

ORDER

Re: Situation arising due to outbreak of the novel coronavirus (COVID-19)

Keeping in view the upsurge of COVID-19 cases in the States of Punjab, Haryana and Union Territory Chandigarh, the Government Advisories and with a view to ensure the safety of Hon'ble Judges, learned Advocates, staff and litigants; on the recommendation of the Hon'ble Special Committee in consultation with the Additional Solicitor General, Union of India, Advocates General of the State of Punjab and Haryana, Senior Standing Counsel & Public Prosecutor U.T. Chandigarh, President, Senior Advocates Bar Association, President and Secretary, High Court Bar Association, Chandigarh; in continuation of Order No. 121/RG/Spl./Misc. dated 03.01.2021, Hon'ble the Chief Justice has been pleased to order for the time being subject to review as per the situation, as under:

1. Filing of Cases:

All type of urgent cases (whether freshly instituted or pending), in which there is urgency, shall be entertained by the High Court. However, the urgency shall be determined (*except for the categories exempted from mentioning here-in-below*) by the nominated Hon'ble Bench through mentioning to be made through web-portal on the website of Hon'ble High Court.

2. Ordinary Filing

Ordinary cases can be filed directly at the 'Ordinary Filing Counters' which are situated near 'Pass Counter'. The 'Civil Writ Petitions' in which there is no urgency, shall also be permitted to be filed at the 'Ordinary Filing Counters' without making request on the mentioning counter.

However, the scrutiny of such cases, their registrations or the objections shall be notified only after the resumption of normal working of the Hon'ble Court and no request for mentioning in the said cases shall be entertained for listing of the said matter in urgent hearing till further orders.

3. Matters not requiring mentioning for Urgent filing and Listing

In the following category of cases, there will be no requirement of mentioning for filing and listing of the cases:

- (i) First Anticipatory Bail Applications filed u/s 438 Cr.P.C.,
- (ii) First Regular Bail Applications U/s 439 Cr.P.C.,
- (iii) First Applications for Suspension of Sentence in Criminal Appeals and Criminal Revisions,
- (iv) Criminal Writ Petitions,
- (v) Criminal Revision (Bail) filed U/s 102 of Juvenile Justice (Care & Protection) Act, 2015,
- (vi) Writ Petitions pertaining to Medical Termination of Pregnancy Act.

4. Matters Requiring Mentioning for Urgent filing and Listing

In case of PILs, Civil Writ Petitions, Civil matters and other Criminal matters (not described in Para No. 2 above) whether freshly instituted or pending, the petitioner/party shall be permitted to file the petition/application only after mentioning is allowed.

5. Timing of Mentioning

The mentioning request showing the urgency shall be made only through 'Online Mentioning' web-portal available on the website of High Court from 8:00 a.m. to 9.00 a.m. *No request for mentioning through other mode shall be entertained.*

6. In the following circumstances the request for mentioning may be straightway declined without considering the same on its merits:-

- (i) Incomplete/Incorrect Particulars/false disclosure during mentioning
- (ii) Non supplying the complete legible copy (including Annexures) to the official respondents
- (iii) Not selecting the correct fields of the cases

7. Result of Mentioning

- (i) The result of the request for mentioning can be checked by the learned counsel/party from the 'online mentioning web-portal' available on the website of the High Court.
- (ii) The result of request for mentioning, having been accepted or rejected shall also be intimated through auto-generated SMS on the mobile phone number of the Id. Advocate/party provided in the mentioning request.

However, in case of any technical lapse it will be responsibility of the Id. Advocate/party to check the same himself from the 'online mentioning web-portal' available on the website of the High Court.

8. Request Declined

Once the mentioning request has been declined, no further mentioning request in the same matter by the same advocate or other advocate or the party shall be entertained during the period of next four weeks. No query pertaining to declining the request of mentioning shall be entertained on telephone or by any other mode. For other enquiries, the request will be entertained only through the Help-Line numbers.

9. Urgent Filing and Listing of Cases:

- (i) In Case of Anticipatory Bail Applications U/s 438 Cr.P.C., Regular Bails U/s 439 Cr.P.C., Suspension of Sentence in Criminal Appeals & Criminal Revisions, Criminal Writ Petitions, Criminal Revisions (Bail) filed u/s 102 of Juvenile Justice (Care and Protection) Act, 2015, Writ Petitions pertaining to Medical Termination of Pregnancy Act and all other cases in which mentioning has been accepted without any date, the Counsel/party can file the paper-book in the DRR Branch from 10:00 a.m. to 04:00 p.m. on the court working day.
- (ii) In case of e-filed cases, the counsel shall be required to file the paper-book of the complete case before listing of the case from 10:00 a.m. to 04:00 p.m. on the court working day.
- (iii) At the time of filing the original paperbook, the counsel/party shall be required to file the proof of the copy (which shall include the copy of e-mail) having been supplied to the official respondents.

- (iv) The 'mentioning ID and the date for which the mentioning has been accepted', if any, should be provided below the index of the petition.
- (v) In case request is accepted for the same day (i.e. for today), through the Mentioning portal, the Ld. Counsel will be required to file the case complete in all respects after removing the objections, if any, by 11:30 a.m. positively.

The cases in which request for the same day is accepted will be handed over to Superintendent DRR for filing instead of filing it in routine at the counter.

In case, the request is accepted for the same day and the case is complete without any objection, it will be listed on the same day.

However, if the case is under objection, the said objection, if rectified completely and re-filed upto 02:00 p.m., the case will be listed on the next court working day.

- (vi) If the request is accepted for next court working day, the Counsel will be required to file the case complete in all respects after removing the objections, if any, by 02:00 p.m.

The cases in which request for next court working day is accepted will be handed over to Superintendent DRR for filing instead of filing it in routine at the counter.

