

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs) : DELHI

No. 68291-401/Rules/Gaz/2023

Dated, 12 SEP 2023

Copy forwarded along with the copy of order dated 17.08.2023 passed in Writ Petition.(C) No.6082/2019 titled " Karan.S.Thukral vs. The District & Sessions Judge & Ors, for information and necessary action to :

1. All the Officers of Central District, Tis Hazari Courts, Delhi.
2. The AO(J)/Branch In-Charge, Facilitation Centre, Filing Section, General Branch, Computer Branch, IT/Digitization Cell, Tis Hazari Courts, Delhi.
3. The Office of Chief Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi.
4. The PS/Reader to Ld. Principal District & Sessions Judge (HQs), Delhi.
- ✓ 5. The Website Committee, Tis Hazari Courts, Delhi.
6. The R&I Branch (Central) for uploading on LAYERS.


(KAVERI BAWEJA)

District Judge (Commercial Court)
Officer In-Charge, Judicial Branch (Central)
For Principal District & Sessions Judge (Hqs), Delhi

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 6082/2019

KARAN S THUKRAL Petitioner

Through: Mr. Sahil Ralli and Ms. Vaishnavi
Arora, Advocates.

versus

THE DISTRICT & SESSIONS JUDGE & ORS Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD with Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advocates for R-1 to 11.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.08.2023

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1. This Public Interest Litigation ['PIL'], filed in 2019, concerns the administrative procedure of acknowledging the filing of pleadings, documents, and miscellaneous applications in ongoing cases in Delhi District Courts. Presently, there exists no standardised procedure for issuing a filing number or acknowledgement receipt for such submissions.
2. Representing the Petitioner, the learned counsel highlights lack of structure in the current filing procedure of the District Courts. The lawyers and parties are relegated to the use of an unsupervised drop box for the

submission of miscellaneous applications pertaining to ongoing matters. In some courts, the Court Master/ Reader receives the filings, but does not issue an acknowledgement. Such a system has frequently resulted in lost applications or unverified allegations regarding the non-filing of certain documents. This glaring procedural void not only makes it difficult to track and verify filings, but also opens doors for potential manipulation, errors, and mismanagement.

3. Transparency and accountability are paramount in judicial proceedings. To that end, every application, pleading, document, or any other submission to the Court should be duly acknowledged with a unique filing number, ensuring traceability and preventing any potential disputes or discrepancies related to their submission. Given the strict timelines, especially in criminal proceedings, commercial courts, and other time-sensitive matters, an accurate recording of the filing date is of utmost importance. Absence of concrete acknowledgement threatens the very foundation of procedural fairness and efficiency.

4. Despite the PIL's initiation in 2019, a tangible and systematic procedure addressing these concerns remains conspicuously absent in the District Courts. This Court was informed on 18th January, 2023 that deliberations regarding this issue are currently ongoing before the Rules Committee of this Court. However, no conclusive resolution has been achieved till date.

5. In view of the foregoing, this Court emphatically recommends the adoption of a standardized online filing system in the Delhi District Courts for the aforementioned filings and submissions. It is crucial that the requisite technological infrastructure be established to support this system.

Furthermore, it is essential that lawyers and concerned parties not only have the option to utilize this online method, but also receive appropriate training to navigate it effectively. We acknowledge the challenges inherent in such a transition. The initial stages would necessitate the allocation of resources for training and demand adaptability from all stakeholders. However, we are firm in our conviction that, in the long run, this system will usher in an era of greater efficiency, transparency, and reliability

Provisional Measures:

6. Recognizing that the full implementation of an online system will require time, it is imperative to put an interim solution in place. To address the procedural shortcomings outlined earlier, District Courts are hereby directed to adopt temporary measures as follows:

✓ a. *Centralized Filing System:* District Courts shall centralize all filings related to ongoing and pending cases, similar to the existing procedure for new cases. This system must provide each submission with a unique filing number and issue an acknowledgment receipt to the party or attorney submitting the documents. Filing of miscellaneous applications, documents, pleadings etc. must be methodically logged at centralized filing counters, overseen by designated personnel. To achieve this, staff recruitment or augmentation may be necessary. The respective Principal District and Sessions Judges are tasked with overseeing this centralized filing mechanism's swift and effective deployment. They must also ensure that the transition is seamless and training is provided to all relevant stakeholders, thereby minimizing the disruptions in court proceedings.

✓ b. *Temporary Inward Dak Register:* Until the above measures are in place, Court Masters in all the District Courts are instructed to maintain an inward

dak register. Filings related to miscellaneous applications, documents, pleadings etc. will be logged by the Court Master, who will issue an acknowledgment number to the filing counsel/ parties. This temporary system shall cease once the centralized filing is operationalized.

c. *Pilot and Oversight:* The Patiala House Court will serve as a testing ground for implementing the centralised filing on trial basis. Following a review by this Court, the system may then be rolled out to other District Courts.

d. *Online Transition:* Although a system for online filing of new cases is in existence, we are informed that the same does not provide for filing of miscellaneous applications, documents, pleadings etc. in the cases pending adjudication. In this regard, it is noticed that the Principal District and Sessions Judge, Dwarka Court, has issued an "Advisory for Filing of Cases/ Caveat/ Misc. Applications/ Bail Applications/ Misc. Documents Etc." on 26th July, 2022, which *inter alia* permits filing of miscellaneous applications through the online portal [<https://efiling-dl.ecourts.gov.in>]. Noticing that there is no consistency in the procedure for online submissions of documents/ applications, we direct all the District Courts to augment their existing online filing system to incorporate a procedure for filing of miscellaneous applications, aligning them with the existing procedure for new cases. They shall also publish a manual/ handbook/ tutorial elucidating the procedure for e-filing documents by counsel/ parties, with relevant screenshots, on their website. The Information Technology Committee of this Court is requested to extend necessary aid to the District Courts for integration and operationalisation of the online filing system.

7. The above interim measures shall remain in effect, and shall be

diligently adhered to, until the formal inauguration and operationalisation of the online filing system and/ or till such time as the Rules Committee finalises and promulgates definitive rules addressing the issue at hand.

8. The matter shall be reviewed in the next hearing scheduled for 09th October, 2023, wherein updates regarding the implementation of both the centralized and online systems must be presented along with further developments of the deliberations of the Rules Committee of this High Court.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

AUGUST 17, 2023/as