

ORISSA HIGH COURT GUIDELINES FOR E-FILING

These Guidelines will apply for electronic filing (e-filing) of cases in Orissa High Court and Subordinate Courts from the date to be notified by the High Court of Orissa in this regard.

1. ELECTRONIC FILING FOR ALL TYPES OF CASES.-

Whenever petitions, applications, appeals and all pleadings/documents in fresh, pending and disposed of cases of all types will be filed electronically, the same shall be done as per these Guidelines as well as in the manner provided on the e-filing portal developed by e-Committee of Supreme Court of India (<https://efiling.eCourts.gov.in>).

For the time being, for convenience of all concerned and to avoid any sort of difficulty, hard copy filing will be continued till all requirements for running of paperless Courts are accomplished and hard copy shall be filed within 7 days after e-filing and the listing will be made only by filing of hard copy.

The above shall however be subject to orders of the High Court of Orissa from time to time.

2. REGISTRATION AND RESPONSIBILITIES OF E-FILERS.-

I. Registration:-

Every Advocate or party in person who intends to make e-filing would be required to register himself on the e-filing portal of E-

Committee of Supreme Court of India. The e-filer's login ID/username, password, and profile will constitute the e-filer's electronic identity and user account for the purpose of e-filing.

II. Responsibilities:-

- (a) The e-filer shall not share his/her User ID and password with anyone.
- (b) It will be the responsibility of the e-filer to have a valid and working email address to receive notification from e-filing portal electronically. In case of any inconvenience, the e-filer has to contact the Registry of Orissa High Court or the concerned Court, in case of Subordinate Courts.
- (c) If the e-filer's email address, phone number, or other information provided on e-filing portal has changed, the e-filer must promptly make the necessary changes to his or her profile.
- (d) An e-filer shall be liable for:
 - (i) Any conduct undertaken using his user ID; and
 - (ii) The conduct of any person to whom access is provided unauthorizedly by him by sharing his user ID and password.
 - (iii) Any inappropriate conduct may result in suspension of the account or other proceedings as may be initiated under the law. It shall be presumed that the document(s) has(ve) been filed by the person using the user ID and it shall be the responsibility of the user to maintain the secrecy of his ID and password.

If an e-filer believes that the security of his or her electronic identity has been tampered with or that a threat to the system exists, the e-filer must intimate the Registry of Orissa High Court or the concerned Court, in case of Subordinate Courts.

(e) An e-filer shall take all reasonable steps to ensure that the filing does not contain computer code, including viruses, that might be harmful to the Court's electronic filing system and to other users of that system;

3. PROCEDURE FOR E-FILING.-

(a) Whenever an Advocate or party intends to e-file a petition, application or document etc. he shall prepare the original text material, documents, notice of motion, memorandum of parties, main petition or appeal, interlocutory applications etc. electronically using any word processing software (MS Word, Libre Office, Open Office etc.) in a format that can be rendered with high fidelity to originals, is searchable while maintaining original document formatting and capable of being tagged, the formatting style of the text will be as under:

- i. Page Size: The documents shall be prepared having page size in accordance with the existing Rules. Conventionally filed documents shall conform to the existing Rules regarding the page size and nature of the page.
- ii. Fonts and Fonts Size: The font shall be Verdana and the typeface shall be 12-point or larger in both body text and footnotes.

If any document is typed in Odia or Hindi, it must be in Unicode Font only. Fonts like Kruti dev or Devlys shall not be used.

- iii. Line Spacing: Line Spacing of all the text shall as prescribed in existing Rules and instructions issued for the purpose.
- iv. Numbering: The pages shall be numbered at the top or bottom of all pages including the front page. Index and the chronological list of events shall be consecutively numbered at the bottom beginning with numeral one (1) with central alignment.
- v. Margins: Margins of the documents shall be as prescribed in existing Rules and instructions issued for the purpose.
- vi. Alignment: All the documents will be aligned with justified alignment.
- vii. Cover/Page Headers: Each page, except for the front page, of the document shall contain a header showing the name of the details of the document and the party(ies) filing the document (e.g., "BLAPL No. filed on behalf of AB" or "Reply in WP(C) No..... filed on behalf of XY"). This text on header shall be aligned with right alignment.

(b) Documents so prepared must be converted to PDF/A or PDF format before they are filed in the e-filing system by using any PDF converter or in-built PDF conversion plug-in provided in the software. PDF/A is the preferred format for e-filing.

(c) Where the document is not a text document and has to be enclosed with the petition, appeal or application or other pleadings, as the case may be, the document should be scanned using an image resolution of not more than 300 dpi (dot per inch) and saved as a PDF or PDF/A document in legal size. The e-filer must ensure that the filing is an accurate

representation of the document and is complete and readable. Where the original is not clearly legible, a typed copy of the same shall be filed at the same time duly certified by the Advocate filing the same to be a true typed copy of the document. It shall also be scanned and uploaded along with the original.

