



## **National Company Law Appellate Tribunal**

### ***Standard Operating Procedure for Ld. Advocate/ Authorised Representative/Party-in-Person for Mentioning the matter for hearing through virtual mode.***

In order to contain the spread of Coronavirus (COVID-19), and after considering the various instructions and advisories relating to coronavirus control and lockdown issued by the Government, Hon'ble Acting Chairperson, NCLAT has decided that all urgent cases will be heard through video conferencing mode from 1<sup>st</sup> June, 2020.

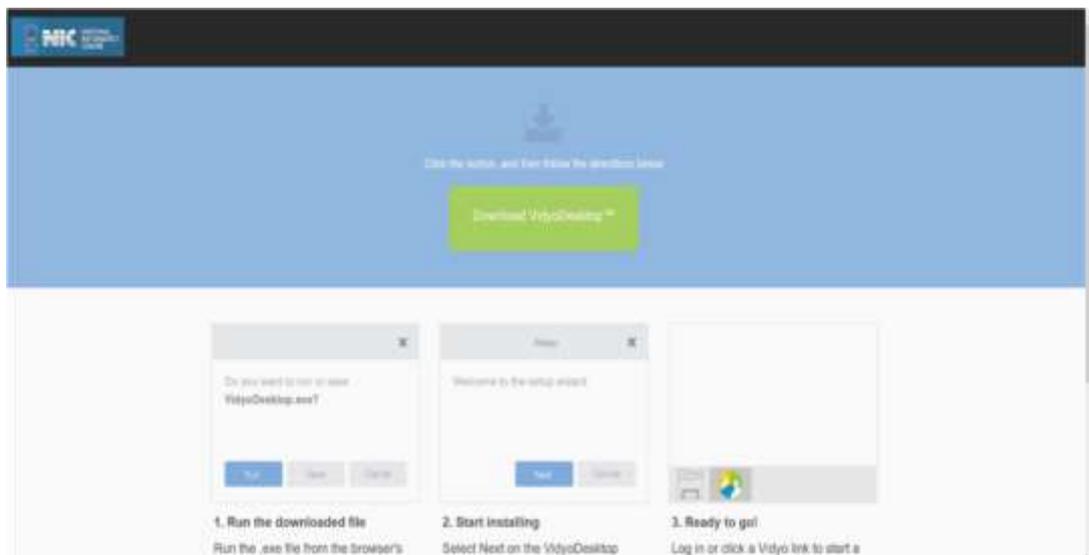
#### **MENTIONING**

1. The mentioning application shall be submitted only by e-mail at the email address [registrar-nclat@nic.in](mailto:registrar-nclat@nic.in). If the mentioning application is allowed, the Learned Advocate/Authorized Representative /Party-in-Person shall file the Appeal/Interlocutory application in hard copy as per procedure prescribed under NCLAT Rules. After curing all the defects, the cases would be enlisted in the cause list to be published on the NCLAT website ([www.nclat.nic.in](http://www.nclat.nic.in)). The court fee shall be paid through Bharat Kosh (<https://bharatkosh.gov.in>).
2. The mentioning application must *inter-alia* clearly contain the case-details (Diary No., date of filing, cause title, appeal details etc.) and contact-details of the Learned Advocate/Authorised Representative/ Party-in-Person like e-mail ID, mobile number with alternate number(s), camp/office address.
3. The parties shall not be permitted to rely upon any document other than the documents duly filed along with the Appeal/Interlocutory application in conformity with the NCLAT Rules.
4. The mentioning application must also contain a separate paragraph giving consent for taking up the matter through virtual mode.

