

THE HIGH COURT OF GUJARAT

STANDARD OPERATING PROCEDURE (SOP) FOR ONLINE ELECTRONIC FILING (EFILING) FOR THE GUJARAT DISTRICT JUDICIARY

No.ITC/25/2024

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This Standard Operating Procedure for online electronic Filing (eFiling) shall be applicable to the Gujarat District Judiciary and Tribunals under the supervisory jurisdiction of the High Court of Gujarat. This Standard Operating Procedure will come into force from its publication date.

1. Preface

This Standard Operating Procedure will apply to online e-filing and e-filing through Designated Counters and facilities provided for e-filing, including e-Service Centres. The Standard Operating Procedure will apply to such categories of cases as would be notified by the High Court.

2. Definitions:

- 2.1. **Action:** includes all proceedings instituted in the Court such as suits, criminal complaints, appeals, civil or criminal writ petitions, revision petitions, contempt petitions, execution petitions, arbitration petitions, probate cases and interlocutory applications.
- 2.2. **Administrator:** means an officer authorized/appointed by the District Judge for the Subordinate Courts and an officer authorized/appointed by the Statutory functionaries or authorities for administering and dealing with matters connected with or relating to e-filing.
- 2.3. **Bench:** means and includes one or more Judges assigned to adjudicate upon Actions or the presiding officer of the Court or Tribunal as the case may be.
- 2.4. **Physical Filing:** means any Actions and pleadings filed as hard copies in non-electronic form. (Conventional Filing)
- 2.5. **Designated Counters:** means and includes those counters which find mention in Appendix-I and those that may be included or excluded from Appendix -I from time to time.
- 2.6. **District Courts:** means and includes the courts established and functioning under the control and supervision of the High Court.
- 2.7. **Digital Signature:** means Digital Signature as defined in Section 2(1)(p) of the Information Technology Act, 2000 (Act 21 of 2000)
- 2.8. **Electronic Filer (E-Filer):** means an Advocate filing the pleadings or documents electronic Filing System and who has registered under this Standard Operating Procedure or a

Party-in-Person through the Electronic under Para-4 of this Standard Operating Procedure.

- 2.9. **Electronic Filing (e-filing)**: means e-filing as prescribed through the Internet (at the web portal of the Court) and through the internet/intranet at Designated Counters, unless the context requires otherwise.
- 2.10. **Evidence**: means and includes evidence as defined under the Indian Evidence Act, 1872.
- 2.11. **High Court**: High Court means the High Court of Gujarat.
- 2.12. **Objections**: means and includes deficiencies and errors pointed out by the Registry in relation to the Actions instituted in the Court.
- 2.13. **Opposite Party**: means defendant(s), respondents, judgment debtor(s) and non-applicant(s).
- 2.14. **Optical Character Recognition (OCR)**: means a technology that enables one to convert different types of documents, such as scanned paper documents, PDF files or images captured by digital equipment into editable and searchable data.
- 2.15. **Party**: means appellant(s), plaintiff(s), petitioner(s), complainant(s) and applicant(s) or any other person who initiates an Action
- 2.16. **Pleadings**: means and includes pleadings filed in support or defense of an Action including plaint, written statement, petitions, written objections, replies, affidavits, counter-affidavits, counter statement and additional or supplementary affidavits.
- 2.17. **PDF**: means an electronic document filed in a portable document format.
- 2.18. **PDF/A**: means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.
- 2.19. **Registry**: means the Registry of the Court.
- 2.20. **Scanned Document**: means an electronic document created in OCR enabled Portable Document Format (PDF) created by scanning a physical hard copy document
- 2.21. **Statement of Defence**: means and includes written statements, replies, counter-affidavits and additional or supplementary affidavits.
- 2.22. **Technical failure**: means a failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.
- 2.23. **Tribunal**: means and includes all Tribunals under the control and supervision of the High Court.

