

Delhi Urban Shelter Improvement Board
Govt. of NCT of Delhi
Law Office

No. D-156/LO/DUSIB/2020

Dated:- 21/07/2020

Circular

This is in continuation to the Circular No. D-108/LO/DUSIB/16 dated 29/2/2016 and in order to stream line the dealing of court matters and further to ensure effective disposal of the court cases in which DUSIB is a party.

It has been observed that numbers of case are pending in various courts i.e. Hon'ble Supreme Court of India, High Court, Hon'ble L.G. Court, N.G.T., District Courts and Consumer Forums at different stages. The concerned section/Circle has to follow up the cases and also comply with directions of the courts, issued from time to time. They also need to take timely necessary action for filing reply/affidavit etc. in the various Courts i.e. including various documents.

The Standing Counsel shall on receipt of advance copy of petition/ notices/summons etc., immediately transmit the same to the Law Officer, DUSIB. On receipt of such notices, summons etc. from the Standing Counsel, the Law Section will put up the matter through Director (Law) to the Member (Admn.). The updated position of the cases already assigned to the counsels/lawyers and their specialization /expertise may be indicated in a sheet placed on file. Cases to the Advocate/counsels will be assigned by the Member (Admn.) The Standing Counsel, may cause appearance before the court, in emergencies to safe guard the interests of the DUSIB.

In order to ensure effective and efficient handling of court cases, Dy. Directors/ Ex. Engineer/Asstt. Director during the leave period of Dy. Director of the concerned Branch/respective Circle have been designated as Nodal Officer of the respective branch/Circle. They will ensure that the following actions are taken besides any other suitable steps to protect the interest of DUSIB and/ or to comply with the court order, as the case may be.

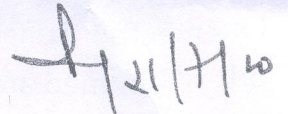
Diary No. 199
Date 21/7/2020
Computer Division (DUSIB)
Govt. of NCT of Delhi

1. As soon as the copy of petition/suit/appeal/application is received in the concerned branch/section the concerned Nodal Officer shall ensure to provide parawise comments along with name of the branch, name of concerned Director & Dy. Director and their Mobile Nos. within 7 days and where the court has fixed an earlier date to file reply, within that period as the case may to the Law Officer/ concerned Jr. Law Officer alongwith attested copies of the documents for drafting Counter Affidavit/WS. The same shall be signed, after taking necessary approval from the Competent Authority, and sent to Law Section or directly to the counsel under intimation to Law Section if time is short, for filing them well within time.
2. The parawise comments shall also contain the information about stand of department taken in previous similar litigation. Along with the parawise comments a copy of Counter Affidavit /reply filed earlier in the court case having the similar facts may also be attached.
3. After receiving copy of Counter Affidavit/reply drafted by the Panel Lawyer it shall be ensured by the concerned Dy. Directors/Ex. Engineer/ Asstt. Director that the same shall be sent after signing to the Panel Lawyer/Law Officer at earliest and not later than 7 days or within the shorter period as directed by the court.
4. It shall be the responsibility of concerned Dy. Director/ Ex. Engineer/ Asstt. Director to maintain an updated computerized list including status of all the court cases related to his/her Section/ Circle. It should be readily available with them so that instant monitoring/review could be done at the higher level, as well.
5. The concerned Dy. Director/ Ex. Engineer/Asstt. Director shall personally monitor all the cases. They shall ensure that no adverse order is passed by any court of law on account of any lapses on the part of the concerned Section/Circle, including non-providing of necessary comments/ documents to the panel lawyer, in time.

6. The documents of the policy file, pertaining to a particular case, shall be provided by the concerned Dy. Director/ Ex. Engineer/ Asstt. Director either before or on the date of hearing in the Court, if so required by the counsel, through an officer/ official who is well-conversant with the fact of the case and to duly brief the counsel.
7. In the cases where adverse order has been passed against the Department, the concerned Dy. Director/ Ex. Engineer/ Asstt. Director shall forward through Directors, the same to Law Officer with their comments for filing appeal in higher Court, within 3 days of the date of courts order, as it involves period of limitation in challenging an order. In case of any delay or lapse, strict disciplinary action would be proposed to CEO, DUSIB against concerned officer/official.
8. Dy. Director/ Ex. Engineer/ Asstt. Director concerned shall ensure that an officer/official well conversant with the facts of the case, is present in the court on the given date, if so communicated/advised by Law Section/concerned Counsel, with all necessary records.
9. The concerned Dy. Director/ Ex. Engineer/ Asstt. Director should immediately contact the counsel/Law Officer/Jr. Law Officer (on the date of hearing) to ascertain the proceedings and record the same in the relevant file. If necessary, he/she should put up the same to higher authorities at the earliest seeking approval/directions for further action, if required.
10. The concerned Dy. Director/ Ex. Engineer/ Asstt. Director should ensure that the order is duly obtained on the noting side, for record and necessary action, as required.
11. The cases involving financial implications shall be dealt with by Dy. Director/ Ex. Engineer/ Asstt. Director personally and expeditiously, in coordination with the Law Officer/Jr. Law Officer as the case may be.

12. The overall supervision of court cases pending in Supreme Court, High Court, L.G. Court, NCDRC shall be the responsibility of the concerned Director/ Superintending Engineer and the cases pending in District Court, District Consumer Forum shall be the responsibility of the concerned Dy. Director/Ex. Engineer of the concerned branch and if the procedure/steps as mentioned above have not been adhered to then the concerned Director/ Superintending Engineer /Ex. Engineer/ Dy. Director and their subordinate staff shall be liable for strict action.
13. Law Officer, JLOs & Legal Assistants will be responsible for supervision & monitoring the cases on day to day basis. They will also be responsible for guiding and advising Director/ Superintending Engineer/ Dy. Directors, Asstt. Directors, Ex. Engineers etc. in dealing with court matters. Law Officer should submit a fortnightly report to Director (Law) and also to all Directors & Chief Engineers with regards to status of pendency of actions in dealing with court cases by all branches in prescribed format.

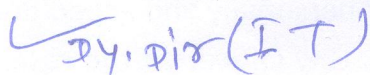
This issues with prior approval of the Chief Executive Officer.


Director (Law)

1. All CEs/Directors/Dy. Directors/SEs/Ex. Engineers/BFO.
2. Law Officer/Jr. Law Officers/Legal Assistants.
3. All Standing Counsels & Panel Lawyers of DUSIB.

Copy to:

1. P.S. to CEO, DUSIB for information.
2. P.S. to Member (Admn.) for information.
3. Ps to CVO for information.


Dy. Dir (IT)