



HARYANA URBAN DEVELOPMENT AUTHORITY

From

The Chief Administrator,
HUDA, Panchkula.

To

1. Administrator, (HQ),
HUDA, Panchkula.
2. All the Zonal Administrators,
HUDA, in the State.
3. The Secretary,
HUDA, Panchkula.
4. All the Estate Officers,
HUDA, in the State.
5. All the DDAs/ ADAs,
HUDA, in the State.

Memo No.DA/ADA/NS/2017-158027

Dated: 22/8/17

Subject: - Modification in the instructions dated 07.08.2009 (as amended till date) regarding delegation of power qua Court cases pertaining to HUDA.

In order to review the litigation of HUDA, a meeting to discuss was convened under the Chairmanship of Chief Administrator, HUDA on **21.08.2017** which was attended by all the ADAs of Legal Cell HUDA HQ. After detailed deliberations on the issue, the following decisions were taken by the Chief Administrator, HUDA:-

i) The Legal Cell, HUDA, HQ shall circulate the latest orders dated 21.08.2017 passed by the Hon'ble High Court (CWP No 727 of 2017 titled as M/s Daulat Ram vs. State of Haryana & Ors) to all the Administrators, HUDA-cum-ADUE and DDAs/ADAs of their office. The DDAs/ADAs of the office of concerned office shall ensure that the said stay orders are brought on record before the executing courts so that no coercive methods are adopted qua payment of compensation against the officers of Authority by the said courts during the currency of stay orders.

ii) Ld Chief Secretary, Haryana has issued an instructions through D.O letter dated 07.04.2017 regarding non compliance of the directions of the Hon'ble Courts and it was conveyed that the concerned officer shall be personally responsible for imposition of cost etc. In this regarding, a D.O letter dated 18.04.2017 was issued by the Chief Administrators, HUDA whereby direction regarding preparation of list of cases where speaking orders are to be passed/time bound directions of Hon'ble High/ Supreme Court was issued and it was also directed to update the CCTNS as well as to prepare a separate register for such cases. A proforma was also circulated wherein the said lists are to be prepared. Another letter dated 04.08.2017 was also issued by Legal Cell HUDA HQ regarding non filing of replies/non compliance of time bound directions. In order to review the implementation of the said directions of HUDA HQ, a review meeting of all the DDAs, ADAs office of Administrators HUDA & Estate Officers, HUDA



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in the State (official looking after legal work in case no Law officer is posted in the concerned office) shall be held under the Chairmanship of Chief Administrator, HUDA on Monday i.e. **28.08.2017 at 11 AM**. All the Law officers shall supply the information as conveyed through D.O letter dated 18.04.2017 by **Friday i.e. 25.08.2017** to the Legal cell HQ (through email) and shall attend the meeting on above given date and time without fail. The cases where reply has not been filed in the Hon'ble High Court /Supreme Court fixed for hearing in September 2017 alongwith COCPs/ time bound directions shall also be discussed.

iii) In order to streamline the defence of Court cases, it was decided by the Chief Administrator, HUDA that the draft replies/ affidavits to be filed by the Administrators/ Estate Officers, HUDA in the Hon'ble High Court & Hon'ble Supreme Court shall be vetted and approved by the Legal Cell HUDA HQ and after approval of the same, the reply/affidavit will be filed by the Estate Officer, HUDA/ Administrator, HUDA in the Hon'ble Courts. The concerned DDA/ADA of the office of Administrator/Estate Officer, HUDA shall attend the Legal Cell HUDA HQ alongwith draft reply and record of the case one week prior to the date of hearing and after getting the same vetted from HUDA HQ shall ensure filing of the reply/affidavit after getting it signed from the concerned officer. It shall be personal responsibility of the DDAs/ADAs posted in the office of Administrator, HUDA/ Estate Officer, HUDA to ensure filing of reply atleast 3 days prior to the date of hearing. In case the reply is not filed timely, the cost imposed by the Hon'ble Court shall be recovered from the pocket of concerned Administrator /Estate Officer, HUDA and the Law officer posted in his office. As per instructions dated 07.08.2009, in case of non compliance of the directions of the Hon'ble High Court/Supreme Court, the cost of proceedings i.e. counsel fee etc shall be recovered from the salary of the concerned officer. The said directions of HQ shall be implemented in its letter and spirit.

iv) In case the compliance of the time bound direction issued by the Courts could not be made for certain unavoidable reasons, the concerned officer shall move an application before the respective Court for extension of time for compliance citing the reason thereof and will try to get the time extended so as to avoid the possibility of filling of COCPs/ executions etc where it has been decided not to challenge the said order.

v) The ADAs posted in Legal Cell, HUDA shall prepare an Advocate wise list of cases fixed for hearing before Hon'ble High Court and Supreme Court. It shall be incumbent upon the DA/ADAs Legal Cell HUDA HQ to brief The Chief Administrator, HUDA about the cases fixed before Hon'ble High court one day prior to the date of hearing after discussion of the same with the HUDA Counsels engaged in those cases so that if in any case any input is required, the same can be provided to the Counsel by the concerned filed office.

vi) The Administrators, HUDA shall prepare a District wise list of competent Advocates who have experience in handling the HUDA litigation and possess knowledge of HUDA policies. The said list shall be discussed by the Administrator, HUDA with the Chief



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Administrator, HUDA and cases shall be marked to these Advocates so that the litigation of HUDA is properly defended from the lower level itself.

vii) The Zonal Administrators, HUDA shall hold a weekly meeting of DDAs/ADAs of their office on every Friday with regard to the court cases fixed in coming week and shall send the proceedings of the said meeting to the DA HUDA HQ on that very day through email.

viii) There are 21 sanctioned posts of DDAs/ADAs in HUDA since 1977 and the litigation has increased manifold. There is acute shortage of Law officers in HUDA and keeping in view that the interest of the Authority and for proper functioning of Legal Cell of Zonal Administrator and Estate Offices, HUDA, they shall be at liberty to engage one Advocate through outsourcing as per applicable instructions of Govt of Haryana in this regard for preparing replies/affidavits/updation of CCTNS etc. Similarly, 5 Advocates shall be hired at the Level of HUDA HQ through outsourcing policy to assist the ADAs at HQ in monitoring of court cases.

ix) The DDAs/ ADAs shall that ensure CCTNS is updated regularly and effectively at filed level as well as HQ level.

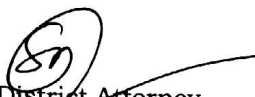

District Attorney
For Chief Administrator,
HUDA, Panchkula.

Endst No.

Dated:

A copy of the above is forwarded to the following for information please:-

1. Ld. Advocate General, Haryana.
2. PS/Chief Administrator, HUDA, Panchkula.


District Attorney
For Chief Administrator,
HUDA, Panchkula.