

IN THE HIGH COURT AT CALCUTTA
APPELLATE SIDE

NOTIFICATION

No. 1661 – RG.

Date: 13.06.2020.

This notification pertains to the immediate functioning of the High Court at Calcutta with effect from June 17, 2020. This notification is made as comprehensive as practicable. Matters covered by this notification will override matters pertaining to the same aspects contained in the previous notifications. However, to the extent certain aspects may not be covered in the present notification and are covered by any previous notifications, if the previous matters are not generally inconsistent with the matters covered hereunder, the previous directions will continue to remain in force.

This notification is issued after a meeting of the representatives of the three wings of the Bar in the High Court held with the Hon'ble the Chief Justice on June 12, 2020. The Bar has emphasized on the fact that a number of members of the Bar come from the suburbs and may not be able to attend Court in physical form till the suburban railways are resumed.

The object of the exercise is to ensure that the High Court remains accessible at all times, upon imposing certain restrictions which the present circumstances demand. It has also been taken into account that though the public transport system in the city has resumed in a limited form, the suburban train services have not yet resumed.

In the present circumstances, functioning by video-link may be the most desirable and convenient. However, not all litigants or Advocates may be able to access the video-link facilities. It is, thus, imperative that physical courts be resumed on a very restricted scale so that all have access to the High Court. Any party may appear physically, whether in person or through learned Advocate, by coming to the Main Building and attending the relevant Court Room upon maintaining all COVID norms of distancing, hygiene and wearing of masks. Hybrid hearings will also be permissible, in the sense that, one or more parties may be represented by video-link and one or more other parties may be represented in physical manner or vice versa.

Mode of the immediate functioning of the High Court

1. For the moment, in addition to the Division Bench presided over by the Hon'ble the Chief Justice, three Division Benches and two Single Benches will function taking up only extremely urgent matters for which petitions for urgent orders have been filed. The matters will be taken up in chronological order as filed, as far as practicable, unless previously adjourned or otherwise directed by the relevant Bench.
2. The Hon'ble Judges manning the several Benches will sit in earmarked Court Rooms from 11 AM to 1 PM and from 2 PM to 4 PM every working day beginning June 17, 2020. Only matters which are listed will be taken up. Urgent mentioning will be allowed after the business of the Bench is over and only in unavoidable circumstances.
3. Litigants and Advocates may attend the hearings in physical form or in virtual form as may be convenient. Matters will be taken up as listed even if one of the parties appears in physical form and the other parties appear by video-link. Only extremely urgent matters that cannot wait will be taken up. Every Bench will satisfy itself that the party or parties likely to be affected by any order has been duly served and has had an opportunity to be represented, whether in physical form or on video-link, before any order is passed.
4. Except in respect of the Benches taking up Bail matters, if the number of other hearing matters before any Bench is more than 10 (ten), clusters of matters would be given hourly times. At any rate, if there is any physical hearing in one matter and the subsequent matter also involves physical hearing, there will be a gap of two minutes before the subsequent matter is taken up to allow for the changeover of personnel.
5. The determination of the several Benches will be as follows:
 - (i) The Chief Justice's Bench will take urgent Public Interest Litigation and such other matters required to be taken by a Division Bench as may be assigned by the Hon'ble the Chief Justice. This Bench will sit in Court Room No. 1.
 - (ii) A Division Bench to take up all urgent criminal matters required to be taken up by a Division Bench, including bail and anticipatory bail. This Bench will sit in Court Room No. 16.
 - (iii) Another Division Bench to take up all urgent criminal matters required to be taken up by a Division Bench, including bail and anticipatory bail. This Bench will sit in Court Room No. 8.
 - (iv) A Division Bench to take up all other urgent matters required to be heard by a Division Bench and not assigned elsewhere. This Bench will sit in Court Room No. 11.

- (v) A Single Bench to take up all urgent matters required to be heard by a Single Bench on the Original Side and all urgent writ petitions or urgent applications pertaining thereto except writ petitions pertaining to Tribunals constituted under Articles 323A, 323B of the Constitution. This Bench will sit in Court Room No. 12.
 - (vi) Another Single Bench to take up all urgent matters required to be taken up by a Single Bench on the Appellate Side, other than the matters to be taken up by the other Single Bench. This Bench will sit in Court Room No. 13.
6. In addition, judgments may be delivered by any Bench upon prior listing. Such delivery of judgments will be in Court Room No. 5 and at the times previously indicated in the list. Video-links will be sent to the parties, if they supply their E-Mail ID in advance.
 7. The cause-list for hearing of matters other than Bail matters on any particular day will be published at least 24 hours prior to the date of hearing, unless prevented by unavoidable circumstances. The cause-list for hearing of Bail matters will be published at least 48 hours before the date of hearing, unless prevented by unavoidable circumstances.

