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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 29th May, 2020

+ **O.M.P.(MISC.)(COMM.)111/2020**

JASDAN ENERGY PRIVATE LIMITED Petitioner

Through: Ms. Shyel Trehhan & Mr. Kshitij
Dua, Advocates.

versus

INOX WIND LIMITED & ANOTHER Respondents

Through: Mr. Sudhir Kumar, Mr. Pulkit
Srivastava, Mr. Sumit Gaur and Ms.
Ashna Abrol, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been held by video-conferencing.
2. The present petition had been filed under Section 29A of the Arbitration Act, 1996 seeking extension of time for pronouncement of the arbitral award. Vide order dated 6th May, 2020 the extension was granted and the petition was disposed of. Thereafter, a call was received from the Respondents' counsels' office to the Court Master, that they had tried to log in to the meeting, however, due to a technical glitch, they could not log in. They had requested to the Court Master for adding their appearance. Due to some miscommunication the appearance of counsels was not added and the order was uploaded.
3. Ld. counsels thereafter, sent a communication to the Registrar General explaining the difficulty they have faced in logging into the

meeting. A screenshot of the meeting, which was appearing on their laptop was sent to the Registrar General.

4. This Court sought a report from the IT Department in view of the technical glitch alleged to have been faced by the Counsels for the Respondent.

5. The IT Department has enquired into the matter, and has put up a detailed report as to all the persons who had been invited for the meeting, the persons who have actually joined the meeting and the reason why the counsels for the Respondents had to encounter difficulty. The conclusion in the said report is as under:

“1. That the advocate tried to join the meeting before the scheduled time.

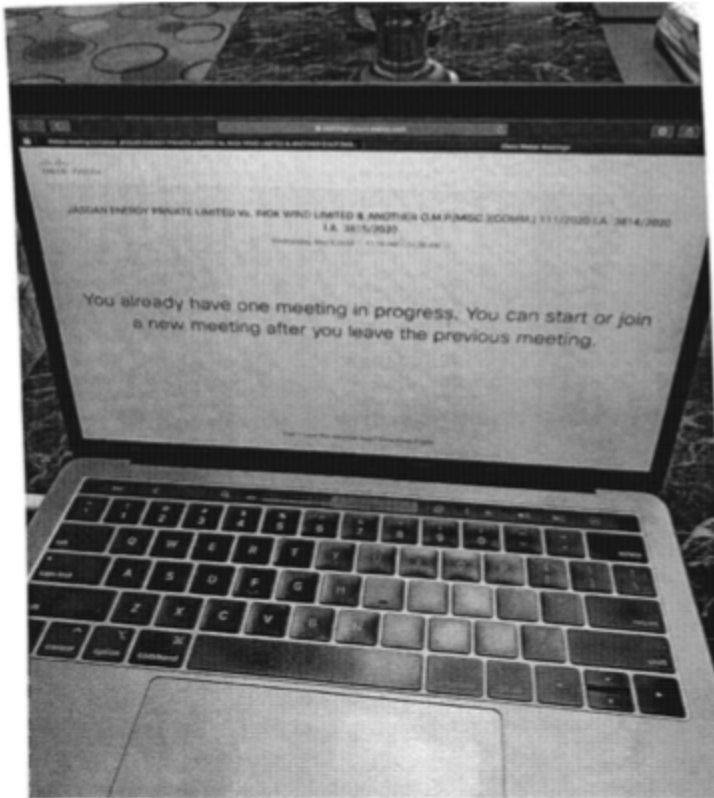
2. If any participant tries to join the meeting before the scheduled time he gets an error message and the same is saved in cache memory of the system.

So after starting of actual meeting the user needs to close the old tab and again join the meeting.

If the user does not close the old tab and tries to join the meeting from new tab the error message display asking the user to leave previous meeting.

Advice – wait for call from court staff to join the meeting or check the display board available on the DHC website”

6. A perusal of the above report and the communication addressed by the counsels for the Respondents to the Registrar General shows that a common difficulty faced by lawyers is that they receive intimation that there is already a live meeting window, and that they cannot join the new meeting until they leave the previous meeting. The message which was shown to the Counsels for the Respondent was as under:



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This is because of the following reasons:

- i. When a lawyer tries to join a VC hearing and the meeting has not yet started, and the window is not closed, the meeting window remains live.
- ii. If a lawyer logs into a second window, because of the first meeting window being live, the second window is not activated and the counsel is

unable to join the meeting.

Thus, the advice of the IT Department extracted above be followed. It is advisable that counsels ought not to keep the old window open or live, and close the same before logging in again.

7. This Court appreciates the fact that recording of appearance of lawyers is quite crucial especially during the lockdown period when so much effort is being made by lawyers to attend to their work, coordinate with the client, do filings and also attend hearings. In the present case, since the order recorded that there was no appearance on behalf of the Respondent in order dated 6th May 2020, the Counsels for Respondent rightly had a grievance. The reasons for non-joining was simply technical in nature. There is no doubt that the Counsels had in fact tried to log in.

8. It is accordingly directed that the appearance of the Respondent's counsels be added to the last order dated 6th May 2020, and the corrected order be uploaded as a corrigendum.

9. For future purposes, all counsels appearing through video conferencing may take note of the fact that in case they appear before the start of the VC hearing, and the meeting has not yet started, they would be advised to close the said meeting window to ensure that they are not locked out and are able to join the hearing when they log in after the hearing has started.

10. This order be communicated to the Delhi High Court Bar Association for being circulated amongst its members as it is possible that several lawyers may have encountered such difficulties in logging in due to such issues. Making VC hearings smooth and seamless can happen with the cooperation of all stakeholders viz., lawyers, the Registry and the Court. VC

hearings are quite effective under the existing circumstances and only some creases need to be ironed out. No further orders are called for.

PRATHIBA M. SINGH
JUDGE

MAY 29, 2020
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