SUPREME COURT ADVOCATES-ON-RECORD ASSOCIATION

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Ref. No.71/ SCAORA /2024 Date: 27.08.2024

To,
Shri Atul Madhukar Kurhekar,
Secretary General,
Supreme Court of India,
New Delhi – 110 001

Subject: Representation received from 137 Advocate-On-Records with regard to the serious constraints and difficulties being faced by the AORs with regard to Filing, Registration and Listing of matters, Online Appearances, Letter Circulation etc.

Dear Sir,

The undersigned has received a representation from over 137 members of SCAORA in which they have expressed their genuine difficulties and grievances with regard to Filing, Registration and Listing of matters, Online Appearances, Letter Circulation etc.

I request you to kindly look into the matter so that the issues can be resolved at the earliest for a smooth functioning of the Bar and the Registry.

Regards,

NIKHIL JAIN
Hony. Secretary
SCAORA

Copy to: Registrar (Judl. Admn.)

Copy Enclosed: Representation dated 09.08.2024

To,

9th August 2024

The Secretary,
Supreme Court Advocate-on-Record Association [SCAORA]
New Delhi

Subject: *Representation to urgently address serious constraints being faced by AoRs with regard to filing, registration and listing of matters, online appearances, letter circulations before the Hon'ble Supreme Court of India.*

Respected Sir,

As Advocates-on-Record in the Hon'ble Supreme Court of India, we are privileged to serve this institution and are committed to its cause of justice.

The following are the constraints which are commonly suffered by AORs at stages of filing, defect curing, verification and listing of the matters, which can be put to rest if collectively addressed as under:

A. Lack of timelines and delay in the defect notifying and curing process

1. One of the foremost duties of an AoR towards the client is to ensure that his or her clients brief is filed and listed as quickly as possible. Most often, time is of the essence in the reliefs being sought:

a. As soon as a matter is filed online and a diary number is generated, there is a lag in the registry notifying defects.

This very first step often takes 4-5 days or even a week and there appears to be no system to ensure it mandatorily occurs within 1-2 days and that counsels are served on a first-cum, first-served basis. Counsels are also often forced to follow up persistently with the registry in urgent matters sometimes drawing the ire of officials who may feel disturbed by such

requests that counsels are forced to resort to.

b. Again, when a matter is refiled online after curing defects, there is no mechanism provided for a time-frame within which it will be checked and registered.

There is likewise, no criteria notified to guide when matters falling under 'urgent category of listed mentioning' can be processed and registered on urgent basis. Although an urgency letter is filed , that itself does not guarantee that the matter will be processed as an 'urgent matter' and the entire discretion is left to the concerned registry official to decide and process the request. This is not only arbitrary, but also causes grave hardship to AORs in matters which maybe civil in nature but have some emergent need for early listing.

c. Thereafter, once a matter is registered, it can take days or at times weeks for the matter to be verified since there is no fixed timeline for when matters are to be verified within.

It is often experienced that even in matters pertaining to the 'urgent category of listed mentioning' eg; Bail and Anticipatory Bail Matters, matters where the High Court has granted stay of the impugned order to enable the party to prefer petition before the Supreme Court, the matters take a few days to be verified.

d. Leave of Dealing Assistant causes further delay in processing the file.

It is seen that many a times delay is occasioned because the concerned dealing assistant is on leave and the matter is not assigned to another dealing assistant and is rather kept pending until the concerned person returns to official duty. The same is done even when there are urgent matters and a mechanism needs to be outlined for ensuring that another dealing head is assigned matters where urgency is shown and the file is processed as per the original defects as marked by the first dealing assistant.

e. New Defects being notified due to change of Dealing Assistant.

Further, often an issue is faced with continuous change in dealing hand (whenever the same is done after a laborious request to the dealing section) and re-notifying of fresh defects every time a matter is refiled, which further adds to the delay in processing the matters.

Defects marked after registration of SLP.

f. It is common practice for the registry to raise a generic defect that further defects will be marked at the time of printing of the paperbook. However, many a times due to sheer volume of matters being filed and registered, it has been noticed that SLP paperbooks are printed after their registration. It is at that stage that a new defect is marked asking to replace annexures with typed copies/better copies of blur/dim annexures. However, there is not mechanism to notify these defects once the Petition is registered and often the matter is seen lying at a particular counter, being unable to move for verification.