If, the case is not filed complete or objections are not removed upto 02:00 p.m. on that day, the case will be listed for the second next Court working day subject to filing of the same, complete in all respects after removing the objections till 12:00 noon on next court working day i.e. the day for which the case was originally accepted for listing, otherwise, the case will be listed as per routine procedure.

10. **Listing**

- (i) Anticipatory Bail Applications U/s 438 Cr.P.C., Regular Bails U/s 439 Cr.P.C., Suspension of Sentence in Criminal Appeals & Criminal Revisions, Criminal Writ Petitions, Criminal Revisions (Bail) filed u/s 102 of Juvenile Justice (Care and Protection) Act, 2015, Writ Petitions pertaining to Medical Termination of

Pregnancy Act and any other case which will be accepted for listing will be listed after gap of one day of passing of the petition. However, this will be subject to maximum number of cases that can be taken up in one day. In case the number exceeds, then the said cases will be listed on the next day or as early as possible.

- (ii) Regular Bails having been filed and passed will be listed after one week i.e. applications filed on Monday will be listed on the next Monday and the applications filed on Friday and Saturday will be listed on next Friday. The cases will be listed in Ordinary List. In the meanwhile, the notice of the same will be issued to the State concerned.

Similarly, the applications for Suspension of Sentence will be listed after gap of 15 days as per prevalent practice.

- (iii) The subsequent bail applications by the same accused in the same FIR will be listed before the same Hon'ble Bench as per availability on the given date even if the mentioning has been accepted for a particular day.
- (iv) No fresh bench will be created in co-accused bail applications. Even if the case is allowed in mentioning for a particular day, the case will be listed only on the date when the already existing bench available for listing.

11. Hearing of the Cases:

- (i) Hearing of cases will be conducted through Virtual/Video-conferencing Mode only for time being, through the approved software or the platform. However, in case of technical failure of any of the platforms, the hearing may be conducted through 'whatsapp' or 'google duo' video calling as per the convenience of the Hon'ble Bench hearing the matter. The joining and disconnection of the Video-conference/video-calling shall be at the end of the Hon'ble Bench only.
- (ii) The concerned Advocate/Litigant shall ensure that the Room from where he/she intends to appear before the Court through Video conferencing or Video call is free from all sources of disturbances like external noises, poor lighting and improper acoustics. It shall be ensured that judicial proceeding are conducted with all taken

courtesies and protocol as are being observed during judicial proceedings in the Court. No other person except the advocate/litigant shall be allowed in the Room from where litigant/advocate is appearing through video-conferencing/video-call facility.

13. Adjourment of Cases:

- (i) All the cases already fixed/listed from 11.01.2022 to 17.01.2022 in Ordinary Motion Cause List shall be adjourned by NIC for the future dates mentioned herein as under:

<u>Date Fixed</u>	<u>Next Date of Hearing</u>
11.01.2022	01.02.2022
12.01.2022	02.02.2022
13.01.2022	03.02.2022
14.01.2022	04.02.2022
15.01.2022 to 17.01.2022	07.02.2022

- (ii) However, all the Arbitration Cases (Agreement Value greater than Rupees 5 Crore) and the Special Division Bench matters which are already fixed/listed from 11.01.2022 to 17.01.2022 in Ordinary Motion Cause List shall be adjourned by NIC for the future dates mentioned herein as under:

<u>Date Fixed</u>	<u>Next Date of Hearing</u>
11.01.2022 to 14.01.2022	04.02.2022
15.01.2022 to 17.01.2022	11.02.2022

- (iii) Anticipatory Bails, Regular Bails, Criminal Revisions (Bail) filed u/s 102 of Juvenile Justice (Care and Protection) Act, 2015, Habeas Corpus Petitions, Criminal Writ Petitions pertaining to Protection/Life and Liberty/Parole/Furlough/Premature Release and Applications for Suspension of Sentence, irrespective of the year of its registration, will not be adjourned by the NIC and will be taken up on the dates already fixed during 11.01.2022 to 17.01.2022.
- (vi) Interim orders passed in the cases, which will be adjourned by the NIC as per above table, will continue till further orders.
- (vii) In case of urgency, the learned counsel may request for listing by moving an application for preponement of the aforesaid cases adjourned by NIC, through online mentioning.

13. **Entry to the Court Rooms**

The advocates/ advocates-clerks/law interns/general public shall not be permitted inside the High Court building.

14. **Helpline Numbers**

Advocates, party-in-person and all concerned may contact the following Helpline Number in connection with any inconvenience/query relating to procedure for mentioning the matters for urgent hearing, technical support and procedure for E-filing and Video-Conference between 8:00 a.m. to 5:00 p.m. only on Court working days:

(d) For mentioning of matters for Urgent Hearing:

Helpline Numbers - 7087218394
- 7087218395

(e) For Technical support and procedure for E-filing:

Helpline Numbers - 7087218396
- 7087218397

(f) For technical support and procedure for hearing through video conference:

Helpline Numbers - 7087218391
- 7087218392

15. All the Officers/Officials attending the office shall ensure proper implementation of Government Advisories. They shall compulsorily use the masks and hand sanitizer. The High Court Building will be sanitized regularly. Any Officers/Officials showing the symptoms of high fever/cold/cough/sneezing etc. should not be asked to attend the office.
16. In case of any grievance to any of the stakeholder, he may submit his suggestions to the Registrar Vigilance, which will be considered in due course.
17. This order is issued in supersession of earlier orders issued in regard to mentioning, filing and listing of the cases.

BY ORDER OF HON'BLE THE CHIEF JUSTICE.

YPS Singh
10.1.2022
(Yashwinder Paul Singh)
OSD Judicial (Listing)
For Registrar General