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THE HIGH COURT OF ORISSA, CUTTACK

NOTIFICATION

The 30th May, 2024

No.461/R.- Whereas it is expedient to consolidate and streamline the procedure relating to electronic filing (e-filing) of cases, pleadings and documents in the High Court of Orissa, in exercise of powers conferred by Article 225 of the Constitution of India and after obtaining previous approval of the Governor of Odisha, the High Court of Orissa hereby makes the following rules-

1. Short Title, Applicability and Commencement

- (1) These rules may be called the “e-Filing Rules for the High Court of Orissa, 2024”.
- (2) They shall come into force on such date as the Chief Justice may, by notification, appoint in this behalf.
- (3) They shall apply to online e-filing of petitions, applications and documents before the High Court of Orissa through e-filing portal from any location.
- (4) These Rules shall amend and consolidate the existing rules, guidelines and practice directions.

2. Definitions

In these rules, unless the context otherwise requires, -

- (a) “**Action**” includes all proceedings instituted in the High Court;
- (b) “**Administrator**” in the High Court means any officer of the Registry or staff nominated by the Chief Justice for administering and dealing with matters connected with or relating to e-filing;

(c) “**Bench**” means and includes one or more Judges assigned to adjudicate upon actions in the High Court;

(d) “**Designated Counter**” means the counters as may be established by the High Court from time to time for providing assistance to Advocates and litigants in e-filing;

(e) “**e-filer**” means a person who files petitions, applications, appeals and documents through the e-filing portal.

(f) “**e-filing**” means the process of electronic filing of petitions, applications, appeals and documents through the e-filing portal in the manner prescribed in the user manual available in e-filing portal and in accordance with these rules;

(g) “**e-filing portal**” means the software application or website designed for the purpose of e-filing of petitions, applications, appeals and documents in Courts and executing ancillary tasks through electronic means;

(h) “**Evidence**” means the evidence as defined in the Bharatiya Sakshya Adhinyam, 2023;

(i) “**High Court**” means the High Court of Orissa.

(j) “**Objections**” means deficiencies and errors pointed out in relation to e-filed pleadings, petitions, applications, appeals and documents;

(k) “**Opposite party**” means a defendant, respondent, judgment debtor, accused person or other non-applicant;

(l) “**Party**” means a plaintiff, appellant, petitioner, decree holder, complainant or applicant;

(m) “**Physical filing**” means filing of petitions, applications, appeals documents in regular process without using e-filing portal;

(n) “**Pleadings**” means all formal statements filed in support or defence of a case including affidavit, additional affidavit and supplementary affidavit;

(o) “**PDF**” means an electronic document filed in a Portable Document Format;

(p) “**PDF/A**” means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents;

(q) “**Registry**” means the Registry of the High Court of Orissa;

(r) **“Statement of Defence”** includes a written statement, reply, counter-affidavit and additional or supplementary affidavit;

(s) **“Technical failure”** means a failure of the court's hardware, software or telecommunications facility or all of them which results in the impossibility of submitting an e-file but does not include malfunctioning of the equipment of the person submitting an e-file;

(t) **“Third party”** means any person or entity seeking to become a party or to intervene in an action;

(u) **“Working day”** means a day when the Registry is working in accordance with the Calendar published or as directed by the High Court;

3. General Instructions

(1) E-filing shall be made by visiting the e-filing portal and following the process laid down in the user manual available in the e-filing portal.

(2) Subject to the orders of the High Court of Orissa from time to time and except as provided elsewhere in these rules, all applications, petitions, appeals and documents, whether in fresh, pending or disposed of cases in the High Court will be filed electronically by the Advocates or litigants in person, from their homes, offices or other remote locations in the manner provided in these rules;

(3) When any person is unable to access the e-filing portal, he may make use of the facilities provided at the designated counters, e-facilitation centres or e-filing counters.

(4) For scanning any document before uploading for the purpose of e-filing, only the colour scanning option shall be used.

(5) The size of the e-filed document should not exceed 20 MB. In case the file size exceeds 20 MB, the Advocate or litigant may split the required document and upload separately in parts. He may also visit any of the designated counters, e-facilitation centres or e-filing counters for assistance.

(6) The e-filer shall maintain a valid and working electronic mail (e-mail) address and mobile number to facilitate the receiving of electronic mail notifications or short messaging service (SMS) from the electronic filing system.

(7) The e-filer shall be responsible for safeguarding his user ID and password and shall be liable for the conduct undertaken using his user ID and password. The e-filer shall also ensure that his user ID and password is not shared with any other person.

(8) The e-filer shall not use his user ID other than for filing the case in which he has been engaged or is interested in.

(9) The e-filer shall take all reasonable steps to ensure that the pleadings and documents filed by him do not contain any malware or virus that might be harmful to the court's electronic filing system and to the other users of that system. The e-filer if he has reasonable apprehension that his electronic identity has been compromised or a threat to the system exists, he shall immediately inform about the same to the Administrator.