It is also noticed by many AORs that subsequently, they have to make strenuous efforts to run to the E-sewa Kendra to reflect the still defects so that the 'still' defects can be cured.

g. Likewise, the defect of paying extra court fee is always marked as a 'still defect' which is after the registration of the SLP, but before verification and is often not intimated in a time bound fashion to the concerned AOR to enable timely curing of the same. The issue is further aggravated by the fact that once again, the AOR has to approach the E-sewa Kendra to reflect the still defects so that the 'still' defects can be cured.

It would be helpful if all the defects can be notified either at one or maximum two stages, providing for a time frame in which they are marked and checked so as to avoid unnecessary delay in the filing process.

h. Defects marked after registration of IAs without a defect notice.

Likewise, for IAs which are being filed, there have been many occasions

where many are processed and finally registered and thereafter the concerned section personnel makes a call requiring the AOR to carry out some corrections. When a clarification is sought as to the late notification of defect and/or the nature of correction required, they are unwilling to give any notice in writing. Often there is no notice issued to the concerned AOR as regards notifying the defect and requiring the same to be cured within a time-line. It is therefore suggested that a standard operation procedure be adopted requiring the registry to issue email communication formally notifying the defects/ still defects in registration of Interlocutory Applications and sending the same in a timely fashion to enable transparency in the matter and to enable ease of process.

i. Delay in updating name of caveator/respondent AOR against case status. It has been further noted that even vakalatnama filings for caveat/respondent briefs are not updated against case status in a timely fashion, often leading to situations where the matters are listed without intimation to the caveator/respondent AOR and orders are being passed in the absence of other side despite having filed their memo of appearance.

B. Lack of timelines and delay in updating scanned copies of paperbook

2. It is noted that after the matters are filed and verified, the complete scanned paperbooks are not updated in the e-filing portal, either till the last hour of listing and/or often there is a message being displayed that the scanned paperbook are not available.

C. Deletion of matters notified for returnable dates/ matters shown in advance list

3. Another issue faced by most AORs is that specifically directed matters with returnable dates in court orders are not listed on the said date and/or are added in the supplementary list at the last hour. This has created many uncertainties across the bar.

4. Likewise, many a times matters shown in the advance list or weekly list are either not listed, or do not follow the sequence in which the same are shown to be listed in the advance/weekly list, thereby creating further uncertainties as to listings.

   It is believed that if a standard operating procedure is outlined for ensuring that the matters shown in advance list/weekly list follow a set-sequence, all the parties concerned will have a better idea of matters which are likely to be listed and heard, thereby ensuring that no adjournments are sought on account of sudden/out-of-turn listings.

D. Others.

5. It is requested that the online appearance portal be made accessible for AORs till lunchtime to enable giving appearances.
6. It is further requested that the letter circulation be permitted so that genuine causes where the matters are unable to be taken up, are placed before the Hon'ble Court and stakeholders are not inconvenienced with reading files.

We only share our feedback so as to strengthen and provide clarity to the new systems so that both AoRs and court staff can carry out their professional duties with greater freedom, efficiency and cooperation.

We hope for a positive outcome to our representation and kindly request to be kept duly informed of the progress the Executive Committee makes in seeking to bring forth the issues to light and addressing each of the issues raised from A to E above. Most importantly, we are confident that in doing so, the administration of justice in the Hon'ble Supreme Court of India will stand to gain.

Thanking You.

Yours Sincerely,

- The signature sheet attached to this representation bears unanimous consent of all mentioned AORs which is obtained either physically/over email or whatsapp communication.

1. Anish R. Shah, AOR

2. (ASHUTOSH GHADE)

3. (ABHINAV AGRAWAL)

4. Sandeep S Deshmukh

5. Venkata Subramani T R 1904

6. AB

7. Anushree Kapadia

8. [Kunal Cheema]

9 Gaurav Chaudhary [code: 3295]

10 Anshuman Singh (code: 3684)

(code: 3052)

11 (Shashank Singh)

12 (RAHUL JOSHI) (code 2295)

13 Abdul Azeem Kalebudde (Code: 2057)

14 R. Ravichandran. (AOR cc -3064)

(AOR 1396)

15.

