

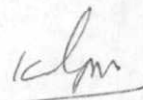
STANDARD OPERATING PROCEDURE (SOP) FOR LITIGATION PROCESS

File No.: SDM-V/LC/Rev(HQ)/2019/664-799

Dated: 02.09.2019

In order to streamline the processing of various Court/NGT/Tribunal cases involving the Department of Revenue, GNCTD and also to ensure seamless flow of information within the hierarchy in the Department (Districts and HQ level) and with the aim to oversee and supervise Court/Tribunal cases effectively at various levels, the following guidelines are issued:-

1. Copy of the petition or application filed in the Court/Tribunal against the Department is either received in the Revenue Headquarter or in Districts directly. The Nodal Officer-Legal cum Parivi Officer of the district and the SDM - Legal Branch shall ensure that the cases are uploaded on e-litigation system. This web based system is managed by NIC.
2. In case the petition/application is received from the court/Tribunal at the Revenue Headquarter the same shall be forwarded to the branches of the Revenue Headquarter and the concerned District Magistrates respectively through physical mode or electronic mode and which will be further followed up by physical mode (in exceptional and urgent cases only).
3. All the ADMs shall be reviewing Officer and an officer not below the rank of the Tehsildar shall be Nodal Officer-Legal cum Parivi Officer for all the cases involving revenue districts. Similarly the Section Officers at Revenue Headquarter shall be the Nodal Officer-Legal cum Parivi Officer for their respective branches and SDMs(HQ) of the branch shall be reviewing officer for their respective branches.
4. Nodal Officer-Legal cum Parivi Officer (of districts) shall forward the petition/application received from the Hon'ble Court/Tribunal to the branch dealing the subject involved in the case i.e. the concerned branch in the district. The branch to which primarily, predominantly and substantially the issue dealt with, shall be the concerned branch for that particular Court/Tribunal case.
5. Nodal Officer-Legal cum Parivi Officer shall obtain the parawise comments/material/reply/response from the branch concerned through a U.O Note by opening a separate file in each case.
6. Nodal Officer-Legal cum Parivi Officer shall also move/initiate a file for appointment of a Govt. Counsel and get the BTF issued at the earliest.



7. Nodal Officer-Legal cum Parivi Officer shall then put up the file to the District Magistrate for approval of the parawise comments and send the same to the appointed Govt. Counsel in the case through e-mail & hard copy.

8. Nodal Officer-Legal cum Parivi Officer shall get in touch with the Govt. Counsel and get draft reply/response/affidavit prepared in the matter at the earliest, at least a week before the scheduled date of submission of such documents in the Court/Tribunal.

9. Nodal Officer-Legal cum Parivi Officer shall put the matter for the approval before the Competent Authority i.e. District Magistrate in all cases at district level through proper channel.

10. Nodal Officer-Legal cum Parivi Officer shall hand over the reply/response/affidavit to the Govt. Counsel (hardcopy) to be filed before the concerned Court/Tribunal.

11. Nodal Officer-Legal cum Parivi Officer shall maintain the complete record of the all Court/Tribunal cases in electronic module (Excel Sheet) with fortnightly printout of same to be kept on record. This exercise shall be act as a bridge between revenue districts and concerned branch at Revenue Headquarter.

12. Nodal Officer-Legal cum Parivi Officer shall be responsible for keeping a close watch and ensuring the filing of status report/response/reply/affidavit in the Courts/Tribunals within the stipulated time granted by the Hon'ble Courts/Tribunals in consultation with the Govt. Counsel. He/she shall be solely responsible for such filings and any delay shall primarily be attributed to him/her.

13. Nodal Officer-Legal cum Parivi Officer shall also be responsible for timely uploading the details of various Court/Tribunal cases pertaining to Revenue district level on e litigation System. It should be done on day to day basis.

14. Nodal Officer-Legal cum Parivi Officer shall apprise the Legal branch of Revenue Headquarter any problem in Liasioning with various stakeholders so that prompt assistance /information /material could be provided to the districts/concerned branch of Revenue (HQ) in order to avoid any wrath from Judiciary which may occur due to improper handling of court cases.



