

OFFICE OF THE DISTRICT & SESSIONS JUDGE, WEST
DISTRICT, TIS HAZARI COURTS, DELHI

OFFICE ORDER NO. 1/OPS/West/N/THC dated May 30, 2020

This has reference to the letter no. R-123/RG/DHC/2020 dated 30/04/2020 from the Registrar General, Hon'ble High Court of Delhi, New Delhi, whereby *inter alia* it was directed that (i) the hearing in the urgent matters listed in the Courts, as far as possible be conducted through video conferencing only; and that (ii) If video conferencing is not feasible in a given case, the norms of social distancing be strictly adhered to during Court-room hearings.

AND whereas the aforesaid order has been reiterated in the subsequent orders passed by the Hon'ble High Court of Delhi, New Delhi, extending the suspension of regular work in the District Courts, lastly conveyed vide letter No.1347/DHC/2020 dated 29/05/2020;

AND whereas pursuant to aforesaid directions, relevant Standard Operating Protocol or Procedures with regard to e-filing in civil and criminal matters as also hearing of matters through Video Conferencing have been framed and circulated vide order dated 20.04.2020 and revised order dated 05.05.2020, whereby *inter alia* requirement of personal notice has been dispensed with;

AND whereas it is experienced that it is not suited that the parties and/or counsels be contacted through the Staff of the Concerned Court for scheduling a hearing through Video Conference as it might lead to unwarranted or anomalous situations, therefore, in view of the directions passed by the Hon'ble Supreme Court in *suo moto* case writ (civil) no. 5 of 2020 titled " In RE Guidelines for Court Functioning through Video Conferencing During Covid-19 Pandemic" dated 6th April, 2020, henceforth, the following standard operating protocol (SOPs) shall be observed:-

1. The Courts may issue notices/summons to the parties and their respective counsels on the addresses including email addresses available on the judicial record enabling the parties and their counsels to appear on a scheduled date for hearing through Video Conferencing for addressing final arguments, or

arguments on any application for interim relief, or for pronouncement of judgment / orders, as the case may be, in conformity with the Practice Directions contained in Chapter I, Part-'B' & 'D' of the High Court Rules;

2. The Courts may simultaneously provide that the parties and /or / counsels shall be at liberty to file written submissions instead of addressing oral arguments or appearing through video conferencing and such written submissions be filed within such time as may be prescribed/directed by the Court;
3. In the aforesaid situation no. (1) or (2), the Court concerned shall fix a reasonable time limit for service of notice through officials of Nazarat Branch, West District, THC, Delhi, and such notice/summons shall be dealt with as follows:
 - (i) the Ahlmad/Asst Ahlmad shall specifically mention on the notice/summons that the parties and /or counsel shall appear for VC on the scheduled date given by the Court or else they shall be at liberty to file written submission within time specified by the Court;
 - (ii) the Ahlmad/Asst Ahlmad shall also indicate the landline/mobile contact and fax number, if any, of the parties and counsels on the notice/summons in a legible manner; and such notice/summons shall also indicate the dedicated *email address* of the court concerned;
 - (iii) Till such time the Courts are not equipped to send the notices/summons in electronic form with digital signatures, the Ahlmad/Asst Ahlmad while preparing the notice in physical form shall take all such steps which are required to avoid COVID-19 spread:

4. The Administrative Civil Judge, West District in consultation with the District & Sessions Judge(West) shall depute such number of experienced and competent officials of the Nazarat Branch, as may be deemed fit, for the purposes of executing the instructions for service of notices/summons who shall called or referred as “OFFICE PROCESS SERVERS” or for short ‘OPS’;
5. Such Court notices/summons shall be be executed through the Nazarat Branch, West District, THC, Delhi in the following manner:
 - i) if the notice/summons is received in electronic form from the Court, the Nazarat Branch in-charge shall download the digital notice from the email received and assign it to the Office Process Server (OPS) or simply forward it to the email of the latter;
 - ii) If the notice/summons is issued by the court in physical form, the in-charge Nazarat Branch shall scan it to make it in digital form and then he shall assign it to the ‘OPS’;
 - iii) Nazarat Branch In-charge shall maintain a proper record in digital form about every notice received and shall always give an assignment number to the notice;
 - iv) Additionally, the in-charge Nazarat Branch shall send the notice to the email address of the concerned person (either by using the email address as available on the notice or by using the email address provided by the OPS as obtained by taking the steps enumerated in these instructions) and the manner for serving the notice through email shall such as has been prescribed in ***Rule-16 & 17 of Delhi Courts Service of Processes by Courier, Fax and Electronic Mail Service, 2010;***