Filing of matters

1. Except for matters pertaining to the Jalpaiguri Circuit Bench and the Port Blair Circuit Bench, all other pleadings, including petitions for urgent orders, will henceforth be filed at the counters provided on the ground floor of the High Court Main Building. Matters for urgent orders already filed till date need not be filed afresh.
2. In respect of Bail matters, other than matters pertaining to the Jalpaiguri and Port Blair Circuit Benches, petitions or applications should be filed after previous service to the office of Learned Public Prosecutor.
3. In respect of Bail matters pertaining to the Jalpaiguri and Port Blair Circuit Benches, petitions and applications may be filed online on the undertaking of Advocates on Record to have such petitions stamped and punched when normal functioning of Court resumes. Such petitions and applications should be filed after affecting service, by E-Mail, on the offices of relevant Learned Assistant Public Prosecutor or Public Prosecutor.
4. In respect of urgent matters, pertaining to the Jalpaiguri and Port Blair Circuit Benches, other than Bail matters, online filing will be permitted upon previous service being effected on the parties likely to be affected by any order that may be passed on the relevant petitions or applications. Such petitions and applications will be on the undertaking of Advocates on Record to have the petitions and applications stamped and punched after the resumption of normal Court functioning.
5. In respect of all other matters, not being matters pertaining to the Jalpaiguri and Port Blair Circuit Benches and not being Bail matters, petitions, applications and pleadings should be filed in the following manner:-

- (a) In a petition for urgent hearing, an affidavit of service showing the service of the petition OR application on the party or parties likely to be affected by the order. Service by E-Mail will be permissible and the affidavit of service should contain an averment that the service has been completed on the party or parties likely to be affected by any order that may be passed on the petition or application.
 - (b) The petition or application should indicate the E-Mail ID of all the parties, particularly of the parties likely to be affected by any order passed herein, including the E-Mail IDs of officers of the officials if the party is non-human agency. Before the hearing on such petition or application is taken up, a video-link will be sent to the E-Mail IDs of all parties as disclosed by the petitioner or applicant. It is only upon the satisfaction of the relevant Bench that a proper opportunity of representation has been afforded to a party likely to be affected by any order that may be passed, that the matter will be taken up for hearing. However, in extremely urgent and unavoidable cases, such procedure may be dispensed with if the matter so warrants. This will be an exception and not the Rule.
 - (c) The petitions or applications for urgent hearing and all other pleadings have to be duly stamped, punched and accompanied by an affidavit affirmed before an Oath Commissioner or Notary.
 - (d) All petitions and applications for urgent hearing must be accompanied by duly filled-up Form 'A' and Form 'B' as published on the High Court Website. All petitions, applications and other pleadings must be accompanied by a Vakalatnama.
 - (e) Any petitioner or applicant appearing in any matter, whether online or in physical form, must file a Vakalatnama. For online appearance by respondents, a scanned copy of the Vakalatnama be filed online at **reply.chcfiling@gmail.com**.
 - (f) In respect of W.P. 5327(W) of 2020 and T.S. 6 of 2004, hearings may be taken up as per the direction of the Benches taking up such matters.
 - (g) All petitions and applications for urgent hearing must indicate the mode of hearing preferred by the petitioner or applicant.
 - (h) In respect of extremely urgent mentioning, prior notice be served online, indicating the relevant Bench and the ground of urgency and filed online at **mention.case.hccal@gmail.com**. For those intending to mention in physical form, such mentioning will be allowed after the day's business of the relevant Bench is over or at 4 PM, whichever is earlier.
6. Bail petitions pertaining to the Jalpaiguri and Port Blair Circuit Benches may be filed online at **bail.chcfiling@gmail.com**.
7. Matters pertaining to the Jalpaiguri and Port Blair Circuit Benches, other than Bail matter may be filed online at **chcfiling@gmail.com**

8. Bail petitions pertaining to the Jalpaiguri Circuit Bench should be served online at **addlpphighcourtjal@gmail.com**
9. At the filing counters, the Oath Commissioners' offices and Certified Copy Sections, crowding will not be permitted. Queuing should be followed by maintaining distancing norms and designated circles would be put in place on the floor.
10. There will be four counters for filing on the Appellate side and two counters for filing on the Original Side, all situated at the ground floor of the Main Building for the moment.
11. Three Oath Commissioners will be available on the ground floor of the Main Building.
12. Pleadings may also be verified by affidavits affirmed before notaries public. However in every such case, the relevant affidavit must be accompanied by a certification of authenticity by the concerned Advocates on record.

