

**Sub : Guidelines for dealing with the Court cases.****C I R C U L A R**

In the recent past, some court orders have been brought to my notice, which clearly show lack of due care, diligence and proper attention in dealing with the court matters, on the part of the concerned officers. Therefore, to avoid recurrence of such instances, all the Heads of Departments/Sections should observe the following instructions scrupulously;

1. On receipt of the Notice/summons of the civil suits / writ petitions / consumer complaints, **the concerned HOD should engage advocate with the prior approval of the law Officer** and the Vakalat-nama should be sent to the advocate, to enable him to appear on behalf of the Corporation. This should be done immediately and in any case before the fixed date of hearing.
2. One set of suit/petition/complaint along with the para-wise remarks should be sent to the advocate to enable him to prepare the written statement/affidavit in reply well in time and get it approved from the Law Officer before filing in the Court. As per amended provisions of the Civil Procedure Code, it is necessary to file reply/written statement within a period of 90 days from the date of service of summons/notice. **In order to avoid any unnecessary legal complications, all HODs should adhere to this time limit meticulously.**
3. In case any relief for temporary injunction is sought, it shall be necessary to send **alongwith** the Vakalat-nama, written para-wise remarks and relevant documents in support of the para-wise comments to the advocate enabling him to prepare the reply/written statement and seek necessary approval of the Law officer before filing the same in the Court, with a view to avoid ex-parte order against the Corporation.
4. While submitting the draft reply/written statements before the Court, the concerned HODs should ensure that the documents on which the defence of the Corporation is based shall be sent to the advocate in triplicate to enable him to file these documents **alongwith** the reply/written statement in the court.

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5. In court cases where financial implication is involved, concerned HOD, in consultation with the Law Officer, should ensure prompt handling of the case. Even the concerned HOD must ensure adequate assistance to the advocates in dealing with such important cases.
6. In the court cases, where it is necessary to lead oral evidence in support of the defence of the Corporation, the concerned HODs shall ensure to send the responsible officer who is conversant with the case for evidence purpose in the court.
7. The HODs must ensure that there will not be any occasion to pass ex-parte orders in default due to absence of advocate or for want of filing of written statement/affidavit in reply. In case of any difficulty in dealing with the Court cases, they should consult the Law Officer to avoid any unfavourable decision.
8. The HODs must inform the name of the officer, who is responsible for dealing with a specific case, to the advocate engaged as also the Law Officer, with contact address, at office and residence, including his telephone numbers.
9. As soon as a case is finally decided, in order to take a decision whether to acquiesce in the order or challenge the same in appeal, the concerned HOD should obtain a certified copy of the judgement and order, through the advocate and submit it alongwith the detailed facts and his views to the Law Officer, with a view to examine the desirability to prefer an appeal and submit the case to the JMD/MD for taking a suitable decision.
10. The concerned HODs shall be responsible to follow-up with the advocate regarding the progress and status of the pending court cases, from time to time.
11. All the Departments must maintain a separate register of court cases and upto date information regarding the status of such court cases shall be readily available with them. All the HODs should take regular review of such court cases and a monthly statement of court cases indicating its present status must be sent to the Law Officer to enable him to take review of the court cases in the prescribed format annexed herewith.

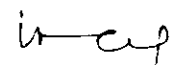
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12. It is necessary for the Head of the Department to maintain a separate file for each court case, which should contain copy of the suit/plant/complaint, appointment of advocates, affidavit in reply/written statement submitted on behalf of the Corporation, the orders of the Court and the correspondence related to the respective court case, etc. The progress of the matter should also be recorded in the file from time to time.
13. It is observed that sometimes there is confusion between the Marketing Department and the Estate Department regarding dealing of court cases. It is clarified that in the court matters where the allotment process is challenged, such cases need to be dealt with by the Marketing Department even after execution of conveyance and the cases after execution of the agreement and handing over possession will be dealt with by the Estate Department. In case of any dispute, matter should be put up to the Managing Director for his orders to decide who would handle the court matter. Under no circumstances such dispute should adversely affect CIDCO's timely and effective defence in the case before the Court. Similarly, where the Petitioners/Complainant seeks regularisation of unauthorised constructions in lands to be allotted under 12.5% scheme, such cases will be dealt with by the Lands Department.
14. The professional fees of the advocates will be settled by the Law Officer.

All the Heads of Department/Sections should take utmost care in dealing with the court cases and observe the above guidelines scrupulously. In case of any difficulty, they should approach the Law Officer for proper guidance. Failure to do so will be viewed very seriously.

  
7/10/04  
Managing Director

All HODs

Cc to : Jt.MD  
OSD  
Law Officer

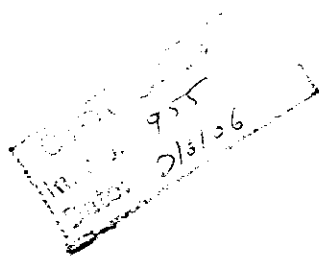
No.CIDCO:JMD:2006: 293

June 7, 2006.

Sub : **Retaining copies of documents pertaining to Court matters.**

It has come to my notice that the officers authorised to affirm the Affidavits/Written Statements before the various courts are not retaining copies of such affidavits in the office files. It is absolutely vital to retain all relevant records of the documents, especially affidavits, pertaining to court cases in their office for the purpose of future reference.

This may be ensured by all the Heads of the Departments/Sections.



All HoDs/Sections

c c to : Law Officer.

for record -

TO

P.A.

