



AJMER VIDYUT VITRAN NIGAM LIMITED

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No. AVVNL /MD/XEN (LC)/ ALO-I / F. - 1 / D. 376 Date: 19/5/09

The Superintending Engineer (O&M),
AVVNL,
Ajmer / Bhilwara / Nagaur / Udaipur/
Chittorgarh/Jhunjhunu / Sikar/
Rajsamand / Banswara.

Sub:-Points to be taken care of in dealing court cases.

It has been observed that we loose many court cases owing negligence/in-action on the part of OICs and the procedural lapses. After going through the court cases, it has been concluded that if following points are taken care of, better results may be yielded :-

1. The reply of case filed by the Petitioner is the basic document on which the fate of the case depends but it has been observed that cogent documents are not provided to the advocate and the OIC do not discuss the merit of the case with the advocate. Therefore, in absence of relevant documents/orders/circulars/relevant provisions on the issue, the advocate is unable to prepare complete & comprehensive reply.


To over-come this difficulty, the circle Superintending Engineer should ensure that the OIC takes full interest in the court case. While appointing OIC & advocate, he may send a follow-up format to OIC (Enclosed).
2. The reply prepared by the advocate should be checked by the OIC to ensure that all relevant aspects have been incorporated and facts should be verified.
3. The reply should be filed well on the date of filing reply, alongwith the documents and concerned provisions
4. The OIC should maintain a register of all court cases of his office and a chart in his chamber, showing Next Date of Hearing.
5. Whenever, the OIC is transferred, he should give charge of all case to the new officer.

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5. At the time of witnesses/evidence before the court, the OIC him-self and other witnesses should go through the record to ensure event & dates and discuss the points with the advocate before appearing in the court to avoid contradictory statements.
7. If stay is granted by the court, he should take personal interest to get vacated the Stay.
8. He should remain present in the court on the date of final/effective hearing to protect interest of Nigam.
9. After decision of the case, he should ensure that certified copy is applied on the same day and case should be sent to the circle alongwith the opinion of the advocate within 7 days of the decision, so that appropriate decision is taken within limitation.
10. It has been observed that most of the revenue cases are decided against Nigam due to procedural lapses. For instance, the demand notice should be sent to the applicant for Agriculture Connection, through Registered post. Although on Demand Note 'Registered Post' is printed on the top of the Demand Note format but is sent through ordinary post. In some cases second notice is not sent. If the amount of Demand Note is not deposited with stipulated time, file should be cancelled and intimation must be given to the application, with request to submit the receipt for due refund.
11. Strict compliance of relevant provisions is not made in the cases of average.
12. After receiving the Notice from the court, notice should be issued to the complainant consumer to resolve the dispute through Settlement Committee.


I am directed to request you to instruct all Executive Engineers/Assistant Engineers/ Personnel Officers and other OICs under your jurisdiction to go through all points enumerated above and take full interest in court cases to obtain decisions of courts in favour of Nigam.

Encl:-1


(S.S. Shekhawat)
Executive Engineer (Legal)

Copy submitted to:-

1. The Dy. Director Personnel (AZ / UZ / JZ), AVVNL, Ajmer / Udaipur / Jhunjhunu.


(A.N. Mathur)
Assistant Law Officer-I