



## पावर ट्रांसमिशन कारपोरेशन ऑफ उत्तराखण्ड लि०

(उत्तराखण्ड सरकार का उपक्रम)

प्रबन्ध निदेशक कार्यालय

विद्युत भवन, नजदीक-आई०एस०बी०टी० क्रॉसिंग, सहारनपुर रोड़, माजरा, देहरादून-248002  
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No. 1318 /MD/PTCUL/ MD(om)

Dated: 04 /07/2018

### Office Memorandum

**SUB: Standardization of Procedure for handling of legal matters, appeals/petitions and other related issues in the Corporation**

In compliance of the order no. 440 /नि०स०/स्टा०अफ०-मु०स०/2010 dated 18 May, 2010 of Chief Secretary, Govt. of Uttarakhand and inconsonance of the orders prevailing and followed in the other two corporation under Secretary (Energy), GoU viz UPCL and UJVNL the order no. 279 /मा०स०एवंप्र०वि०/पिटकुल/ईओ-24 dated 03.03.2017 being in consistent with the aforesaid provisions in rescinded abinitio and in its place the following orders are issued for ensuring compliance as per Code of Civil Procedure, 1908 for conduct of Legal cases/matters for or against the company :

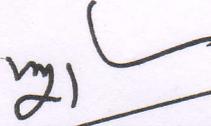
1. Signing and swearing of affidavit would be done by the concerned Executive Engineers and in case there is no Executive Engineer, by the officer lowest in the rank of array of parties framed in the case. This would ensure compliance of Order-29 Rule-1 Code of Civil Procedure, 1908. For this Executive Engineer/concerned officer would have to go to the place of swearing the affidavit i.e. the concerned Court.
2. The proper and full brief of the case would be put up to the Head of Legal and Secretarial Department who shall give its advice/shall document the case in legal shape, as may be appropriate and necessary. Such advice/documentation shall be conveyed to the counsel of the Nigam for filling either in District Court/High Court/Supreme Court, etc. through the Pairokar of the Unit/Department who is well versed with the facts of the case and thereafter the Pairokar shall attend the dates of the case under the supervision need and direction of the Head of Legal and Secretarial Department and shall also be functionally under his control of all the legal matters.

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3. The case against a party would be instituted after obtaining approval through a proposal supported by the advice of the Legal and Secretarial Department head. The approval shall be obtained by the concerned Unit/Department from Managing Director or authority to whom the power has been delegated on his behalf.
4. That for contesting the case instituted against the Nigam no such approval would be required and the case shall be immediately contested as soon as the notice is received at the concerned Unit/Department with advice and documentation from the Legal and Secretarial Department head as given above.
5. The Nigam has appointed the standing counsels at various courts/tribunals & forums. The fees and other charges have been prescribed through the appointment order which have been circulated throughout the Nigam. The fees and other charges shall be analogous to the above noted Nigam orders already in circulation for different courts. Besides this if any counsel has to be appointed on special charges, specific approval to this effect shall be obtained from the Managing Director on the advice of Legal and Secretarial Department head and not directly.
6. The bills of advocates shall be checked & verified by the concerned unit/department which shall then be approved by the head of the Legal and Secretarial Department and thereafter shall be paid by the concerned unit/Department. No fees and other charges shall be paid without obtaining approval from the head of the Legal and Secretarial Department.
7. The representative of Legal & Secretarial Department would go to the Court of institution of a suit if required by the special exigencies of the case upon the request of the counsel of the case made in writing.
8. In compliance of the Order 29 Rule – 3 Code of Civil Procedure, 1908 the concerned Executive Engineer/concerned officer/person swearing the affidavit of any other officer may be required to appear before the court for giving technical evidence and supplying technical data to strengthen the case of the Nigam.
9. Legal opinion in any matter shall be sought from the head of Legal Department by the concerned unit/department through his head and for the purpose will present the complete file consequently numbered alongwith the issues on which opinion is sort alongwith the recommendation and suggestion of the department. The head of the Legal & Secretarial department will provide the legal opinion at the earliest either himself/herself or in consultation with Corporation counsel as per the requirement. The opinion so provided shall be final and binding on the department and will be adhered to by the department. However in the event of non-acceptance of the opinion of the Legal & Secretarial wing the final decision in the matter shall be taken by the Managing Director.

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10. That the head of the Legal and Secretarial Department in the best interest of the Corporation will appoint and dismiss empanelled Advocates and will also allot cases as also withdraw cases from the empanelled Advocates so as to ensure quick disposal of the cases in favour of the Corporation.
11. The head of the Legal and Secretarial Department shall recommend for appointment of Advocates maintaining parity of fees at the same Courts/Tribunals/Forums as per the actual need for approval by the Managing Director from time to time.
12. For appointing retainers the approval from the Managing Director will be mandatory on the recommendation of the head of the Legal and Secretarial Department.

  
04.7.2018

(Capt Alok Shekhar Tiwari)  
Managing Director

No: 289/GM (L&CS)/PTCUL/

Date: 04.07.2018

Copy to the following for information:

1. Director (Operation/Project), PTCUL, Vidyut Bhawan, Dehradun.
2. Director (Finance), PTCUL, Vidyut Bhawan, Dehradun.
3. Director (HR), PTCUL, Vidyut Bhawan, Dehradun.
4. All Chief Engineers (Level—I / Level-II), PTCUL.
5. All GM, PTCUL.
6. All DGM, PTCUL
7. All Superintending Engineers, PTCUL.
8. DGM (IT) PTCUL, Dehradun for uploading the OM on PTCUL website.



(Praveen Tandon)  
General Manager (Legal & Company Secretary)