direction to file the affidavit/ additional affidavit is not necessary in the first instance. In such cases, the SDM/ Recovery Officer/ Appropriate Authority shall direct the respondent to disclose the particulars of its bank account(s) in which there

is sufficient amount to satisfy the amount under the Recovery Certificate. Upon disclosure of the bank account(s), the SDM/Recovery Officer/ Appropriate Authority shall attach the bank account to recover the due amount. However, if the amount in the bank account(s) is not sufficient to satisfy the award, the SDM/ Recovery Officer/ Appropriate Authority shall direct the respondent to file the affidavit of assets in Form 16A, Appendix E under Order XXI Rule 41(2) of the Code of Civil Procedure. The additional affidavit in formats of Annexure A-1/B-1 is not necessary in such cases.

- VIII. The SDM/Recovery Officer/Appropriate Authority shall issue the notice to the respondent in *Format – I*. Where the respondent is Central Government/State Government/Municipal Corporation/PSU or State/Central Government Entity such as DJB/DDA etc., the notice shall be issued in *Format – II*.

FORMAT - I

"NOTICE

(Title)

Take Notice that a Recovery Certificate dated has been received from office under which you are liable to pay Rs. to

You are hereby directed to deposit Rs.....with this office within 30 days of receipt of this notice.

IN the event of failure to deposit Rs , you are directed to file an affidavit of your assets on the date of cause of action, date of

the award as well as on the date of the swearing of the affidavit in Form 16A of Appendix E of the Code of Civil Procedure within thirty days of the receipt of the notice.

IN the event of failure to deposit Rs....., you are further directed to file an additional affidavit in terms of the formats attached to the judgment of *M/s Bhandari Engineers & Builders Pvt. Ltd. v. M/s Maharia Raj Joint Venture*, dated 05th August, 2020, 270 (2020) DLT 582, namely (i) Annexure A1 – if you are an individual and; (ii) Annexure B1 – if you are proprietorship firm/partnership firm/HUF/company/trust, within thirty days of the receipt of the notice.

These affidavits are mandatory as per the directions issued by the High Court of Delhi in W.P.(C) 8092 of 2016.

You are directed to appear in person before the undersigned on(date).

GIVEN under my hand and the seal of theon the..... day of

FORMAT - II

"NOTICE IN CASE THE RESPONDENT IS CENTRAL GOVT/STATE GOVT./PSU/CENTRAL /STATE GOVT. ENTITY

(Title)

Take Notice that a Recovery Certificate dated has been received from office under which you are liable to pay Rs. to

You are hereby directed to deposit Rs..... with this office within 30 days of receipt of this notice.

IN the event of failure to deposit Rs....., you are directed to file the particulars of your bank account(s) in which there is sufficient amount to satisfy the Recovery Certificate, on affidavit before the undersigned within 30 days of receipt of this notice.

This affidavit is mandatory as per the directions issued by the High Court of Delhi in W.P.(C) 8092 of 2016.

The Competent Officer of the respondent shall appear before the undersigned on(date).

GIVEN under my hand and the seal of theon the..... day of

- IX. In pending execution cases, if the respondent has not already filed the affidavit of assets and income, the SDM/Recovery Officer/ Appropriate Authority shall direct the respondent to file the affidavits of his assets and income in terms of this judgment within 30 days of the receipt of the notice. In case the respondent is Central Government/State Government/Municipal Corporation/PSU or State/Central Government Entity such as DJB/DDA etc., the concerned respondent entity be directed to disclose the particulars of its bank account(s) in which there is sufficient amount to satisfy the Recovery Certificate. These directions be issued to the respondent in all pending cases within four weeks.
- X. In the event of failure of the respondent to deposit the amount due under the Recovery Certificate, the SDM/Recovery Officer/ Appropriate Authority shall recover the amount by attachment of the assets of the respondent.
- XI. Sections 51(b), 60 to 64 and Order XXI Rules 41 to 57 of the Code of Civil Procedure contain the provisions for attachment of properties in execution. Before attaching a property, the SDM/Recovery Officer/ Appropriate Authority shall ensure that the property does not fall in the list of properties which are exempted from attachment/sale under the proviso to Section 60(1) of the Code of Civil Procedure. The SDM/Recovery Officer/Appropriate

Authority shall ensure the compliance of Sections 60 to 64 and Order XXI Rules 41 to 57 of the Code of Civil Procedure with respect to the attachment of properties.

- XII. Upon the aforesaid affidavit being filed, the SDM/Recovery Officer/Appropriate Authority may examine the respondent and/or conduct an inquiry to examine whether the respondent has truly disclosed his assets and income in the affidavit.
- XIII. With respect to the power to detain the respondent, the SDM/Recovery Officer/Appropriate Authority shall follow the principles of natural justice by affording a reasonable opportunity to the respondent before passing the detention order.
- XIV. All proceedings before the SDM/Recovery Officer/Appropriate Authority shall be held in open Court.
- XV. The daily cause list of the cases shall be displayed outside the Court Room as well as on the website.
- XVI. The orders passed by the SDM/Recovery Officer/Appropriate Authority shall be released on the website of the respective SDM/E-Courts portal within one week.
- XVII. The SDM/Recovery Officer/Appropriate Authority shall follow this procedure in respect of the proceedings under Industrial Disputes Act, Employee's Compensation Act, Motor Vehicles Act as well as other statutes which empower the SDM/Recovery Officer/Appropriate Authority

to execute the Recover Certificate.

