

ITEM NO.301

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Suo Moto Writ (Civil) No.5/2024

IN RE: HERITAGE BUILDING OF THE BOMBAY HIGH COURT AND ALLOTMENT OF
ADDITIONAL LANDS FOR THE HIGH COURT

Date : 17-05-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

By Courts Motion

For Respondent(s)

Mr. Tushar Mehta, SG

State of Maharashtra

Dr. Birendra Saraf, Adv.Gen.

High Court

Mr. Sandeep Sudhakar Deshmukh, AOR

Bombay Bar Association

Mr. Nikhil Sakhardande, Sr. Adv.

Mr. Venkatesh Dhond, Sr. Adv.
Mr. Ajinkya M. Udane, Adv.

Mr. Prakash D. Naik, Adv.
Mr. Prashant Relekar, Adv.
Mr. Vikram N. Walawalkar, Adv.
Mr. Ajinkya Udane, Adv.
Mr. Yadunath Chaudhary, Adv.
Mr. Aman Vachher, Adv.
Mr. Dhiraj, Adv.

Mr. Akshat Vachher, Adv.

Ms. Abiti Vachher, Adv.

Mr. Rakesh Bhatkar, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 In pursuance of the previous order dated 7 May 2024 of this Court, a meeting was convened by the Chief Justice of the High Court of Judicature at Bombay. This Court has been apprised of the outcome of the discussions by Mr Tushar Mehta, Solicitor General of India, Dr Birendra Saraf, Advocate General for the State of Maharashtra and by the counsel appearing on behalf of the Bar Associations (Mr Venkatesh Dhond, senior counsel for BBA, Mr Prakash D Naik, counsel for AAWI, Mr Nikhil Sakhardande, senior counsel for BILS) and Mr Manoj Shirsat, counsel appearing for the original petitioners.
- 2 The present position is summarized below:
 - (i) The State Government has ordered a structural audit of the premises of the High Court by Veermata Jijabai Technological Institute (VJTI), Mumbai. The work is expected to be completed in a month;
 - (ii) The proposed provision of alternative premises for the High Court in the vicinity of the present location has progressed in the following manner:
 - (a) The Government of Maharashtra is in the process of entering into a leave and license agreement with Mahanagar Telephone Nigam Limited (MTNL) in respect of an area ad-measuring 18,000 sq ft in a building situated in proximity to the present location;
 - (b) The Government of Maharashtra will enter into a leave and license agreement in respect of the premises of Central Telegraph Office (CTO) ad-measuring 8,000 sq ft (subject to the structural audit of

the premises indicating that they are safe for the use of the High Court);

- (c) A leave and license agreement is being entered into with Bank of India (BOI) for premises situated on the third floor ad-measuring 12,500 sq ft which were in the occupation of the Maharashtra Public Service Commission and which would be vacated for the purpose of the High Court. The Solicitor General has indicated that after discussions, BOI, has indicated that it left decision to the “dignitaries in the meeting”.
- (iii) As regards the construction of the new building of the High Court, the process of appointing an architect for preparation of plans and designs has taken shape. The Solicitor General indicated that the Chief Secretary of the Government of Maharashtra had suggested three options, namely, (i) conducting a design competition; (ii) floating a request for expressions of interest to four or five nationally renowned architects; and (iii) conducting an open selection process. During the course of the meeting, it has been agreed that the second option would be adopted so as to obviate delay. Since this aspect is being monitored in pursuance of the directions of this Court by the Committee chaired by the Chief Justice of the High Court, we would request the Chief Justice to take up this aspect with all reasonable dispatch so that the appointment of an architect for preparation of plans and architectural designs is completed at the earliest possible date;
- (iv) The Advocate General stated that though the Government of Maharashtra had agreed to hand over possession of 9.64 acres by December 2024 and 13.75 acres by March 2025 for the construction of the High Court, all endeavour would be made to hand over at least the first tranche as expeditiously as possible. However, he highlighted that in view of the ensuing monsoon and the occupation of a substantial

portion of site by staff colonies and a portion by unauthorized occupants, the deadline proposed by the Government may be permitted to be maintained.

- 3 Mr Venkatesh Dhond, senior counsel for the BBA and Mr Nikhil Sakhardande, senior counsel for BILS suggested that while the first tranche of land of 9.64 acres is proposed to be handed over by the end of December 2024, the Government may hand over smaller clusters within the said tranche as and when they fall vacant at earlier dates.
- 4 Bearing in mind all aspects of the matter, we direct that the Government of Maharashtra should make all endeavour to hand over at least the first tranche ad-measuring 9.64 acres by the end of September 2024.
- 5 The Government of Maharashtra need not wait until the end of December 2024 for handing over the entirety of the first tranche ad-measuring 9.64 acres. All endeavour should be made to hand over 9.64 acres by 30 September 2024. The Committee which has been constituted in the earlier order of this Court, shall be apprised on a monthly basis commencing from 7 June 2024 of the progress which has been made in that regard.
- 6 The Solicitor General has indicated that the Government of Maharashtra would be taking all endeavour for setting up an arbitration centre. It is in contemplation that the arbitration centre would be set up at Bandra Kurla complex and in the meantime endeavour would be made to make some interim arrangements in the Air India building at Nariman Point. This is at an exploratory stage.
- 7 The proceedings shall be listed before this Court on 15 July 2024, on which date, the Court shall be apprised of the further progress which has been made. In the meantime, the meetings which are being chaired by the Chief Justice of the High Court shall continue. This or the previous order shall not

be construed as any restraint on appropriate decisions being taken to facilitate the work of construction and other ancillary matters which have been referred to above.

- 8 We appreciate the proactive efforts which have been made in pursuance of the previous order by the Solicitor General, the Advocate General of the State of Maharashtra, the Chief Secretary of the State of Maharashtra and all other officials of the State Government who have cooperated.

(CHETAN KUMAR)
A.R. - cum - P.S.

(POOJA SHARMA)
Court Master