

HIGH COURT OF DELHI AT NEW DELHI

No. 41/Rules/DHC

Dated : 28.04.2016

PRACTICE DIRECTIONS

Hon'ble the Chief Justice, on the recommendations of the "Rules Committee under section 123 of CPC" of this Court has been pleased to issue following practice directions for information and compliance by all concerned :-

With reference to Notice dated 10.01.1995, Practice Direction (Regarding Notice of Motion) No. 1/2002 dated 01.10.2002 and Practice Directions No. 31/Rules/DHC dated 16.01.2015 (copies enclosed), it is further directed that whenever an advance copy of a Writ Petition, Petition/Application under Arbitration and Conciliation Act, 1996 as well as in other Original and Appellate Jurisdiction is required to be served upon an opposite party which is Union of India, State Government, Statutory Authority, Public Sector Undertaking or Government Department having Sr./Standing Counsel/Nominated/Empanelled Counsel, such an advance copy shall be served through the respective Sr./Standing Counsel/Nominated/Empanelled Counsel and shall not be served directly upon the concerned department so that there is no delay in transmission of briefs to the Sr./Standing Counsel/Nominated/Empanelled Counsels.

These Practice Directions shall come into force immediately.

By Order
Sd/-
(VINOD GOEL)
REGISTRAR GENERAL

HIGH COURT OF DELHI: NEW DELHI

January 10, 1995

NOTICE

The Counsel for the parties and the litigants are hereby informed that w.e.f. 16.01.1995, whenever an Application (C.M.) in Appellate Side cases and an Interlocutory Application (I.A.) in Original Side cases is filed in a pending case, the following requirements will be complied with by them :-

- a) where the Respondent/Defendant/Opposite party is represented by Counsel, a copy of the Application (C.M./I.A.) shall be served on the Counsel against receipt:
- b) The Applicant shall furnish to the Registry, name or names of all the Counsel for the Respondent/Defendants/Opposite parties so that these may be shown in the Cause List when the Application is listed for hearing:
- c) The Applicant shall inform by way of letter the Counsel for the Opposite Party about the likely date of hearing of the Application.

It is further notified that in a case where a copy of the Application (C.M./I.A.) has been served on the Counsel for the Respondent/Defendant/Opposite parties, fresh notice of the Application (C.M./I.A.) will not be issued to the non-applicants of their counsel and appropriate orders will be passed at the first hearing of the Application (C.M./I.A.)

Note: Service sent by way of certificate of posting will not be considered as sufficient compliance with this notice.

The Registry shall ensure compliance of the aforesaid requirements.

BY ORDER
Sd/-
REGISTRAR

HIGH COURT OF DELHI : NEW DELHI

PRACTICE DIRECTION

(Regarding Notice of Motion)

No.1 of 2002 Dated 01.10.2002

1. In accordance with Rule 1-A in Part-II (Civil), Chapter 4-F(b), High Court Rules and Orders, Volume -V, an advance copy of a writ petition proposed to be filed is required to be served on the Nominated Counsel for certain designated authorities. (Notification No.495/Rules/DHC dated 17.11.1995).
2. In addition thereto, a Notice of Motion in the Form Annexure “A” shall be served on the Nominated Counsel stating the proposed date of first hearing of the writ petition. (As per amendment made in the aforesaid Rule 1-A vide Notification No. 119/Rules/DHC dated 01.10.2002).
3. If for any reason the writ petition is not listed for hearing on the specified date or within 3 days of the specified date, a fresh Notice of Motion in the Form Annexure “B” must be served on the Nominated Counsel stating the proposed new date of hearing.
4. Service of Notice of Motion and advance copy :
 - a. Service by UPC will not be accepted by the Registry as adequate proof of service.
 - b. Service on the opposite counsel/party by Registered post A/D, speed post or courier service will be accepted by the Registry as adequate proof of service, effective three clear days after the last date of despatch.