Gates

1. At present, three gates may be used to access the Main Building and, until further orders, all judicial and related work will be conducted in the Main Building.
2. Apart from the Judges' gate, which will be used by the Judges and a limited number of court staff, the three other gates available will be Gates "B", "C" and "E".

Gate "B" will be available for access of the court staff, Learned Advocates and clerks/peons.

Gate "C" will be for exclusive use of Ld Advocates.

Gate "E" will be for the use of all, including a limited number of litigants who may unavoidably be required to attend court.

General

1. In respect of matters not being Bail matters taken up on video-link, if the number of matters before any Bench on a particular day is more than 15 (fifteen), a cluster of such matters as may be directed will be indicated to be taken up on an hourly basis. If the hearing in such matters is not concluded within the hour, such matters will be taken up on the next subsequent date, unless the parties consent or the nature of a particular matter demands otherwise. Again, this will be an exception and not the Rule.
2. In the event any litigant or lawyer wants to attend the Court in physical form in any matter, such person will have access to the relevant Court Room. However, no more than 8 (eight) Advocates and litigants will be allowed entry into any Court Room at any given point of time. If a particular matter requires more Advocates or litigants to enter a Court Room together, the

matter will stand adjourned unless the parties agree otherwise without compromising on the number of persons being permitted entry at any given time.

3. In the unlikely event that there are successive matters involving physical appearance, there will be a distinct gap of about two minutes between the completion of a matter and the beginning of the next to allow changeover between the personnel appearing.
4. In the event of Advocates and the persons attending the Court, the distancing norms have to be maintained at all times, including in the Bar rooms. No more than 25 per cent of the seating capacity in any Bar room should enter such room at any given point of time. Litigants and Advocate's staff should be discouraged from coming to Court. If litigants and staff come to Court, they must leave the premises immediately upon completion of work.
5. At all times the COVID protocol of the State Government has to be followed. The wearing of masks will be mandatory on Court premises, even if a person has a face shield. The wearing of masks will be mandatory in course of physical hearings. Distancing norms have to be adhered to. Hygiene has to be maintained. Liquid soap or equivalent will be kept in dispensers in all washrooms open to Advocates, staff of the Court and others. Temperature guns will be in place at the entry points and persons running an impermissible temperature will not be allowed entry into the premises. Every effort will be made to provide liquid soap in dispensers in the toilets and sanitisers will be available in the Court Rooms. However, every person entering the Court premises should carry personal hand sanitisers.
6. There can be no crowding in Court corridors. In keeping with Government advisories, PWD has marked circles in the corridors of the Main Building. A person may stand in the corridor within such circles or may use the corridor as the passage, but no person should remain in the corridor unless within a circle or passing through.
7. For the time being, the canteens and refreshment services in the High Court premises will not resume.
8. Till such time that all restrictions as to movement and crowding are absolutely lifted, persons not having work in Court and litigants who are not appearing in person or who have not been directed to appear before any Court, should refrain from coming to Court. In any event, unless there is definite business, Advocates should try and come close to the time when their matters are scheduled to be taken up and leave not much later than after their matters are over.
9. Written submission in urgent final hearing matters to be taken up now may supplement any limited hearing. However, the written notes should be as brief as possible.
10. Form 'A' and Form 'B' will be available in the High Court website for them to be downloaded.
11. The email id and mobile numbers of Learned Advocate General, Government Pleader, Public Prosecutor and key Law Officers of the State will be published on the High Court Website. The email ids and mobile numbers of such State and Central Government agencies as may be available in the High Court and verified, will also be published on the High Court Website. This

is to facilitate the service of notice or other material by electronic form. However, Law Officers should not be disturbed unnecessarily for such purpose.

12. Only such personnel, including Learned Advocates, who have matters in court should enter the Main Building. All judicial work will be confined to the Main Building for the time being.
13. The dress code of learned Advocates will be as advised by the Bar Council of India.
14. The situation will be reviewed from time to time depending on the circumstances.
15. Applications for obtaining certified copy may be made online as per the information to be put up on the High Court website.
16. If at any point of time, even during Court hours on a Court day it is brought to the notice of the Hon'ble the Chief Justice that the distancing or other COVID protocol are not being maintained the Chief Justice may stop the functioning and required the Court premises to be cleared of personnel without prior notice.

By Order,

Sd/-

[Rai Chattopadhyay]

Registrar General.