v) Once assigned with a notice to be served, 'OPS' shall take following steps according to the need:

(a) the 'OPS' shall contact the lawyer or the party with the use of official MTNL landline and he shall act in a courteous and businesslike manner while informing them about the notice/summons issued by the Court concerned;

(b) the 'OPS' shall inform them about the date of hearing in the matter through Video Conference and also discretion to file written Submissions on dedicated email-ID of each Court

(c) the 'OPS' shall make an entry in a register (digital or physical) of every call made through the official MTNL landline;

(d) If the notice contains only a landline number, the 'OPS' while contacting on the said landline number shall ask for mobile number and email of the concerned person so that notice can be served via WhatsApp/email;

(e) If the notice contains mobile number, the 'OPS' shall try to get email address;

(f) If the notice contains both the mobile number and email of the concerned person, he shall proceed with serving the notice in the manner prescribed herein;

(g) In any case (either by obtaining the mobile number or by using the mobile number if given on the notice), the 'OPS' shall send the digital notice via WhatsApp;

(h) the 'OPS' shall use his/her private mobile for sending notice via WhatsApp till the time official mobile are provided;

(i) the 'OPS' shall also send details of notice in message form on WhatsApp in Format-'A' OR Format-'B' reflected in the appendix to these SOPs, as the case may be;

(j) the 'OPS' shall take screenshot of the WhatsApp screen showing the service of digital notice and sms version;

- (k) After completing the formalities of contacting on the phone number or mobile number and sending the notice via WhatsApp, the OPS shall write his report about the steps taken by him and the result thereof, either by hand or on computer if he has a digital signature;
 - (l) Thereafter, the in-charge Nazarat Branch shall authenticate the service either by hand or on computer if he has a digital signature. He shall also make his endorsement about sending the notice through email;
 - (m) If the report/authentication is hand written, the Nazarat Branch shall scan the same for making it in electronic version;
 - (n) Nazarat Branch then shall send the report to the concerned court via email on dedicated email address of the concerned court preferably two days prior to the date fixed for hearing or pronouncement as the case may be;
 - (o) Nazarat Branch shall send all the physical record to the concerned court in such manner which minimizes the risk of spread of corona;
 - (p) Any false report or assertion by the Office Process Servers or in-charge Nazarat Branch shall be subject to strict disciplinary action;
 - (q) Official MTNL numbers pertaining to west district Nazarat Branch shall be published on the official website of the district court to avoid any misinformation or mishandling of court processes;
6. These practice directions shall come into force w.e.f 1st, June, 2020 and shall remain in force till such time the regular work in the District Courts remain suspended.

Issued by the order of the Ld. District & Sessions Judge (West), THC, Delhi

APPENDIX

FORMAT 'A'

“You are intimated that suit/petition bearing no..... titled..... shall be taken up for addressing final arguments/ arguments on interim application by the Court of Sh/Smt/Ms.....(name and court) and you are at liberty to appear through Video Conferencing for which consent may be sent to the Court concerned at least two days in advance on the dedicated email ID....., or else you shall be at liberty to file Written Submissions at least three days prior to scheduled date of hearing which be sent at such email address”.

FORMAT 'B'

“You are intimated that suit/petition bearing no..... titled..... shall be taken up for pronouncement of judgment / orders ...(date and time)..... by the Court of Sh/Smt/Ms.....(name and court) and you are at liberty to appear through Video Conferencing for which consent may be sent to the Court concerned at least two days in advance on the dedicated email ID.....,