

From

Chief Administrator,  
HUDA, Panchkula (Legal Cell).

To

1. All the Administrators HUDA
2. Engineer-in-Chief, HDUA, PKL
3. Chief Controller of Finance, HUDA, PKL
4. Chief Town Planner, HUDA, PKL
5. All SEs, HUDA, PKL
6. The Secretary HUDA, PKL
7. CVO-cum-Enforcement Officer, HUDA, PKL
8. Administrative Officers, HUDA, PKL
9. All Estate Officers, HUDA (in Haryana State)

Memo No. **3179**

Dated : **28.05.2007**

**Subject : Procedure for defence of complaints/court cases in HUDA.**

Please find enclosed herewith copy of circular No.CA/2/2007 dt.215.07 on Procedure for defence of complaints/ court cases in HUDA alongwith its enclosures for necessary action. You are hereby directed to send the details of cases for perusal of W/CA, HUDA.

DA/As above

Sd/-  
Dy. District Attorney,  
for Chief Administrator, HUDA  
Panchkula.

Endst. No. **3180**

Dated : **28.05.2007**

A copy is forwarded to all Dy. District Attorneys and Asstt. District Attorneys O/o Chief Administrator/ Administrators/ Estate Officers for information and necessary action.

Sd/-  
Dy. District Attorney,  
for Chief Administrator, HUDA  
Panchkula.

Sub:- **Procedure for defence of complaints/court cases in HUDA.**

In supersession of all instructions issued on the subject, following procedure is ordered to be followed in complaints/court cases with immediate effect:-

1. Whenever a notice/summon/complaint is received from DCF or Civil Court by the Estate Office, the Estate Officer shall get it examined whether the grievance mentioned in the complaint/plaint is genuine or not. In case the claim made is genuine, grievance shall be redressed and a statement to this effect shall be made in the DCF/Civil Court through the Law Officer (ADA/DDA). There is no need to engage advocates in such cases. However, this action must be taken immediately before the next date of hearing.

2. In case the Estate Officer decides to contest the same, a competent advocate shall be immediately appointed by him out of the panel approved by the Government. The reply shall be got prepared and submitted in the court either on first date or positively on the next date. Where-ever, Estate Officer is unable to file the reply during first two dates, report regarding this should be sent to CA in L-I Format.

3. Procedure mentioned at Sr.No.1 and 2 shall be adopted by LR (HQ) in cases of notices from State / National Commission, High Court, MRTP Commission, Supreme Court. Legal Cell of the HQ shall immediately obtain comments of the concerned Branch and fix deadline for sending the comments keeping in mind the next date in the case. In no case, filing of reply shall be delayed beyond two dates. L.R. (HQ) shall also submit report regarding filing of delayed replies in L-I Format.

4. In the Writ Petitions pertaining to Land Acquisition, the Zonal Administrators shall file written statements after approval of reply by C.A. on behalf of HUDA being Chairman of Joint Inspection Committee of Land Acquisition as he has access to the

record of Land Acquisition and is fully conversant with the purpose for which the land is acquired.

5. Following officers/authorities will be competent to engage advocates:

- |       |                                  |               |
|-------|----------------------------------|---------------|
| (i)   | DCFs/Civil Courts (Lower Courts) | E.O.          |
| (ii)  | Labour Courts / District Courts. | Administrator |
| (iii) | Rest                             | C.A.          |

6. All replies in the above Courts will also be filed after the approval of the authorities mentioned above.

7. Whenever a decision is pronounced by DCF/Civil Court/Labour Court/District Court, certified copy of the judgment alongwith following documents/files shall be sent to the HQs for taking a decision whether appeal has to be filed or not:-

- (a) Complete plot file, where-ever applicable;
- (b) Court case file;
- (c) Opinion of the conducting advocate regarding the grounds for filing/non-filing of the appeal;
- (d) Recommendations of the EO and
- (e) Recommendations of the Administrator.

However, the decision regarding filing of appeal against the decisions of lower Courts in District Courts shall be taken at the level of Administrator only who will be competent to engage the advocate.

