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

+ W.P.(C) 10371/2022

ATLAS LOGISTIC PVT LTD

..... Petitioner

Through: Mr. N. Hariharan, Senior Advocate,
Ms. Nandita Rao, Ms. Punya Rekha
Angara and Mr. Mueed Shah,
Advocates.

versus

MR JITENDRA KUMAR

..... Respondent

Through: Mr. Gaurav Pandey, Advocate.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

14.05.2024

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CM APPL. 28632/2024 (Seeking clarification/recalling of the order dated 03.05.2024)

1. The instant application under Section 151 of the Code of Civil Procedure, 1908 read with Article 226 has been filed on behalf of Delhi High Court Legal Services Committee ('DHCLSC' hereinafter) seeking recalling of paragraphs 7 and 8 of the order dated 3rd May, 2024 and accepting the explanation filed by way of an affidavit dated 8th May, 2024 in compliance of the said order.

2. Mr. Hariharan, learned senior counsel, appearing on behalf of the DHCLSC submitted that all best efforts are made to provide legal aid to the litigants in a timely and prompt manner and any lapses therein are inquired into and rectified diligently. He further submits that non-appearance of legal



aid counsel on behalf of the respondent was not on account of any lapse by the Committee but on account of non-communication by the respondent with the panel counsel.

3. It is submitted that the as per the dealing in the present matter the respondent was telephonically informed about the appointment of the Panel Counsel and even asked to collect the appointment letter. However, he did not collect the same despite being aware of practice, as he had collected the letter on an earlier occasion and contacted the erstwhile Counsel Mr Vaibhav Kalra, a panel counsel, appointed by the Committee on earlier occasions.

4. It is submitted that pursuant to order dated 8th July, 2022, Mr.Jitendra Kumar, i.e., the respondent applied for the grant of legal aid on 27th July, 2022 and after two days i.e., on 29th July, 2022 Mr.Vaibhav Kalra, Panel Advocate was appointed to represent the respondent in the present matter. It is further submitted that Mr.Vaibhav Kalra, appeared on behalf of the respondent on 8th September, 2022, 12th September, 2022, however, on 16th January, 2023, a private counsel Ms.Seema Singh appeared for the respondent and no information with respect to the engagement of a private counsel by the respondent was given to the panel counsel and she continued to appear for him for the next dates of hearing till 20th March, 2023.

5. Learned counsel appearing on behalf of the applicant/Committee further submitted that on 13th October, 2023, the respondent sent a letter for change of his legal aid counsel and it was only on 29th November 2023, the then Secretary, DHCLSC, was informed by the dealing that the respondent had engaged a private counsel.

6. Thereafter on 6th March, 2024 the respondent again moved an



application for change of counsel. Vide an e mail dated 13th March, 2024, sent by Mr. Vaibhav Kalra informing the Committee that the respondent had hired another lawyer. Thereafter on 21st March, 2024 Ms. Deepali Gupta, a new panel lawyer, was assigned by the Committee to represent the respondent and as per the dealing, the respondent was again made aware that he had been provided legal aid.

7. The respondent along with the counsel appointed by this Court is present today. The respondent, i.e. Mr. Jitendra Kumar opposed the abovesaid submissions made by the learned senior counsel, however, also submitted that he does not have any objection if this Court disposes of the instant application filed by the DHCLSC.

8. Heard.

9. The captioned application has been filed on behalf of the DHCLSC for recalling the order dated 3rd May, 2024 passed by this Court, whereby, serious concerns were raised by the respondent about the functioning of the legal services committee and non-appointment of legal aid counsel for him.

10. After considering the factum of the matter, this Court had directed the Secretary, DHCLSC to file an affidavit explaining the non-action on the requests made by the respondent for appointment of counsel to represent his case and the said direction has been duly complied with by filing an affidavit dated 8th May, 2024, whereby, the Secretary explained in details about the appointment of advocates for the respondent.

11. Mr. Hariharan, learned senior counsel appearing on behalf of the DHCLSC also apprised this Court about the appointment of the advocates for the respondent and supplemented his claim by providing proof of the said appointments in the past.



12. Upon perusal of the contents of the affidavit filed by the Secretary, DHCLSC, captioned application, the submissions advanced by the learned senior counsel appearing on behalf of the DHCLSC, and no-objection on behalf of Mr. Jitendra Kumar, respondent in person, this Court is of the considerate view that the explanation provided by way of an affidavit dated 8th May, 2024 is satisfactory and thus the present application may be allowed.

13. Accordingly, the captioned application is allowed and the paragraph nos. 7 & 8 of the order dated 3rd May, 2024 are expunged and the order shall now be read without the said paragraphs.

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List on date already fixed i.e. 17th May, 2024.

CHANDRA DHARI SINGH, J

MAY 14, 2024
rk/sv/av

[Click here to check corrigendum, if any](#)