XVIII. These guidelines shall apply to all pending cases as well as new cases.

13. These guidelines be implemented with effect from 02nd August, 2021. Government of NCT of Delhi shall publish these modified guidelines on its website and shall circulate it to all concerned SDMs/Recovery Officers/Appropriate Authorities.

14. The successful implementation of this Scheme requires strict compliance by SDMs/ Recovery Officers/Appropriate Authorities and thus, a Committee is constituted to supervise the implementation of these directions. This Committee shall comprise of the following members:

- (i) Principal Secretary (Law, Justice & Legislative Affairs), GNCTD as Convenor.
- (ii) Principal Secretary (Revenue), GNCTD.
- (iii) Secretary-cum-Commissioner (Labour), GNCTD.
- (iv) Member Secretary, DSLSA.
- (v) Ms. Nandita Rao, Additional Standing Counsel, GNCTD.
- (vi) Mr. Akshay Chowdhary, Advocate.

15. The Government of NCT of Delhi shall bear the necessary expenditure for the functioning of the Committee.

16. If any modifications are considered necessary in this Scheme, the same shall be carried out by the Committee after hearing all the stakeholders. Any suggestion or grievance with respect to the working of this Scheme shall be considered by the Committee.

17. The SDMs/Recovery Officers/Appropriate Authorities shall expedite the execution proceedings and shall make an endeavour to enforce the

Recovery Certificates as expeditiously as possible. The SDMs/Recovery Officers/ Appropriate Authorities shall send the Status Report containing list of all pending cases to the Implementation Committee. The list shall contain the name of the case; date of receipt of the Recovery Certificate; date of issuance of notice to the respondent; date of service of notice on the respondent; whether the respondent has filed the affidavit of assets; number of hearings that have taken place; and the reasons for delay in disposal. List be prepared according to the seniority i.e. the oldest case shall be mentioned first. The SDMs/Recovery Officers/Appropriate Authorities shall also send a list of execution cases decided in the last six months. The first list of cases as on 01st August, 2021 be sent by 16th August, 2021 and thereafter, every six months.

18. The SDMs/Recovery Officers/Appropriate Authorities shall also file quarterly compliance report before the Implementation Committee with respect to the compliance of this Scheme. The first compliance report for the quarter 02nd August, 2021 to 31st October, 2021 be filed by 30th November, 2021 and thereafter by 30th of each quarter. The same shall be placed before the Implementation Committee for consideration within four weeks. In the event of non-compliance of the directions, the Committee shall direct their comments to be placed in the ACR file of the concerned officer. The status report shall contain the following information:-

- (i) Number of cases/Recovery Certificates pending as on 02nd August, 2021.
- (ii) Number of cases in which the respondent has been directed to file the affidavit of assets.
- (iii) Number of cases in which the respondents have filed the affidavit of

assets and income.

(iv) Number of cases in which the action has been initiated against the respondent for non-appearance and failure to file the affidavit of assets and income.

(v) Whether the SDMs/Recovery Officers/Appropriate Authorities are holding proceedings in open Court.

(vi) Whether the daily cause list is being displayed outside the Court room and also on the website.

(vii) Whether the SDMs/Recovery Officers/Appropriate Authorities are releasing the orders on their website within one week.

(viii) In the event of non-compliance of any of the aforesaid directions, the reasons for non-compliance be disclosed in the status report.

19. This writ petition is disposed of in terms of the above directions. If any modification is required in the Scheme formulated by this Court, the Implementation Committee shall be empowered to do the needful.

20. This Court appreciates the valuable and effective assistance rendered by Ms. Nandita Rao, Additional Standing Counsel for GNCTD, Mr. Rajiv Agarwal, Advocate, Mr. Saurabh Prakash, Advocate and Mr. S.P. Jain, Advocate as *amici curiae* and Mr. Akshay Chowdhary and Ms. Anjali Agrawal, Law Researchers attached to this Court.

21. Copy of this judgment be sent to Principal Secretary (Law), GNCTD who shall circulate it along with a copy of *Bhandhari Engineers-II* and *Bhandhari Engineers-III* to all the concerned officers of Government of NCT of Delhi for compliance.

22. Copy of this judgment along with a copy of *Bhandhari Engineers-II* and *Bhandhari Engineers-III* be also sent to Delhi Judicial Academy to

sensitize the Officers about this Scheme.

23. Delhi Judicial Academy shall upload this judgment on their website (<http://judicialacademy.nic.in>) as good practices of this Court.

JUNE 24, 2021

dk/ak/ds



J.R. MIDHA, J.