15. In case Nodal Officer-Legal cum Parivi Officer do not seek any assistance /information /material from Legal Branch of Revenue (HQ) then it shall be presumed that no difficulty is being faced by the concerned district /concerned branch of Revenue (HQ) in routine handling of court cases.

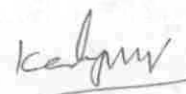
16. As already ordered vide letter PA/Divcom/2019-20/185-186, dated 05.07.2019, all the District magistrates and Dy. Commissioner (HQ)-II (Legal Cell) will keep a close vigil and monitor all the pending cases of Hon'ble Supreme Court, Hon'ble High Court of Delhi, Hon'ble NGT etc., personally. There must be no instance that our Counsel and Officers wherever required have not appeared before Hon'ble Court/Tribunal. Each District Magistrate and Dy. Commissioners (HQ) must maintain a comprehension and updated list of all cases, the counsels for these cases , directions in the case by Hon'ble Court/Tribunal , action taken , next date of hearing , briefing of counsel, etc and use it for regular monitoring. Further, as per direction received by Chief Secretary, it shall be the personal responsibility of the DMs and DCs (HQ) to ensure that the directions of Hon'ble Courts/Tribunals in all cases are complied with scrupulously. Further, on each hearing , a senior officer from Revenue Department along with Government Counsel i.e. both must invariably remain present in NGT with due notification of their presence to Registry of NGT."

17. The District Magistrates shall also review the Court/Tribunal cases on fortnightly basis and send a report to the Legal Branch HQ in the prescribed format which is annexed herewith as Annexure-A.

18. Another fortnightly report containing issues pertaining to Court/Tribunal cases where assistance/ attention of Legal branch, Revenue (HQ) is required immediately shall be sent to legal branch in format attached as Annexure-B.

19. The District Magistrates may also bring to the notice of DC HQ-II the matters for escalating to appropriate level, if any lapse on the part of Govt. Counsel is observed.

The above guidelines are issued for strict compliance by the DM (Districts)/DC(HQ)-II and all other officials of Department of Revenue dealing with the court Cases. In case of any lapse/default/derelection of duties in that regard disciplinary proceedings shall be initiated against erring officers. The performance of DMs, DCs(HQ), ADMs, SDMs and Parivi officers who are involved in court cases will invariably be reflected in their respective APARs.



These issues with the approval of Divisional Commissioner cum Principal Secretary, Department of Revenue, GNCTD.

Kalpana
21/9/19

K.S MEENA

DC HQ-II

Revenue Department GNCTD

File No : SDM-V/LC/Rev(HQ)/2019/664-799 Dated 02.09.2019

Copy to :

1. PA to Divcom for kind info.
2. All DMs of Revenue Districts
3. All DCs (HQ)
4. All ADMs
5. All SDMs of Revenue Districts
6. All SDMs (HQ)/JD IT HQ ✓
7. All Tehsildars/SOs and equivalent officers in Revenue HQ and districts.

anil

SDM-V HQ (Legal Cell)

ANNEXURE-B

(To be submitted fortnight in soft copy only)

Particulars of Court/Tribunal Cases for specific Report/Reference to Revenue Headquarter

District:

S.No.	Case No.	Case Title	Court/ Tribunal	Name of Government Counsel	L.D.O. H	N.D.O. .H	Specific reason for reporting	Steps Taken so far	Remarks

- Specific Reasons may include Issuance of Bailable/non-bailable warrant against Higher Authorities .Contempt Proceedings, Stricture passed by Court/Tribunal for non-submission of reply/compliance Report/ATR etc which ought to be brought to the notice of Revenue Headquarter.

ANNEXURE –A

Comprehensive Court cases Review Format

District: _____ for the Fortnight ending on _____

S.No.	Court/ Tribunal	new Cases filed during the fortnight	Cases disposed of during the Fortnight	Total Cases still pending	Total no. of cases in which orders against departm ent yet to be complied with	Total no. of cases in which orders have not been complied with even after lapse of time allowed	Reasons for not complyi ng with the orders (Case wise)