- 2.24. **Third Party:** means and includes any person or entity seeking to become a party or to intervene in an Action.
- 2.25. **Working Day:** means and includes a day when the Registry of the Court is working under the Calendar published or as directed by the Court.

3. General Instructions

- 3.1. On-line e-filing shall be made by visiting the web portal of the Court, namely: <https://filing.ecourts.gov.in/pdedev/>
- 3.2. Except as provided in this Standard operating Procedure, Actions, whether in fresh, pending or disposed of cases, will be filed electronically by an advocate or litigant in person from their home, office or other remote location in the manner provided in this Standard operating Procedure.
- 3.3. Any person who is unable to access the e-filing portal would be entitled to make use of the facilities provided at the Designated Counters for that purpose upon payment of charges if stipulated.
- 3.4. The size of the e-file should not exceed 20 MB. In case the file size exceeds 20 MB, the Advocate or litigant should visit any one of the Designated Counters for enabling e-filing through the intranet.

4. Steps for Registration

- 4.1. Persons other than Advocates and litigants in person who are already registered on the Court web portal will take the following steps to register themselves.
- 1) **Advocates**
 - a) Should visit the web portal (<https://filing.ecourts.gov.in/pdedev/>) to view the form.
 - b) Click the registration link.
 - c) Fill the form with requisite details.
 - d) Submit the filled-up form along with a self-attested copy of the Bar Council Registration Certificate or Bar Council I-card (in pdf format only).
 - 2) **Litigants in person**
 - a) Should visit the web portal (<https://filing.ecourts.gov.in/pdedev/>) to view the form.
 - b) Click the registration link.
 - c) Fill the form with requisite details.
 - d) Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in pdf format only).
 - 3) Validate mobile/email after registration in e-filing 3.0

4.2. A login ID will be allotted on the next working day if the application is found complete in all respects. The procedure for registration is set out in Appendix - II.

Note: e-filing 3.0 login ID is given upon registration on the portal.

5. Frame of Pleadings

The pleadings should be clear and concise. Parties and third parties should set forth their claims/averments in separate paragraphs. The statement of truth/ affidavit of the concerned person must bear their signature. Opposite parties should also file their replies under sequentially numbered paragraphs and headings (such as Preliminary Objections and Objections on Merits).

6. Formatting

6.1. All the original typed text material including notice of motion, memorandum of parties, main petition or appeal, interlocutory application(s), reply, status report, affidavit, documents, will be prepared electronically using the following formatting style:

- Paper size : A-4
- Top Margin : 1.5”
- Bottom Margin : 1.5”
- Left Margin : 1.75”
- Right Margin : 1.0”
- Alignment : Justified
- Font : Times New Roman
- Font size : 14
- Line spacing : 1.5
- If any document is typed in a local language in Trial Courts, it must be in prepared using LOHIT Gujarati Unicode Font 13.

6.2. The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format (PDF) or PDF/A, including OCR enablement for Gujarati Fonts, using any PDF converter or inbuilt PDF conversion plug-in provided in the software. PDF/A is the preferred format.

6.3. A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 dpi (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF as mentioned above and as required in clause 8.1 is set out in Appendix – III.

7. Digital Signatures

7.1. The PDF document shall be digitally signed either by the parties and/or by their Advocate. The digital signatures shall be appended on such places on the PDF document as prescribed under the extant rules. If neither the party nor the Advocate who has been engaged possess a digital signature, a

print out of the Action shall be physically signed by the party concerned and/or their Advocate in accordance with rules and it shall thereafter be scanned and uploaded.

- 7.2. A List of Licensed Certifying Authorities as available on the website of the Controller of Certifying Authorities, MeitY and the procedure involved in appending single or multiple signatures is set out in Appendix - IV.
- 7.3. A litigant in person or advocate who does not possess a digital signature issued by the competent authority can authenticate e-filed documents by e-signed based on Aadhaar Authentication using his/her Aadhaar number and the OTP sent to the registered number of the Advocate or Party-in-Person. Such an authentication shall be considered as a valid identification for all intents and purposes.