(10) The Courts shall presume that the pleadings and documents filed by the e-filer have been filed by him using his user ID. Any inappropriate conduct on the part of the E-Filer, which comes to the notice of the Court, shall result in the suspension of his account and strict action being initiated by the Court, against the e-filer under any of the laws for the time being in force.

(11) In case the e-filer forgets the login password, he can retrieve or reset his login password using the forget password option available in the e-filing portal.

(12) An advocate who uses the e-filing portal to file cases at different locations are required to update their practice locations in the e-filing portal.

(13) These general instructions can be varied or modified under the orders of the Chief Justice of the High Court as and when required for better administration of e-filing system.

4. Steps for registration

(1) The advocates shall be required to have their names, date of birth, Bar Council Enrollment Number, Address, Cell Phone Number and active e-mail ID entered in the e-Filing Portal or Case Information System (CIS) in the manner prescribed by the High Court.

(2) After completion of the above step the concerned Advocate shall register himself in the e-filing portal in the manner prescribed in the user manual available in the e-filing portal.

(3) A litigant in person shall directly register himself in the e-filing portal in the manner prescribed in the user manual available in the e-filing portal.

(4) Litigant in person shall submit an affidavit or undertaking that he has not engaged an Advocate in the case:

Provided that a litigant in person who subsequently engages an Advocate or a litigant who subsequently intends to change the Advocate, shall follow the process prescribed in the user manual available in the e-Filing portal.

(5) An Advocate Clerk shall directly register himself in the e-Filing portal by filling the required fields provided in the e-Filing portal.

(6) The login ID generated after completion of registration process shall be operational once it is approved by the Administrator. In case of an Advocate Clerk, the login id shall be operational only when it is approved by the Advocate(s) for whom he wishes to file the case.

5. Frame of Pleadings

(1) Every pleading and affidavit shall be titled "In the High Court of Orissa", neatly typed and couched in proper language and signed and dated either by the petitioner or the declarant or his advocate.

(2) The Parties and third parties shall clearly and concisely set forth their claims or averments in separate paragraphs and the statements of truth or affidavits of such persons shall bear their signatures.

(3) Opposite parties shall file their pleadings and replies under sequentially numbered paragraphs and headings.

(4) While e-filing any application, memorandum of appeal and cross-objection the pleadings and documents as prescribed in Rule-28, Chapter-VI, Part-II of the Rules of the High Court of Orissa, 1948 shall be arranged in the following manner:

- (i) Coding Sheet
- (ii) Index
- (iii) Synopsis
- (iv) List of dates and events
- (v) Application/Memorandum of appeal/Cross-objection
- (vi) Annexures, if any, filed along with the application/memorandum of appeal/cross-objection, giving page numbers
- (vii) List of documents in the Form prescribed in Appendix-XI of Rule-28, Chapter-VI, Part-II of the Rules of the High Court of Orissa, 1948.

6. Formatting

(1) Notwithstanding anything contained in any other rules, all the original typed text materials including notice of motion, memorandum of parties, main petition or appeal, interlocutory application, reply, status report, affidavit, documents, shall be prepared electronically using the following formatting style, namely:

- (a) Paper size: A-4 (29.7 cm x 21 cm)
- (b) Top Margin: 3 cm
- (c) Bottom Margin: 3 cm
- (d) Left Margin: 5 cm
- (e) Right Margin: 5 cm
- (f) Alignment: Justified
- (g) Font: Times New Roman
- (h) Font size: 14
- (i) Line spacing: 1.5 (for quotations and indents, there shall be single line spacing)

Provided that if any document is typed in a local language in the Courts, it must be prepared using concerned "Unicode Font 14".

(2) The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format (PDF) or PDF/A using any PDF converter or inbuilt PDF conversion plug-in provided in the software but the PDF/A is the preferred format.

(3) A document which is not a text document and has to be enclosed with the case documents, should be scanned using an image resolution of 200 DPI (Dots per inch) in OCR searchable mode and saved as a PDF document as per procedure mentioned above.

7. Digital Signatures

(1) The PDF document shall be digitally signed either by the parties or by their Advocate and the digital signatures shall be appended on such places on the PDF document as prescribed under these rules;

Provided that if neither the party nor the Advocate who has been engaged possesses a digital signature, a print out of the document requiring such signature shall be

physically signed by the party concerned and their Advocate in accordance with the rules and it shall thereafter be scanned and uploaded.

(2) A List of recognized Digital Signature Providers and the procedure involved in appending single or multiple signatures is set out in Schedule-I.

(3) A litigant in person or Advocate who does not possess a digital signature issued by the competent authority can authenticate e-filed documents by e-Sign based on Aadhaar authentication by following the procedure provided in the user manual.