5. In the mentioning application, the Learned Advocate/Authorised Representative/ Party-in-Person must specify as to how he would link to the Hon'ble Bench in video-conferencing mode, i.e. whether through desktop/laptop/mobile phone. **In this regard, parties may kindly note that desktop/laptop/tablet computers should provide stable and smooth connectivity for video-conference. It may be noted that the speed of link should be more than 2 Mbps. It has been observed that signal drop/incoming call on mobile devices can delink such devices from an ongoing video-conference disrupting such VC.**
6. Link to enable the Ld. Advocate/Representative/Party-in-Person to join the Video Conference shall be sent to the email provided in the mentioning application. Please note that a maximum of two appearance-links will be provided per party and that it should not be shared with anyone.
7. Please read the instructions provided below for joining the video conferencing through VIDYO.
8. The standard rule about one person speaking at a time in VC shall have to be followed and all the parties shall be given chance, in turns, to present their case by the Hon'ble Bench. Any attempt to jump in during the presentation by another party may disrupt the proceedings. It may also invite 'muting' of the microphone of the disrupting party. In case a person wants to make a point he/she may raise his/her hand to invite the attention of the Hon'ble Bench. He/she can start speaking only after he/she has been allowed to do so. Cross talking or discussion could be done only after the mic has been put in 'mute' mode.
9. The directions of the Presiding Hon'ble Judge of the Bench should be strictly followed at all times in VC to enable smooth hearing.
10. All decorum regarding dress of presenters and verbal presentations should be maintained.
11. Any recording and use in any manner of the proceedings of the hearing through VC is strictly prohibited. Infringement may invite stringent action against the erring party.

## INSTRUCTIONS FOR JOINING VIDEO CONFERENCING

PARTIES may note that, for the present, the matters shall be heard by the Hon'ble Bench through web-based video-conferencing system on the 'VIDYO' platform hosted on the servers of National Data Centre of National Informatics Centre, Govt. of India. It may be further noted that smooth functioning of the video-conference is squarely dependent upon and subject to the connectivity [signal-strength/bandwidth] available at the end of the remote user(s), and hence it is expected that any party joining a video-conference hearing shall ensure robust connectivity and bandwidth are available at their end – in this regard, parties may use broadband connection of minimum 2 Mbps/dedicated 4G data connection, and may also ensure that no other device or application is connected to or using the bandwidth when the hearing by video-conferencing is progressing on their VIDYO-enabled computer (preferable) or mobile.



PIC 1: Download Link

For ease-of-use, parties may kindly inform themselves of the following *Standard Operating Procedure* in respect of hearing of cases through video-conferencing mode:

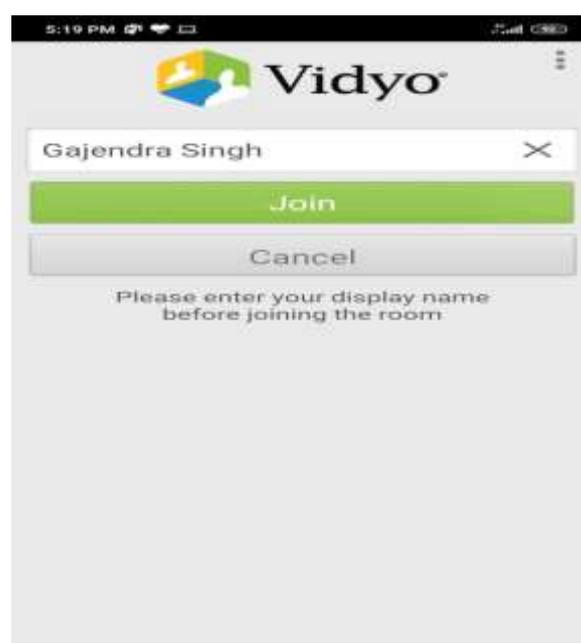
1. To join video conferencing on VIDYO platform, parties are required to download VIDYO DESKTOP application from the site <http://webvc.nic.in> on their laptop or desktop on any compatible operating system.
2. Similarly, parties may join the video conferencing on VIDYO platform by downloading the VIDYO MOBILE application in a compatible mobile device (phone or tablet) either from <https://play.google.com/store/apps/details?id=com.vidyo.VidyoClient>

Google Play Store (Android device) or from <https://apps.apple.com/us/app/vidyomobile/id444062464> Apple APP Store(iOS device), on the same mobile number as mentioned in their contact-details in mentioning-application;