8. Dos and Don'ts

- 8.1. The text documents and scanned documents set out in clauses 6.3 and 7.1 should be merged as a single OCR searchable PDF file and should be book-marked as per the Master Index, duly approved by the Registry. The procedure in this behalf is set out in Appendix -V.
- 8.2. The merged documents should be uploaded at the time of on-line e-filing. Screenshots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including written statements, replies, replications, rejoinders, affidavits and evidence in a pending case are set out in Appendix - I.
- 8.3. Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in person.
- 8.4. In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.
- 8.5. Special Characters are not allowed while e-filing Memo of Parties and Advocate remarks.
- 8.6. Document Binary File Name Standards

The following special characters are not allowed in a file name:

- A quotation mark (")
- A number sign/Pound (#)
- Per cent (%)
- Ampersand (&)
- Asterisk (*)
- Colon (:)
- Angle brackets (less than, greater than) (<>)
- A question mark (?)
- Backslash (\)
- Forward slash (/)
- Braces (left and right) ({ })
- Pipe (|)

- A tilde (~)
- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names should not exceed 45 characters in length, including spaces. Single space must be counted as one character each.

- 8.7. On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, spam-ware, trojan horse or the like. All the e filed documents shall be legible and free of markings, track changes or annotations.

9. Payment of Court Fees/Other Charges

Court fees and other charges payable under the relevant Acts and Rules shall be made through Electronic Payment [e-payment] in the manner and mode as notified by the High Court from time to time and the notification shall also be available in the web portal of the relevant courts.

10. Retention of Originals

- 10.1. Originals of the documents that are scanned and digitally signed by the Advocate or the litigant in person at the time of e-filing should be preserved, for production or inspection, as may be directed by the Bench.
- 10.2. The signed vakalatnama, signed and notarized/attested affidavit and any other document whose authenticity is likely to be questioned should be preserved, at least, for two years till after the final disposal of the Action. Final disposal shall include disposal of the Action by the superior appellate court.
- 10.3. Notwithstanding anything above, the following documents will have to be preserved permanently:-
- a) A Negotiable Instrument (other than a cheque) as defined in Section 13 of The Negotiable Instruments Act, 1881 (26 of 1881).
 - b) A Power-of-Attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882).
 - c) A Trust as defined in Section 3 of The Indian Trusts Act, 1882 (2 of 1882).
 - d) A Will as defined in Clause (h) of Section 2 of The Indian Succession Act, 1925 (39 of 1925) including any other testamentary disposition by whatever name called.
 - e) Any contract for the sale or conveyance of immovable property or any interest in such property.
 - f) Any other document as may be directed by the Bench.
- 10.4. The responsibility of producing the originals and proving their genuineness shall be of the party that has electronically filed scanned copies of the document.

11. Access to the Electronic Data of the Action

- 11.1. The access to the pleadings and the documents filed electronically in an Action will be provided only to the Advocates for the parties or to the concerned Party-in-Person.
- 11.2. The Advocate for the parties or the Party-in-Person shall be entitled to obtain certified copies of the pleadings and documents filed electronically, in accordance with the relevant rules for grant of certified copies.
- 11.3. A stranger to the Action is entitled to obtain the certified copy of the pleadings and documents filed in the Action in accordance with the relevant rules.

12. Exemption from e-filing

Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be permitted by the Bench upon an application being made for that purpose in the following circumstances:

- i) where on-line e-filing is for reasons set out in the application not feasible; or
- ii) where there are concerns about confidentiality and protection of privacy; or
- iii) where the document cannot be scanned or filed electronically because of its size, shape or condition; or
- iv) where the on-line e-filing portal is either inaccessible or not available for some reason; and/or
- v) for a just and sufficient cause.