16. Amit K. Pathak [Code: 2647]

17. RISHI K S GAUTAM, (2835)

18. Rakesh Kumar Humble (2264)

19. Sanjay Kumar 3563.

20. Sameer Shrivastava (2438)

21. AKSHAT SHRIVASTAVA (1991)

22. Niteen kr. Sinha (3262)

23 - Chandrika Prasad Mishra (3624)

24. P. Sharma (2288)
(PRATIKSHA SHARMA

25. A. Acharya (3067)
ANKIT ACHARYA

26. D.K. Sharma (1606)

27 Mayank Kshirsagar (2780)

28. Tushar Singh (T. Singh) (2700)

29. Gurudatta Ankolekar (Gurudatta) (code-1677)

ANAS MAZIL

30. Tony Chacko Code-3205

31 Sachin Patil S. Patil Code 2088

32. Amar Jaini Code 2963

33 SOUMIK GHOSAL 2373

34. Vidhi Jaswal 2955

35. Abhikalp Pratap Singh, ~~AOR~~

36. K. V. Bharathi Upadhyaya ~~AOR~~ 9/8/24

37 Rahul Pratap

38. Mohd Waquas 09.08.24 AOR

39. Rahul Shyam Bhandari. 09.8.24

40. R. Chandrachud

41. Mohd Saqub Siddiqui 348)

Up Jay Kishor Singh. 5-1184

Manoj K Mishra.

1) Jaikirti Jadeja [signature]
2) Yugandhara Pawar [signature]
3) Swati Ghildiyal [signature]
4) ANINDITA MITRA [signature]
5) RASHMI SINGHANIA [signature]
6 MADHURIMA TATIA [signature]
7. Vandana Kaushal [signature]
8. Aparna Jha [signature]
9. PROMILA [signature]
10. Pallavi Pratap [signature]
11. ANURADHA ARPUTHAM [signature]
12. SRISHTI AGNIHOTRI [signature]
13. ABISHEK JEBRAJ [signature]
14. JOYDEEP MUKHERJEE [signature]
15. VATSALYA VIGYA [signature]
16. RISHIRAJ SHARMA [signature]
17. PULKIT AGARWAL [signature]
18. ANSAR AHMAD CHOUDHARY [signature]
19. ANAGH MISRA [signature]
20. ANIL KUMAR [signature]
21. ANIRUDH SANGANARIA [signature]
22. VIKASH SINGH [signature]
23. RAJSHREE DUBEY [signature]
24. ANANNYA GHOSH [signature]
25. HARSH PARASHAR [signature]
26. ANZU K. VARKEY [signature]
27. K. PAARI VENDAN [signature]
28. MANISHA AMBWANI [signature]
29. CHARU AMBWANI [signature]
30. T. V. GEORGE [signature]

31. A. SELVIN RAJA
32. GARIMA KAPOOR BAJAJ
33. RAJESH INAMDAR
34. PANKHURI BHARADWAJ
35. AZMAT AMANULLAH
36. CHIRAG M. SHROFF
37. PRAGYA PARIJAT SINGH
38. MS. DEEPANWITA PRIYANKA
39. MUTHU KUMAR.
40. C.K. SUCHARITA

① Divyesh Babar Singh – S/2224 Divyesh Babar Singh

② Gaurav Khanna Gaurav Khanna

③ Prasenjeet Mohapatra

④ Shashibhushan P. Adgaonkar

⑤ Lokesh K. Chaudhary

⑥ TARUNA ARDHENDUMAULI PRASAD

⑦ PRAGYA BAGHEL PRAGYA.

⑧ A. Karthik

9. Sharanagouda Patil

10. Bharti Tyagi

11. RUCHI KOHLI

12. K. KRISHNA Kumar

13. PALLAVI LANGSAR

14. Dr Srikant Reddy

15. D. ABHINAV. RAO

16. Himanshu Chaubey

17. M.P. PARTHIBAN

19. Sakshi Kakkar

20. Parul Shukla

21. Jesal Wahi

24. Ashima Mandla

25 Rahul Gupta

26 Priya Puri

27 Parvez Shakil

28. Vishnu Sigh

29. Samar Vijay Singh
30. SINDOORA VNV
31. ASHWARYA SINHA,
32. Abhinish Deshpande
33. Tarun Singh Gohil
34. Aruna Gupta
35. Savita Singh
36 Ms. Kanchan Lata Bhosle
37. Ms. Deeplaxmi Matwankar
38. ROHINI WAGH
39. C. GEORGE THOMAS
40. S. Mehdi Imam
41 Anagha S. Disai
42. Anisha Upadhyay
43. Amit Pai
44. Saralak Shastana
45. Rana Sandeep
46. Ranjeet Singh
47. Pranav Sachdeva
48. Sudhanshu Pale
49. Pranaya Kumar Mohapatra
50. Vishnu Sharma 1423
51. Anand Ka Bishnoi 15-949
Mohit Paul 1899
52. Abdul Ahmed 2739
53. RV Yogesh
54. ANIRUDDHA DESHMUKH 2483