8. Standard to be followed

(1) The general rules regarding applications and affidavits provided in Chapter – VI under Part-II of the Rules of the High Court of Orissa, 1948 shall be followed while e-filing.

(2) The text documents and scanned documents shall be merged as a single OCR searchable PDF file and bookmarked in the manner provided in Rule 28 of Chapter – VI under Part-II of the Rules of the High Court of Orissa, 1948.

(3) The merged documents should be uploaded at the time of e-filing and in the manner set out in the user manual.

(4) Once e-filing is accepted, the filing and registration number shall be notified to the Advocate or litigant in person.

(5) In case e-filing includes audio or video files or both, the Administrator shall generate a hash value.

(6) Special Characters are not allowed while e-filing Memo of Parties and Advocate remarks.

(7) For the purpose of maintaining Document Binary File Name Standards, the following special characters are not allowed in a file name, namely: ?

- (a) A quotation mark (");
- (b) A number sign/Pound (#);
- (c) Per cent (%);
- (d) Ampersand (&);
- (e) Asterisk (*);
- (f) Colon (:);
- (g) Angle brackets (less than, greater than) (<>);

- (h) A question mark (?);
- (i) Backslash (\);
- (j) Forward slash (/);
- (k) Braces (left and right) ({ });
- (l) Pipe (|);
- (m) A tilde (~);
- (n) The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

(8) File names should not exceed 45 characters in length, including spaces with single space being counted as one character each.

(9) E-filing shall not be watermarked or encrypted and the e-filed documents shall not contain any virus, malware, spam-ware, trojan horse or the like.

(10) All the e-filed documents shall be legible and free of markings, track changes or annotations.

9. Amendment and correction

(1) Corrections in the e-filed pleadings, petitions, applications, appeals and documents shall be permitted in following two circumstances only:

- (i) To meet the office note of the Stamp Reporter,
- (ii) Under an order of the Bench.

(2) In no other circumstance, an advocate or party in person shall be permitted to make any alteration in the pleadings, petitions, applications, appeals and documents.

(3) When a pleading, petition, application, appeal and document is required to be corrected in the circumstances mentioned in sub rule (1), the corrected version of the entire pleading or document shall be e-filed which shall form part of the record.

10. Payment of Court Fees and Other Charges

(1) Court fee and other charges shall be paid either electronically by purchase on the online facility provided by the authorized agency in the e-filing portal or from the Designated Counters provided for the purpose.

(2) The e-payment receipt with the transaction ID shall be uploaded in the e-Filing Portal, if not paid electronically through e-Filing Portal.

11. Preservation of Originals

(1) Originals of the documents that are scanned and digitally signed by the Advocate or the litigant in person at the time of e-filing should be preserved for production or inspection, as may be directed by the Bench.

(2) The signed vakalatnama, signed and notarized or attested affidavit and any other document whose authenticity is likely to be questioned shall be preserved, at least for two years after the final disposal of the action. Final disposal shall include disposal of the action by the superior appellate court.

(3) Notwithstanding anything contained in these rules, the following documents shall be preserved permanently:

- a) a Negotiable Instrument (other than a cheque) as defined in Section 13 of The Negotiable Instruments Act, 1881 (26 of 1881);
- b) a Power-of-Attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882);
- c) a Trust as defined in Section 3 of The Indian Trusts Act, 1882 (2 of 1882);
- d) a Will as defined in Clause (h) of Section 2 of The Indian Succession Act, 1925 (39 of 1925) including any other testamentary disposition by whatever name called;
- e) any contract for the sale or conveyance of immovable property or any interest in such property;
- f) any other document as may be directed by the bench.

(4) The responsibility of producing the originals and proving their genuineness shall be of the person who has electronically filed scanned copies of the document.

12. Access to the Electronic Data of the case

Free of cost access shall be available to authorized person to data e-filed by any of the parties to the specific action, as is presently being provided in pending actions and this facility shall be in addition to the procedure of obtaining certified copies.

13. Exemption from e-filing

Exemption from on-line e-filing of the entire pleading or part of the pleading or documents or both may be permitted by the administrator upon an application being made

for that purpose in the following circumstances, namely:

- a) where on-line e-filing is for reasons set out in the application not feasible; or
- b) where there are concerns about confidentiality and protection of privacy; or
- c) where the document cannot be scanned or filed electronically because of its size, shape or condition; or
- d) where the on-line e-filing portal is either inaccessible or not available for some reason; or
- e) for any just and sufficient cause.

14. Service of Notices and Electronic Documents

(1) Requisites for issuance of notices as prescribed in Chapter IX under Part II of the Rules of the High court of Orissa, 1948 shall be filed either physically at the filing counter of the High Court or sent to the Assistant Registrar (Judicial) of the High Court by registered post or courier service.