- (d) The maximum permissible size of the file that can be uploaded at the time of e-filing is 20 MB. However, if the file is large, it can be split and uploaded separately.
- (e) Documents filed in other formats or exceeding the prescribed size limits will not be accepted for filing save that the same can be filed using a conventional filing.
- (f) If the filing of an electronically submitted document requires leave of Court, the e-filer should attach the proposed document as an attachment to the application requesting leave to file. If the Court grants the leave and allows the proposed document, the e-filer must re-file the proposed document to make it part of the record.
- (g) Signatures: A document electronically filed using the e-filing system must bear the digital signature of the filing party's Advocate, or party where it is not represented by an Advocate as more fully described in sub-clause (i) and (ii) below. The digital signature of Advocate or party will be treated as a personal signature and will serve as a signature for the purposes of Code of Civil Procedure, 1908, Criminal Procedure Code, 1973 or any other Rules of Procedure and Practice, applicable statutes, the Local Rules and any other purpose for which a signature is required in connection with proceedings before the Court.
 - i. An electronically filed document must include a signature block setting forth the name, mailing address, phone number, fax number, and email address of the filing party's Advocate or party where it is not represented by an Advocate'

- ii. In addition, the name of the filing party's Advocate must be preceded by a "/sd/" and typed in the space where the signature would otherwise appear. A handwritten signature is required for any conventionally filed document.
- iii. Affidavits and exhibits to pleadings with original handwritten signatures must be scanned and filed in PDF or PDF/A format.

(h)(i) Where the party or the Advocate does not possess the digital signatures issued by the competent authority, such an Advocate or the party can authenticate e-filed documents by Adhaar authentication using the Adhaar number belonging to the Advocate or party and the OTP sent to the registered mobile number of the Advocate or party with UIDAI (Unique Identification Authority of India). Such an authentication shall be considered as valid identification for all intents and purposes and it shall be the responsibility of the party or the Advocate to maintain the security of his Aadhar number and the mobile phone registered with the UIDAI.

(ii) Where a document requires signatures of more than one party, consent of all the parties along with their physical signatures on separate sheet will be uploaded along with the pleadings.

(iii) The signature on any document required to be notarized, acknowledged, verified, or made under oath must be handwritten and scanned into the e-filing system. The Court will maintain the scanned document as the official Court record, and the filing party must file the original documents with the pleadings by conventional filing.

4. DETAILS OF ALL THE PARTIES.-

The e-filer will ensure that the details of all the parties of the case such as name, father's name, age, gender, address etc. are correctly and completely entered in respective column of e-filing portal.

5. E-FILING NUMBER.-

On final submission of e-filing, an e-filing number will be generated by e-filing portal. The e-filer shall mention this e-filing number on the hard copy of cover page of the case file or first page of the documents as the case may be which will be filed in the filing counter.

6. DOCUMENT BINARY FILE NAME STANDARDS.-

The following special characters are not allowed in a file name:

- A quotation mark (") or (')
- A number sign/Pound (#)
- Percent (%)
- Ampersand (&)
- Asterisk (*)
- Colon (:)
- Angle brackets (less than, greater than) (< >)
- A question mark (?)
- Backslash (\)
- Forward slash (/)
- Braces (left and right) ({ })
- Pipe (|)
- A tilde (~)

- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names will not end with any of the following strings:

- .files
- -files
- -Dateien
- _fichiers
- _bestanden
- _file
- _archivos
- -filer
- _tiedostot
- _pliki
- _soubory
- -elemei
- -ficheiros
- -arquivos
- -dosyalar
- _datoteke
- _fitxers
- _failid
- -fails
- _bylos
- -fajlovi
- _fitxategiak
- In addition, file names should not exceed 45 characters in length,
- Including spaces. Single space must be counted as one character each. No file name shall begin with dot (.) or underscore (_)

7. PAYMENT OF COURT FEE.-

Subject to orders of the High Court of Orissa to be notified from time to time in this regard, Court fee can be paid through e-payment portal developed by e-Committee of Supreme Court of India after the said portal is integrated with e-filing portal.

8. RETENTION OF ORIGINALS.-

The originals of the documents that are scanned and digitally signed either by counsel or parties in person at the time of e-filing should be preserved for production upon being directed by the Court at any time. In any event, signed Vakalatnama, signed and notarized/attested affidavit shall be filed in original in the Registry in case of High Court of Orissa or the concerned Court, in case of Subordinate Courts. Any other document whose authenticity is likely to be questioned should be preserved as per prevailing Rules after the final disposal of the case, including appeals, if any and 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 Power-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.

Note:-The responsibility for producing the originals and proving their genuineness shall be of the party that has electronically filed the scanned copies thereof or the party who is relying upon it.

