

COAL INDIA LIMITED
(A Govt. of India Enterprise)
"COAL BHAWAN"

Premises No.: 04, MAR, Plot No.: AF-III
Action Area-1A,
Newtown, Rajarhat
Kolkata-700156 (WB)



A Maharatna Company

(An ISO 9001:2015 & ISO50001:2011 Certified Company)

LEGAL DEPARTMENT

gmlegal.cil@coalindia.in

Tel: 033-71104265

www.coalindia.in

CIN:L23109WB1973GOI028844

Ref. No. CIL/Legal/4498

Date: 28.07.2020

OFFICE MEMORANDUM

Subject: Guidelines for Preferring Appeals against Orders of Courts

In order to streamline the process of preferring appeals against final orders, judgments & interim orders and directions for Coal India Limited guidelines were formulated. Competent Authority has been pleased to grant approval to the said guidelines, which are annexed herewith as Annexure 'A' for information and compliance by all concerned.

The aforementioned guidelines shall come into force with immediate effect.

Sanjeev Kumar
28/7/2020
(Sanjeev Kumar)
General Manager (P/Legal)

Distribution along with Guidelines:

All HoDs, CIL HQ

GM (System) CIL : For uploading in CIL website.

AF to D (P&IR), CIL

Cc :

Director (Technical) / (P&IR) / (Finance) / (M&S)	} For kind } information }
CVO, CIL	
TS to Chairman, CIL	
TS to Director (P&IR), CIL	

कोलइण्डियालिमिटेड

(भारत सरकार का उपक्रम)

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Sub: Guidelines for preferring Appeals against order of Courts

Part A- Applicability

These Guidelines shall apply to Coal India Limited (HQ) and may be adopted by subsidiary companies after making such amendments as may be required.

The Guidelines shall apply only to final orders, judgements and such interim orders containing a direction to Coal India Limited to do or abstain from doing an act.

Part B – Action on receipt of order of the Court

- The Legal Division on receipt of the order of the Court from the dealing Advocate shall communicate the order to the dealing division within three (3) working days of such receipt/immediately through email.
- The Legal Division may provide its legal comments on the order of the Court in the event an action for immediate compliance is warranted and if there is a threat of contempt proceedings getting initiated against officials of Coal India Limited.

Part C – Action to be taken by Dealing Division

- The dealing division after examining the order of the Court may advise further course of action to be taken with respect to the order. The Dealing Division shall take into consideration timeline for compliance as mentioned in the order of the Court.
- The dealing division may approach the Legal Division for any legal clarifications/queries as regarding the order of the Court, keeping in view the timeline for compliance, if any.
- In case of compliance of the order of the Court, the dealing division may comply the order of the Court and after such compliance provide the

information about to Legal Division. If necessary, the dealing division may advise filing of time petition to comply with the order.

- d. In the event dealing division prefers to file against an order of Court in an Appellate Court, the dealing division shall obtain the approval of the Competent Authority (as per Part D) for filing the Appeal within 15 working days of receipt of the order/judgement. The Dealing Division shall thereafter forward the grounds of Appeal for preparation of Appeal.
- e. The Legal Division shall normally within 5 working days of receipt of instructions to file appeal forward the grounds of Appeal to the Advocate for preparation and filing the Appeal.

Part D – Competent Authority for Approval for filing the Appeal

In case of preferring an Appeal, the Competent Authority for approving the filing of Appeal shall be as provided in table below: -

Forum	Forum to which Appeal is preferred	Competent Authority for Approval
Magistrate/Civil Judge/(Lowest Court in hierarchy)	Sessions Court/District Judge/ Senior Judge (Appellate Forum below High Court)	HOD/General Manager of Dealing Division
Sessions Court/District Judge/ Senior Judge	High Court	Director Concerned
Single Judge of High Court	Division Bench of High Court	Director Concerned
Single Bench/Division Bench of High Court	Supreme Court	Chairman
Supreme Court	Review of Order in Supreme Court	Chairman

It is clarified that in all cases where the Appeal is made to a forum(other than above Courts) presided over by a Judge of High Court (including retired judge) /equivalent or higher, the Competent Authority shall be the ED/Director concerned.

Part E – Procedure of filing Appeal

- a. Legal Division shall engage an Advocate for filing the appeal. In case a Senior Advocate/Counsel is to be appointed strategically the Legal Division shall obtain such approvals as may be necessary from the Director concerned.
- b. The Draft Memorandum of Appeal and other necessary applications/affidavits as forwarded by Advocate shall be sent to the Dealing Division within three (3) working days for approval of the contents of the affidavit and also for nominating an officer of the dealing division to swear the affidavit.
- c. The Legal Division shall forward the final draft of the Memorandum of Appeal to Advocate for filing.

Part F – Removal of Difficulties

- a. In case of any difficulty arising out of conflict of provisions, interpretations thereof and change of circumstances in connection with the above Guidelines the decision of Director (P&IR), CIL shall be final.
- b. All the provisions above are general in nature, any deviation/modification of the same depending on exceptional circumstances, peculiar subject matter or any other contingencies may be provided by Director concerned in consultation with Director (P&IR), CIL.
- c. Chairman cum Managing Director, CIL reserves the power to exempt application of any provision(s) of the instant Guidelines.

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