



RAJASTHAN RAJYA VIDYUT PRASARAN NIGAM LIMITED
[Corporate Identity Number(CIN: L40109RJ2000SGC016485)]

OFFICE OF THE JOINT LEGAL REMEMBRANCER
(Legal Affairs Department)

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NO. RVPNL/ JLR / F.12 (Court Case - Guideline) / D. 1183 Jaipur. Dated. 10/1/18

CIRCULAR

It has been observed that court cases are not being attended timely by Officer-In-Charge and Factual Report / necessary records are not being provided to the advocate within time for filing reply in some cases and the Hon'ble Court has issued directing orders to the department for not filing reply and also called senior officers to explain the reasons for defect.

Therefore, the following procedure / guidelines, in continuation to earlier directions, are hereby issued for OICs and their controlling officers for strict compliance, to safeguard the interest of Nigam:

1. OIC APPOINTMENT STAGE:

- a. After receipt of OIC appointment order, signed VAKALATNAMA should immediately be send to the counsel / advocate engaged in the matter.
- b. The OIC should ensure that factual report (FR) should be prepared within a week and submit the same to panel lawyer, so the signed reply may be filed before the Hon'ble Court within time, in the interest of RVPN.
- c. It should be ensured by OIC that no factual error may occur and guidance (if required) of senior officer may be taken to avoid any adverse effect on RVPN's interest.
- d. Information regarding filing of reply immediately be send to legal cell, so that the same may be updated in records / LITES.

2. AFTER FILING REPLY:

- a. Proper pleading should be ensured through the counsel by narrating the extra fact (if any change has occurred after filing reply), so that interest of RVPN may be placed before the Hon'ble Court in proper and effective manner. If reply to rejoinder (filed by petitioner) is required then the same may also be filed in consultation with advocate.

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- b. If similar case of Nigam has already been decided in favour, having the same reasoning and grounds then the same may also be conveyed / reported to contesting counsel during the course of pleading.
- c. Keen watch on day-to-day basis should be maintained for proper monitoring of case and if required the necessary record / reply should be filed in the form of affidavit to answer any query raised by the Hon'ble Court, through the contesting advocate.

3. FINAL HEARING STAGE:

- a. Complete record of case and extra query raised by the Hon'ble Court should be placed before the Hon'ble Court through the contesting counsel.
- b. In Trial Court cases, if any change of fact in particular case has arises then the same may also be reported to the advocate concerned and proper evidence should be ensured in the interest of Nigam. If required, the objection of placing extra evidence may be taken.

4. AT THE STAGE OF JUDGEMENT:

- a. The certified copy should immediately be collected by the OIC after pronouncement of judgement by the Hon'ble Court with the opinion of advocate. The comment of OIC in the form of self-content note with grounds of **APPEAL / NO APPEAL** in the matter alongwith approximate financial involvement / implication in the matter, should also be send to the legal cell for taking further action on the judgement / order.
- b. The copy of judgement / order decided in favour, should also be reported to legal cell in time, so that proper caveat (if required) may be filed before the Competent Court.
- c. The matter of huge financial implication should personally be discussed / consulted by the OIC in legal cell, with complete case record / file.

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5. FILING OF APPEAL / WRIT / REVIEW / REVISION BY RVPN:

- a. The limitation (time) should be kept in mind by the OIC and proper co-ordination with headquarter for engagement of advocate / appointment of OIC. If delay occurs due to reason beyond control, the justified reason with delay condonation application should be filed with APPEAL / WRIT / REVIEW / REVISION, in consultation with advocate.
- b. The defect in cases filed by RVPN should be removed immediately.

6. NO APPEAL DECISION:

- a. After receipt of communication of **NO APPEAL** decision from the legal cell, the compliance should be ensured by the OIC within time, as directed by the Hon'ble Court to avoid any contempt against the authorities of RVPN.
- b. A copy of compliance status (i.e. partly / fully) may also be conveyed to the party / petitioner in the court cases.
- c. If compliance is made partly and seems that it will take slight time then time extension application may be filed before the Hon'ble Court, in consultation with advocate in the case already decided against RVPN.

7. CONTEMPT CASE:

- a. The co-ordinator appointed in the contempt case should ensure that signed VAKALATNAMA of the authority concerned should be filed before the Hon'ble Court before due date through the advocate engaged in the matter and also to ensure proper pleading before the Hon'ble Court in contempt petition.
- b. The proper compliance report with signed reply be filed before the next date in the contempt petition, to avoid personal presence of senior officers before the Hon'ble Court.

The strict compliance of above guidelines may be ensured by the OIC and their controlling officers. Any default in dealing court cases may be viewed seriously and invite disciplinary action which may also be initiated against the defaulters.

By Order

Q.A. 3/1/18

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