  
Jt Managing Director

13<sup>th</sup> June, 2006**CIRCULAR**

I have been repeatedly emphasizing upon the HoDs. in various meetings to be very alert about the Court cases and take all Court cases concerning their Department very seriously. In this regard, I had already reviewed all Court cases concerning various Departments of CIDCO yesterday i.e. on 12<sup>th</sup> June, 2006 and I am very disappointed to say that in most of the Departments where I personally spoke to concerned HoD regarding the status of Court cases, even the basic information regarding the Court cases is not available. No efforts are being made by the Departments to maintain Registers of Court cases concerning their Department. The apathy regarding the subject has reached to such an extent that sample copies of Affidavits filed by some Departments in Court are not available with the same Department. This ostensibly is a very disappointing state of affair and this kind of indifferent attitude towards Court cases is bound to bring dis-repute to CIDCO in some way or the other.

In this regard, I have taken following important decisions which should be implemented immediately by all the HoDs.

1. Each HoD should without any delay appoint a Nodal Officer, not less than the rank of **ADO**, to work as a focal person for all the Court cases concerning the Department.
2. Within the next 7 days i.e. latest by 20<sup>th</sup> June, 2006 a detailed "Court Register" may please be prepared in each Department having details of all the Court cases concerning the Department and their present status. This "Court Register" should also be prepared in CD format and that CD should be submitted to the office of the Law Officer by each HoD latest by 20<sup>th</sup> June, 2006. If necessary, help of System Manager's office should be sought to expedite the preparation of CD of Court cases and their present status.
3. Each HoD to ensure that in all the cases where the Corporation is a party, the concerned HoD should send a responsible officer for his presence in the Court.
4. All HoDs. must hold a monthly meeting respectively in their Department to take a review of the Court cases and must send a monthly statement of Court cases including their present status to the Law Officer and to the office of Jt.M.D.

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All HoDs. are hereby directed to start the compliance of directions given about all the points mentioned. I will be constrained to hold the HoD personally responsible in case of failure of compliance of the above mentioned points in future.

  
Jt. Managing Director 31/6/16

All HoDs.

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MO 1185

No. CIDCO/Law/ 2894

31 August 2007.

**Sub Guidelines for dealing with Court cases.**

- Ref: 1) MD's Circular No. CIDCO/MD/Law/899 dated 07.10.2004.  
2) Government of Maharashtra, General Administration Department, Circular No. संकीर्ण-1007/प्र.क.28/07/18 (र व क), dated 10.07.2007.

**CIRCULAR**

The Managing Director, vide Circular dated 07.10.2004, issued certain guidelines for dealing with the Court cases. All the HODs are requested to ensure strict compliance of these guidelines.

The State Government, in General Administration Department, has issued a circular dated 10.07.2007, on the basis of Order passed by the Division Bench of the Hon'ble Chief Justice, High Court, Bombay, in PIL No. 142/2004. In this order, the Hon'ble High Court has observed that number of cases have come to the notice of the Court where **various officers in the hierarchy of the Government are not obeying the orders of the Court** and, in any case, not **within the time allowed by the Court** and **there is no request for extension of time for valid and good reasons**. The Court had requested the Assistant Government Pleader to look into the matter and ensure that such instances are not repeated henceforth. In the event of persisting defaults, **the Court would be compelled to take action in accordance with law against the erring officers**. The Hon'ble Court also directed the Department of Personnel in the State of Maharashtra to issue a circular in this regard. Hence the said circular is issued by the General Administration Department. A copy of the same is enclosed herewith for your ready reference.

Having regard to the observations of the Hon'ble High Court, all HODs are requested to ensure to take appropriate time bound action on the directions of the Court in court cases. Regarding implementation or challenging the interim/final order, the same should be examined by the HOD in consultation with the Law Officer and suitable decision be taken with the approval of the JMD / MD, in a time bound manner..

For strict compliance, please.

  
Law Officer

Encl: a.a.

All HODs

Cc to : JMD / MD - for favour of inf. pl.

No. CIDCO/MD/Law/ 824

20. 07. 2011

**Sub : Guidelines for dealing with Court cases.**

Ref : 1) MD's Circular No. CIDCO/MD/LO/899 dated 07.10.2004.  
2) JMD's Circular No. CIDCO/JMD/2006/293, dated 07.06.2006.  
3) JMD's Circular No. CIDCO/JMD/298, dated 13.06.2006.  
4) Law Officer's Circular No. CIDCO/Law/2894, dt. 31.08.2007

**C I R C U L A R**

In the past, with a view to deal with the Court cases diligently and effectively, guidelines have been issued by the then Managing Director and the Joint Managing Director, copies of which are enclosed for ready reference. It appears that the guidelines issued earlier are not being followed scrupulously. All the Heads of Departments/Sections are hereby instructed to ensure that the guidelines issued, ~~vide circulars~~ referred to above, for dealing with the Court cases, should be scrupulously followed.

It is further directed that Each HoD should appoint a Nodal Officer, not below the rank of an Assistant Development Officer, to work as a focal person for all the Court cases concerning his Department. He will assist the Head of the Department to co-ordinate the matters related to the court cases with the concerned officer in his Department dealing with a specific court case, advocate engaged for defending the matter on behalf of the Corporation and the Law Officer. Wherever the Nodal Officers are not appointed, the HODs will personally co-ordinate these activities. Compliance in this respect should be reported to the Law Officer / JMD / MD within 7 days.

  
Managing Director 20/07/11

All HODs

Cc to : Jt.MD  
Law Officer