Consequently, if the last date of despatch is, say, the 5th of July, then the writ petition will be listed on or after the 9th of July.
5. An urgent case filed for listing the next day will be accepted only if the Notice of Motion and the advance copy are personally served on the opposite counsel/party.
6. Ordinary listing will be a minimum of 7 clear days after removal of objections, if any. Consequently, if a writ petition is filed on, say, the 5th of July for ordinary listing, then it will be listed on or after the 13th of July.
7. Service of Notice of Motion and advance copy in compliance with these Practice Directions will be deemed to be adequate service for all purposes and no further notice shall be given to the opposite counsel.
8. When a Notice of Motion and advance copy are personally served on a Nominated Counsel, the office of such a Nominated Counsel will clearly acknowledge receipt by giving the date of receipt and a diarised receipt number. The office of the Nominated Counsel is expected to maintain a register/diary for this purpose.

9. The contents of these Practice Directions will apply, mutatis mutandis to the Original Jurisdiction and the Appellate Jurisdiction of this Court and for all miscellaneous applications in pending or decided cases in relation to Nominated Counsel of designated authorities. (Notices dated 18.7.1994 and 10.1.1995).

The above Practice Directions will come into effect w.e.f. 1st October, 2002.

By Order
Sd/-
(Bharat Bhushan)
Registrar General

IN THE HIGH COURT OF DELHI : NEW DELHI

_____NO. _____ OF _____

In the matter of:

A.B.C. Plaintiff/Petitioner/Appellant(s)

versus

D.E.F. Defendant/Respondent(s)

NOTICE OF MOTION

Vide Notice of Motion dated _____ 2002 in the aforesaid matter, you were intimated that the aforesaid matter would be listed on _____ 2002.

NOW TAKE NOTICE that the matter will be listed on _____ 2002 at 10.30 O'Clock in the forenoon, or so soon thereafter as may be convenient to the Court.

New Delhi
Dated:

(Name, Advocate)
Address
Computer Code No.

To

1. (Name)
Advocate for _____

2. (Name)
Advocate for -----

3. (Name)
Advocate for -----

HIGH COURT OF DELHI AT NEW DELHI

No. 31/Rules/DHC

Dated : 16.01.2015

PRACTICE DIRECTIONS

Hon'ble the Chief Justice, on the recommendations of the Hon'ble Judges of the Original Side, has been pleased to issue following practice directions for information and compliance by all concerned :-

1. In a Petition filed under Section 9 of the Arbitration & Conciliation Act, 1996, where the arbitration proceedings have commenced, an advance copy of petition shall be supplied to private parties and in all the petitions under Section 9 of the Act whether before, during or after passing of the award in cases where the opposite party is Union of India, State Government, Statutory Authority, Public Sector Undertaking or Govt. Department, advance copy shall be served through the respective standing/nominate/empanelled counsel.
2. In a petition filed under Section 11 of the Arbitration & Conciliation Act, 1996, for appointment of Arbitrators, an advance copy of petition shall be served upon the opposite party, where opposite party is Union of India, State Government, Statutory Authority, Public Sector Undertaking or Govt. Department through the respective standing/nominated counsel.
3. In a petition filed under Sections 14 & 15 of the Arbitration & Conciliation Act, 1996, for termination of mandate and substitution of the arbitrator, an advance copy of petition shall be served upon the opposite party or their counsel appearing in the arbitration proceedings.
4. In a petition filed under Section 27 of the Arbitration & Conciliation Act, 1996, for Court's assistance in taking evidence, an advance copy of petition shall be served upon the opposite party or their counsel appearing in the arbitration proceedings.
5. In a petition filed under Section 34 of the Arbitration & Conciliation Act, 1996, for setting aside arbitral award, an advance copy of petition shall be served upon the opposite party or their counsel who appeared last in the arbitral proceedings.
6. In an appeal filed under Section 37 of the Arbitration & Conciliation Act, 1996, an advance copy of petition shall be served upon the opposite party or their counsel appearing in the arbitral proceedings.

In all such above matters, a letter will also be served on the other side stating that the matter will be listed in Court shortly. The acknowledgment of service will be enclosed with the petition at the time of filing.

All the Officers and Dealing Assistants at the Filing Counter are requested to ensure that advance copies in the above mentioned petitions filed under Sections 9, 11, 14, 15, 27, 34 and 37 of the Arbitration & Conciliation Act, 1996 are served upon the opposite parties and the acknowledgment of service is enclosed with the petitions at the time of their filing.

These Practice Directions shall come into force immediately.

By Order
Sd/-
(VINOD GOEL)
REGISTRAR GENERAL