9. PROOF OF FILING.-

The proof of e-filing will be available in the account of the e-filer and shall be sent by way of email and SMS at the time of e-filing on the registered email address and mobile number of the e-filer.

10. CASE ENTRIES.-

The Court staff nominated to receive an electronic filing will create a case entry using the information provided by the e-filer to record the document filed. If errors/defects in the filing or case entry are discovered by the officials, the official will notify the e-filer of the error/defect and advise the e-filer of what further action, if any, is required to address the error/defect. E-filer(s) shall make corrections or remove the defect within seven (7) working days of receiving the notification. Failure to make corrections will result in the rejection of a filing by the Court and could result in a failure to comply with limitation, if so applicable.

Accepting the e-filing by above official would not mean that the case has been passed in scrutiny. The case will be treated as passed only after the report of Stamp Reporter in case of High Court of Orissa or the concerned Court, in case of Subordinate Courts.

11. HARD COPIES OF PLEADINGS AND DOCUMENTS FILED ELECTRONICALLY.-

Advocates as well as parties can print hard copies of all pleadings and documents filed electronically for their use in the Court or elsewhere. Party or the Advocate e-filing a document or petition shall also file a hard copy at the filing counter along with a note mentioned in the beginning certifying that "Hard copy and Soft copy are the same" and in case of any discrepancy between the hard copy and the Soft copy, the preference shall be given to the hard copy.

12. STORAGE AND RETRIEVAL OF ELECTRONICALLY FILED DOCUMENTS AND PLEADINGS.-

The pleadings and documents electronically filed will be stored on an exclusive server maintained for this purpose. Each case will be separately labelled and encrypted for this purpose to facilitate easy identification and retrieval. The security of such document and pleadings will be ensured and access to them would be restricted in the manner indicated in the Guidelines and as may be notified from time to time. Backup copies of all electronically filed pleadings and documents will be preserved in the manner decided by Orissa High Court on its administrative side.

13. ACCESS TO ELECTRONIC DOCUMENTS.-

Access to documents and pleadings filed electronically in a case will be provided only to Advocates for the parties or the concerned parties themselves. The Advocate(s) or the party may obtain documents from the relevant entries in his account.

14. EXEMPTION FROM ELECTRONIC FILING.-

Application for exemption from e-filing of the whole or part of the pleadings and/or documents may be moved before the Registrar (Judicial) in case of High Court of Orissa and before the concerned Court in the case of Subordinate Courts in the following circumstances:

- i. e-filing is, for the reasons to be explained in the application, not feasible; or
- ii. there are concerns about confidentiality and protection of privacy; or
- iii. the document cannot be scanned or filed electronically because of its size, shape or condition; or
- iv. the e-filing system is either inaccessible or not available for some reason; or
- v. Any other sufficient cause.

15. COMPUTATION OF TIME.-

(a) Limitation shall be computed from the date of e-filing if hard copy is filed within 7 days but if hard copy is not filed within 7 days, the limitation will be computed from the date of filing of hard copy. However, the competent authority is at liberty to notify to extend the period of filing hard copy in case of any unforeseen exigency.

(b) In case e-filing through e-filing centre is made permissible, then such electronic filing through the e-filing centre will be allowed up to 4 P.M. on all working days. All other rules relating to holidays etc. for the purpose of computation of limitation, as specified in these Guidelines will apply to online electronic filing as well. The period during which e-filing system is inoperational for any reason will be

excluded from the computation of such time. This, however, will not extend limitation for such filing where Section 5 of the Limitation Act, 1963 or any other statutory extension of the period of limitation is not available.

(c) An electronic filing may be submitted to the portal at any time of the day or night, twenty-four (24) hours a day seven days a week. However, the filing will not be official information of record until it has been stored on the Court's Case Information Software system.

(d) A document will be deemed e-filed with the Court, subject to payment of all applicable fees, on the date and time reflected in the notice of Electronic Filing regardless of when the e-filer actually transmitted the document to the Court.

(e) Filing a document electronically does not alter the filing deadline for that document. The filing must be completed before Midnight, Indian Standard Time, in order to be timely filed. However, if the time of day is of the essence, the Hon'ble Court may order a document be filed by a certain time.

(f) Emailing a document to the Court would not constitute filing the document and such emails will be filed without any intimation to the e-filer. A document will not be considered filed until the e-filing system generates a Notice of Electronic Filing.

(g) While the e-filing system is designed to accept filings 24 hours a day, it may not always be available due to scheduled maintenance or technical difficulties experienced by the e-filer or system. e-filer

should file documents in advance of filing deadlines and during normal Court hours.

Though all eventualities and issues related to proposed e-filing have been addressed in these guidelines, however further clarification or modification will be issued from time to time as needed.


11-06-2020
REGISTRAR GENERAL