

Government of west Bengal
Housing Department
Law & Statutory Cell
New Secretariat Buildings
1, Kiran Shankar Roy road
Kolkata 700001

No. HO-15011(99)/9/2020-LAW CELL- **08/09/2020**

NOTICE CIRCULAR

This Department administers various Acts under which there are various Statutory Authorities who discharge statutory functions as specified in various statutes. Such authorities and other designated Officers looking after different Public matters administered by this department are receiving complaints, representations from the public in general.

While disposing such representations/complaints, these Authorities may require to hear all the parties before passing any direction for the sake of natural justice subject to the other provisions of the Acts under which they discharge statutory functions and the Rules and/or Bye- Laws made under those Acts.

Due to strict implementation of social distancing norms and lock down measures taken to combat Covid-19 pandemic, it is neither convenient nor advisable to conduct hearings of cases before the Authority by asking physical presence of the parties concerned.

Now therefore, taking into consideration of all the above facts and in order to expedite disposal of all cases which require hearing of the parties, it is decided that henceforth, the Authority and other Officers concerned will hold hearing in all such cases online. SOP for the same is enclosed. This has the approval of the Secretary of this department.



Commissioner in the Department

Standard Operating Procedure (SOP) for Online Hearing

Any person may file the complaint/petition/application online to the Authority/Officer concerned, through email for the purpose. The email id is prsecy.housing-wb@nic.in He/she shall submit and attach all necessary supporting documents along with the full postal address and email id of him/her and the respondents, wherever required.

1. All documents attached must be signed by the applicant. Only authenticated and signed scanned copy of any document is to be uploaded, failing which the document is liable to be considered as an invalid document.
2. Online hearing of the cases shall be conducted and all the parties shall be informed through email about the date and time of hearing as well as the Software App through which the online hearing will be done . Link with Login ID and password will also be communicated along with the hearing notice to be sent through email.
3. The concerned party/ parties need to have the App as specified in the notice downloaded and installed on the cell phone or laptop or desktop as the case may be for attending the online hearing.
4. All parties concerned needs to ensure availability of a good quality internet network from any service provider and laptop or desktop with camera working in windows or suitable smart phone, and a wired headphone /earphone.
5. After the first date of hearing, if the case is admitted by the Authority , in that case the Complainant shall forward a copy of the complaint/petition/ application along with all enclosures/annexures, both in hard and soft copies to the Respondent wherever it is applicable. The complainant will also attach proof of service of the same to the Respondent through email.
6. The Respondent shall, within the period as directed by the Authority on the date of first hearing submit 'Written Response to the Complaint petition on Affidavit' to the Authority through the official e-mail of the Authority which is,- prsecy.housing-wb@nic.in and submit hard copy of the same to the Authority by speed post or by hand delivery. The Respondent shall forward a copy of the same along with all

- enclosures/annexures, both in hard and soft copies to the Complainant. The Respondent will also send proof of service of the same to the Complainant through email.
7. The e-mail is to be submitted by the Complainant/ Respondent/ Applicant in the format prescribed herein as **Annexure-I**, listing the documents being sent through the attachments.
 8. Time slot for the online hearing shall be mentioned in the notice. All the parties are advised to present their submissions in short and in concise way.
 9. All the parties concerned shall file affidavits and other documents as per order of the Authority during the course of hearing through e-mails. Signed and scanned copies of such documents are to be submitted online, and also the hard copy to the address of the Authority, mentioning the Complaint Number, name of Complainant and Respondent, and the order date and a list of the documents being submitted, through official e-mail, of the Authority.
 10. All parties concerned shall be punctual for joining the hearing and shall co-operate with the Authority and must restrict the time for presenting their submissions and arguments within the overall time allotted to the hearing. The Authority reserves the right to adjourn the hearing or defer the same to some other date.
 11. Concerned parties should preferably be ready for the online hearing at least 15 minutes prior to the commencement of the same.
 12. Hazira shall be sent to the official e-mail of the Authority by the respective parties immediately before commencement of the hearing in the Format as prescribed in Annexure-II. Hearing will not be started without submission of the hazira or shall be done ex-parte in case any party fails to submit the hazira document.
 13. Parties shall be informed that if they fail to attend the hearing as scheduled, the Authority may decide the case ex-parte and issue orders as per law. They shall be precluded from making any grievance of it. However, they may complain about the quality or audibility of the feed, through email of the Authority, only during the proceedings or immediately after the proceeding, failing which no grievance

in this regard shall be entertained.

14. The representatives are expected to maintain discipline during the hearing by speaking one at a time, and keep microphones on mute mode and shall un-mute only to speak when directed.
15. No recording of the hearing proceedings is allowed.
16. After due consideration of the submissions, arguments and material documents submitted by both the parties, the Authority will pass its order within a reasonable time;
17. The order passed by the Authority in respect of such cases shall be communicated to the parties concerned electronically and in hard copy through Speed post.

ANNEXURE-I

From : -----(Name)
----- (Address)
----- (Mobile No)
----- (e-mail id)

To,

Subject : *Communication in connection with ----- case No.....against _____, filed by _____, before the -----*

Reference : Case No: -----

Name of Complainant/Appellant/ Applicant:
.....
Name of Respondent:
.....
Hearing date:
.....

Sir/ Madam,

With reference to the above, I solemnly state that I am the of the ----- Case No.and I have attended the hearing on..... (date) at..... (time) and I am submitting the following documents in support of my ----- matter before the Authority by email on.....and also the hard copy is sent by me via speed post/by person at the office of the Authority as listed below:

- 1.
- 2.
- 3.
- .
- .

.
.
Copy of this is also endorsed to the
.....(Complainant/Appellant/
Applicant/Respondent as the case may be). .

Thanking You,
Name

ANNEXURE II

HAZIRA

Complaint No/Appeal No /Application No/
.....

Complainant/s /Appellants/ Applicant

Vs

_____ Respondent/s

I am participating in the hearing of the -----
No.....onat
.....

**(In case where Complainant himself is attending the
online hearing)**

OR

I _____ am authorized vide
_____ to represent
_____ in the hearing in the ----- matter
noted above, and accordingly I am participating in the online
hearing of the complaint/appeal. application on
.....at

Name and Signature of the Person attending the online
hearing:

.....
.....

I hereby authorize Shri/ Smt _____, being
partner/ advocate/ _____ of the
_____ to appear before the Authority for the
hearing relating to the -----case

No. _____ .

Name, Signature and Seal of the
complainant/Appellant/Respondent

**(In case Authorized person/Advocate duly authorized by
the party attending the hearing)**