13. Service of Electronic Documents

In addition to the prescribed mode of service, notices, documents, pleadings that are filed electronically may also be served through the designated e-mail IDs of Registry officials to the e-mail address of the advocates or parties, if available. E-mail IDs of Registry officials will be published on the Court website to enable the recipients to verify the source of the e-mail.

14. Computation of Time

- 14.1. Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) will apply.
- 14.2. E-filing through Designated Counters will be permissible up to 1600 hours on any court working day. On-line e-filing carried out after 1600 hours on any day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded

as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.

- 14.3. The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e-filing between Court hours on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of the web based on-line e-filing facility.

That the portal is being developed and maintained by NIC under guidance by eCommittee, any further changes in the e-filing portal, functional, procedural etc. time to time will be applied.

- 14.4. Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions will commence from the date when e-filing is made as per the procedure prescribed in this Standard operating Procedure.

15. Procedure for Filing Caveat

All caveats can be filed on-line. The procedure for this purpose is set out in Appendix – VI.

16. Hard Copies of Pleadings and Documents filed Electronically

Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere.

17. Storage and Retrieval of e-Filed Documents and Pleadings

E-filings will be stored on an exclusive server maintained under the control and directions of the Court. Each such filing will be separately labeled and encrypted for facilitate easy identification and retrieval. The security of such filings will be ensured. Access to e-filings would be restricted in the manner provided herein above and as may be notified from time to time. For continuity of operations in case of disaster, natural calamity or breakdown, a mirror image of e-filings available on the servers located in the Court may be maintained at different geographical locations, as decided from time to time by the Court.

18. Residuary provisions

- 18.1. The e-filing made by an Advocate/litigant in person will be rejected if they do not follow the protocol mandated by these Rules or practice directions.
- 18.2. Subject to such further directions as may be issued, it would not be obligatory on the part of the opposite party to accept

pleadings and documents by email. In such circumstances, the plaintiff/ petitioner can be called upon to deposit the charges calculated on the basis of the number of pages per defendant/respondent which are required to be photocopied. This facility will be provided by the Registry on a written request being made by the defendant(s)/respondent(s).

18.3. The Registry will communicate by email/SMS/Web hosting to the concerned Advocate/litigant in person, if any objections regarding the filed cases. After the objections are cleared the case will be processed for listing and the Advocate/litigant in person will be informed including by email/SMS.

19. **General Caution**

Email is not a secure medium of communication. Any communication transmitted by email can be intercepted or read by a third party. An Advocate or litigant in person seeking to transmit confidential or sensitive document/material, shall approach the Registry for requisite assistance/advice.

Enclosed(link):User Manual for eFiling Platform 3.0 - as available at <https://filing.ecourts.gov.in/pdedev/> under '**MANUALS**' link.

- APPENDIX – I Screenshots showing the procedure for accessing the online Portal, electronic filing of documents [as per User Manual referred above as enclosed link]
Designated Counters at eSewa Kendra / CFC / Helpdesk Centres at Court Complexes.
- APPENDIX – II Screenshots showing the procedure for registration [as per User Manual referred above as enclosed link]
- APPENDIX – III Screenshots showing the procedure for converting a document into an OCR searchable PDF [from various software options (to be chosen based on per user discretion) as discussed in an article at <https://www.makeuseof.com/tag/top-5-free-ocr-software-tools-to-convert-your-images-into-text-nb/>]
- APPENDIX – IV List of Licensed Certifying Authorities as available at https://cca.gov.in/licensed_ca.html. Screenshots showing the procedure for appending single or multiple digital signatures [as given in section 6.4.2.3 titled '**Pleading eSign (For Advocate and Litigant)**' in the User Manual referred above as an enclosed link].
- APPENDIX – V Screenshots showing the procedure for book-marking [as given in section 6.4.2.2 titled '**Indexing (For Advocates)**' in the User Manual referred above as an enclosed link].
- APPENDIX – VI Screenshots showing the procedure for filing Caveat [as per User Manual referred hereinabove].