8. Where-ever a decision has been taken to file an appeal, it will invariably be accompanied with a request for staying the operation of judgment of the lower Forum/Court. However, in case stay is not granted by the higher Court/Commission, the Administrator **shall** implement the orders of the lower Court/Consumer Forum subject to decision of the higher Court/Commission and endorse copy thereof to the C.A..

9. All Appeals/Revision Petitions shall be filed within the prescribed limit period and in case it is delayed, delay of each day shall be explained by the

concerned EO/Administrator so that the same can be annexed alongwith application for condonation of delay in the Commission/Court.

10. Where a case has been decided against HUDA and it has been decided by the HQs not to file appeal, compliance of the orders shall be done within 15 days and compliance report shall be sent to the Legal Cell of the HQs so that it is placed on file.

11. Copies of complaint/plaint/decision of the DCF or Court/appeal/comments etc. should be available not only in the court case file but also in the concerned plot file.

12. Authority competent to engage advocate shall ensure that fees of the advocate is released in time.

13. In case any execution/contempt application is filed against any official of HUDA, concerned Administrator shall fix responsibility for non-compliance of the orders so that person/authority can be charge-sheeted because if the judgments, where HUDA has been unable to procure stay orders, are implemented subject to the decision of higher Courts, there will be no occasion to file such cases except where approval of higher authorities is required for carving out/allotment of alternate plots etc.

14. Each Law Officer i.e. ADA & DDA will maintain case diaries showing the details of cases alongwith names of advocates, listed on each day. These case diaries shall be the property of HUDA and will be handed over to the successor/controlling officer at the time of leaving charge or going on leave. E.O. and Administrator shall inspect these diaries atleast once in a week/month respectively for next six months and thereafter, on monthly basis.

15. Following returns shall be sent to HQs through e.mail/by post before the time period mentioned against each:-

(i) Daily progress report in case of DCFs **(D-1)**:

Name of Forum \_\_\_\_\_ Date of hearing \_\_\_\_\_.

Sr. No.	Case No.	Title	Name of Advocate	Whether Advocate was present or Munshi.	Purpose for which case was listed	Proceedings held	Whether advocate has sent the daily report to EO
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This report should be sent by the end of next day through e.mail only.

(ii) Monthly report regarding delayed filing of replies (**L-1**).

Sr. No.	Name of Court / Commission	Name of Case.	Date when notice was received in office.	Initial two dates of hearing	Reasons for non-filing of reply.
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(iii) Monthly report of court cases to be submitted by 7<sup>th</sup> of succeeding month: (**L-2**)

Sr. No.	Name of Court	Opening balance	Added During the month	Decided against HUDA	Decided In favour of HUDA	Dismissed as withdrawan	Total	Closing balance
1.	Lower Courts							
2.	Distt. Courts							
3.	Labour Courts							
4.	High Courts							
5.	Supreme Court							
6.	Distt. Forums							
7.	State Commission							
8.	National Commission							
9.	Executions							
10.	Contempt Petitions							

(iii) Monthly performance of Advocates (**L-3**):

Sr. No.	Name of the Advocate	Opening balance	Fresh cases entrusted	Cases decided against HUDA	Cases decided in favour of HUDA	Dismissed as withdrawan	Total	Closing balance
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(iv) Monthly report of executions (**L-4**):

Sr. No.	Name of Court / Commission	Name of case	Date of decision regarding which execution has been filed	Date of filing of execution.	Dates when the case has been adjourned after initial hearing	Whether appeal filed.	Whether stay obtained .	Reasons for non-compliance of orders
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(v) Monthly report of contempt cases (**L-5**):

No.	Name of case	Date of decision regarding which contempt has been filed	Date of filing of contempt application	Dates when the case has been adjourned after initial hearing	Whether appeal filed.	Whether stay obtained.	Reasons for non-compliance of orders
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(T.C.Gupta)  
C.A., HUDA  
21.05.2007

L.R.

All Administrators

All Estate Officers

All Heads of Branches at HQ.