(2) In addition to the mode of service prescribed in Chapter IX under Part II of the Rules of the High Court of Orissa, 1948 the notices, documents or pleadings may also be served through the designated e-mail IDs of officials of the Court to the e-mail address of the advocates or parties, as the case may be, if e-mail address is available with the registry having been furnished earlier by the concerned advocate or party.

(3) E-mail IDs of officials of the Court will be published on the Court website to enable the recipients to verify the source of the e-mail.

(4) In case of service of notices through District Courts, the registry may send soft copies of the notices along with the soft copies of pleadings and other documents to the District Courts from the official e-mail ID of the concerned officials. On receipt through e-mail, the District Courts shall get the soft copies printed; affix its seal on the notice and serve copies on the concerned party. After service, the copy of report of service shall be returned to the e-mail ID of the sender which shall be treated as sufficient proof of service without requirement of physically signed hard copy of the report.

15. Computation of Time

(1) Wherever limitation or time limits apply, it shall be the responsibility of the party concerned to ensure that the e-filing is carried out well before the cut-off date and time.

(2) The date of e-filing shall be taken as that date when the case is electronically received in the Registry of within the prescribed time on any working day and for computing the time at which e-filing is made, Indian Standard Time (IST) shall apply.

(3) E-filing through Designated Counters shall be permissible up to 04.00 P.M. on any court working day and e-filing carried out after the prescribed hours on any day, shall be treated as the date which follows the actual filing date provided it is a court working day.

(4) Cases filed on a day declared as Public holiday or on a day when the court is closed, shall be regarded as having been filed on the next working day.

(5) For the purpose of computation of limitation, presentation of cases by e-filing shall be subject to the same legal regime as applicable to physical filing, save as provided hereinabove. Provisions for limitation governing e-filing shall be the same as those applicable to physical filing and the period of limitation for such case shall commence from the date when e-filing is made as per the procedure prescribed in these rules.

(6) The facility of e-filing through the e-filing portal shall be available for twenty four hours everyday.

Provided that where e-filing is not possible for the reasons of breakdown or server downtime or system maintenance or such other exigencies, parties may either approach the Designated Counter for e-filing during working hours on court working days or take recourse to physical filing:

Provided further that no exemption from limitation shall be permitted on the ground of failure of the web based e-filing facility of the High Court.

16. Procedure for Filing Caveat

All caveats can be e-filed as per the procedure set out for this purpose in the e-filing portal.

17. Hard Copies of Pleadings and Documents filed Electronically

Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere. The registry will wherever required prepare hard copies for official use.

18. Storage and Retrieval of e-Filed Documents and Pleadings

(1) E-filing documents shall be stored on an exclusive server and storage solution maintained under the control and directions of the Court.

(2) Each such e-filing shall be separately labelled and encrypted to facilitate easy identification and retrieval.

(3) The security of such e-filings shall be ensured.

(4) Access to e-filings shall be restricted in the manner provided hereinabove and as may be notified, from time to time.

(5) For continuity of operations in case of disaster, natural calamity or breakdown, a mirror image of e-filings available on the servers located in the Court may be maintained at different geographical locations, as decided, from time to time, by the Court.

(6) Establish regular backup procedures to prevent data loss in the event of hardware failure, cyber-attacks, or other emergencies. Backup copies of e-filing documents should be stored securely and preferably at multiple locations.

19. Power to issue guideline

For the purpose of smooth functioning of e-filing procedure, the Chief Justice may issue guidelines or practice directions, from time to time, as deemed fit.

20. Residuary provisions

(1) The e-filing made by an Advocate or litigant in person may be rejected if they do not follow the protocol mandated by these rules or the practice directions issued by the Chief Justice from time to time.

(2) Subject to such further directions as may be issued, it shall not be obligatory on the part of the opposite party to accept pleadings and documents by email and in such an eventuality, hard copies of pleadings and documents shall have to be provided to the opposite party and the plaintiff or petitioner may be called upon to deposit the charges calculated on the basis of the number of pages per defendant or respondent which are required to be photocopied and such facility shall be provided by the Registry or by the Office of the Court, as the case may be, upon a written request being made by the defendant or respondent.

(3) The objections, if any, in the cases filed shall be communicated by the Registry to the concerned Advocate or the litigant in person by email or SMS or web hosting and

after the objections are cleared the case shall be processed for listing and the Advocate or litigant in person shall be informed including by email or SMS.

21. Confidentiality

An Advocate or litigant in person seeking to transmit confidential or sensitive document or material shall approach the Registry for requisite assistance or advice.

22. Savings

These Rules are not in derogation to the provisions of any substantive or procedural law applicable for disposal of proceedings by the courts.

BY ORDER OF THE HIGH COURT OF ORISSA
PRATAP KUMAR PATRA
REGISTRAR GENERAL