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

+ W.P.(C) 2991/2020

SUNIL KUMAR ALEDIA

..... Petitioner

Through: Mr. Shiven Varma & Mr. Rohan
Poddar, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjoy Ghose & Ms. Urvi
Mohan, Advocates for respondents
No.1 to 3/ GNCTD.

Mr. Sumer Kumar Sethi & Ms. Dolly
Sharma, Advocates with Mr. Kanwal
Jeet Arora, Secretary for respondent
No.4/ DSLSA.

Mr. Parvinder Chauhan, Advocate for
respondent No.5/ DUSIB.

Mr. Rohan Anand, Advocate for
respondent No.6/ UOI.

Ms. Shyel Trehan & Mr. Chirayu
Jain, Advocates for Intervenors.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

17.07.2020

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1. Mr. Ghose has taken instructions and he states that the respondent Board has considered the issue with regard to the Advocates provided from the panel of the DSLSA being appointed as Authorised Officers for the

limited purpose of carrying out verification of applications for renewal of registration and for certification that the applicants are eligible and entitled to renewal of membership/ registration, on an honorarium of Rs.1,800/- per day for each Advocate so appointed on a daily basis. We take the statement on record.

2. The Secretary of the respondent Board, in consultation with Mr. Kanwal Jeet Arora, shall prepare a check-list/ guidelines of the aspects that the Advocates – who would undertake the aforesaid process, would have to follow while scrutinising and dealing with the applications for renewal of registration which have been received through the online mode. The said check-list/ guidelines shall be circulated to all such Advocates – who would undertake the said exercise and, if necessary, an online briefing of the said Advocates shall also be undertaken by Mr. Arora and the Secretary of the Board before they embark upon the said task. The said checklist/ guideline be also placed on record.

3. We make it clear that the authorisation as Authorised Officers by the Board for the purpose of Rule 266 of the Delhi Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002 shall not tantamount to employment of the said Advocates by the Board.

4. Ms. Trehan has expressed an apprehension that even after the Advocates appointed from the panel of the DSLSA undertake the aforesaid task, the Board may sit-over the matter and the report furnished by the said Advocates with regard to the eligibility for renewal of registration may not

be treated as final and acted upon by the Board. She submits that if another process of arriving at satisfaction is undertaken by the Board before grant of renewal to all such applicants – who are cleared by the Advocates from the DSLSA panel, the purpose of the whole exercise would be lost, and there would still remain a bottleneck in the matter of grant of renewal of registration.

5. Mr. Ghose has allayed all such fears and apprehensions, and he submits that the authorisation of the Advocates as Authorised Officers of the Board for the limited purpose, as aforesaid, is to enable them to submit a final report, which would be acted upon by the Board as it is.

6. We are also of the view that the reports furnished by the Advocates, as aforesaid, should be treated as final and should be acted upon by the Board without any delay – once received, and whosoever are certified by the said Advocates as entitled to grant of renewal of registration, should forthwith be granted the said renewal of registration.

7. We have suggested to Mr. Ghose that since the applications for renewal of registration have been received through the online mode, it should be possible for the Advocates to undertake the process of verification through the online mode. They could also hold interview of the applicants and interact with them through video-call, since the applicants would have provided their mobile phone numbers.

8. Mr. Ghose submits that the Board shall certainly look into this suggestion keeping in view the prevailing Pandemic, so that human-to-human contact is minimised. He further submits that the Board shall work

out the modalities with the DSLSA on the requirement of the Advocates on per day basis.

9. We are inclined to leave the said aspect to be worked out between the DSLSA and the Board. However, the Board should not lose sight of the fact that this entire exercise is being undertaken to expedite the process of grant of renewal of registration and, therefore, there should be no laxity in the same and the matter should be dealt with on a war-footing.

10. List on 30.07.2020.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 17, 2020

B.S. Rohella