3. The Invitation Link for appearance and viewing, as the case may be, will be sent by the Registry to the given mobile no(s)/e-mail id(s) by SMS/e-mail/WhatsApp around half-an-hour before the scheduled hearing, and parties may kindly note that each of the link so sent to any device is required to be unique and hence, parties may not share or forward such link(s) to any other device nor shall they enable others to join the hearing through video conference;
4. The party concerned will be advised to click on the link provided, as received on their computer (preferable) or mobile device, upon which a window as depicted below in **PIC 2** shall open; thereafter, the party is required to click on the **“Join Conference”** button.
5. Upon clicking the **“Join Conference”** button, a **‘VIDYO’** display window as depicted in PIC 3 below shall open, prompting the party to enter the display name before clicking **“Join”** button; the party is required to write his/her name with designation by prefixing item no.(of the cause list) in the space given ie: **ITEM NO. 1 – Gajender Prasad - Appellant** OR **ITEM NO. 1 – Gaurav Rawat - Respondent** OR **ITEM NO. 1 - Chetan PARTY-IN-PERSON**, as the case may be, and thereafter the party is required to click on the **‘JOIN’** button;



PIC 2



PIC 3

6. After having clicked on the **'JOIN'** button, as in PIC 3 above, the party would join other parties in a virtual waiting room, and parties would be required to wait patiently for being joined to the virtual Court room for their respective hearing;
7. Upon being joined to the virtual Court room, arguing counsel shall introduce himself to the Hon'ble Bench and thereafter, shall wait for the instructions from Hon'ble Bench – on being asked, party may make submissions and on completion of the submissions, shall at once **'mute'** the MIC of the respective device, if the Hon'ble Bench requires the party to make further submission(s), the party may then **'unmute'** the MIC of the device and again, on completion of the submission, put the MIC on **'mute'** mode.
8. It is important for the parties to remember to keep their MIC on **'mute'** at all times, except when the Hon'ble Bench requires them to make submission(s); thus, when one party is making submissions, it is imperative that all other participants shall keep their respective MIC **muted** failing which the possibility of MIC catching audio feed from the speakers and creating 'echo/noise disturbance' would become very high and may disturb the video conference.
9. It may be noted that simultaneous submissions by more than one party at any given time **should be avoided** and each party may indicate requirement to speak/submit by asking for permission from Hon'ble Bench, **by raising a hand**. Once permitted by the Hon'ble Bench, the party shall first **'unmute'** the MIC and thereafter make submissions, as per clause 8 above.
10. During hearing through video-conferencing, the parties may kindly keep in mind that they are participating in **COURT PROCEEDINGS**, and hence it is expected that they would not resort to any indecorous conduct or dress or comment, further, parties are required to ensure that the proceedings by video conference are neither recorded/stored nor broadcast, in any manner whatsoever, as **recording/copying/storing and/or broadcasting, by any means**, of the hearings and proceedings before the Tribunal is **expressly prohibited**. Breach of this rule shall apart from entailing penal consequences render such recording inadmissible in any court proceedings.
11. Parties are required to **stay online till the Hon'ble Bench concludes** the hearing of their matter, whereafter the parties may disconnect from video-conference.

After publication of cause list, a link for video conferencing will be provided to Learned Advocate/Authorised Representative/ Party-in-Person by the Registry through email/SMS half an hour before the hearing of the matters.

12. The Competent Authority has been pleased to direct that the advocates may wear “plain white-shirt/white-salwar-kameez/ white saree, with a plain white neck band” during the hearings before the NCLAT through virtual hearing till further order.

***Note:** Link for video conferencing will be provided to Learned Advocate/Authorised Representative/ Party-in Person on email id as mentioned in their Appeal/Interlocutory application.*

**For any technical support parties may contact during official hours & working days:**

Mr. Gajendra Singh (9560014361), Mr. Satyanarayan (9871547911), Mr. Vivek Rawat (9971517758) and Mr. Sohrab Naqvi (9811226764).

Email id: [itsupport@nclat.nic.in](mailto:itsupport@nclat.nic.in)

Telephone Numbers 011-24306820, 011-24306872.