

Indian judiciary takes measures amidst COVID crisis

The Indian judiciary is devising novel ways for presiding over urgent matters in the wake of the corona virus exigency. While a near-country wide lockdown has brought the economy to a screeching halt, courts and tribunals across the country, including the Apex Court are taking measures to deal with urgent matters.

A bench of the Supreme Court, comprising CJI SA Bobde, Justices L Nageshwara Rao and Surya Kant, invoking the special powers under Article 142 of the Constitution of India, passed a general order extending the limitation, whether condonable or not, with effect from **15.03.2020** until further orders. The Apex Court has made this binding on all courts and tribunals under its powers as per Article 141 of the Constitution.

In its efforts to control the contagion, the Supreme Court discouraged the physical presence of undertrials in courts and directed courts to video conferencing for such purposes. In a matter that was taken up suo motu, directions have been issued to all the states and Union Territories to constitute a high-level committee to determine which classes of prisoners may be released on parole or interim bail to avoid over-crowding of prisons at a time when physical distancing is the need of the hour. The Supreme Court bench led by the Chief Justice has informed that e-filing of cases will soon be made possible and lawyers will be provided with an app “**Vidyo**”. Moreover, advocates will be intimated for time of hearing cases through mail. The Supreme Court conducted its first hearing through video conferencing on **23rd March**. The video conferencing facility will be available for urgent matters only that will be taken up by a two-judge bench.

Most high courts in the country have also issued similar directives. The Delhi High Court and subordinate courts have suspended functioning till **4th April**. Urgent matters before the High Court may be mentioned before the Registrar concerned over a phone call. If allowed, the matter will be heard through video conferencing. E-filings and hearings of urgent matters through video conferencing has been put in place by other high courts. The Karnataka High Court has announced that advocates can digitally appear to represent their cases and have been requested to share their case details, video/Skype ID and email at ID regcomp@hck.gov.in of Registrar (Computers). The advocates will also be informed about the slot given for their appearance through digital means.

The National Company Law Appellate Tribunal (NCLAT) has withdrawn its earlier notice by which it had restricted its functioning to hear only urgent matters. The NCLAT has withdrawn its roster in light of the lockdown. It has been intimated that concerned counsel may contact the Registrar telephonically for listing of urgent matters on any day before **01st April**. Interim orders/ stay orders passed in pending matters shall continue till the next date of hearing.

The National Company Law Tribunal benches are closed from **23rd March** till **31st March**. All counsels/ parties requiring urgent hearing have been allowed to send an email to the registry of NCLT Chennai and intimate the same to the opposite party. It has been clarified that applications for extension of time, approval of resolution plans shall not be considered as urgent matters.