

# Annexure-I

## OPERATIONAL PROCEDURE AND PROTOCOL TO BE FOLLOWED FOR E-FILING OF THE PETITION BEFORE THE COMMISSION

1. **Preface:** This procedure will apply in respect of e-filing of the Petitions on MPERC e-Filing Portal.
2. **Definitions:**
  - a. “Administrator” means any officer nominated by the Commission for administering and dealing with matters connected with or related to e-filing.
  - b. “Electronic Filing (e-filing)” means e-filing in the manner and on the format specified by the Commission through the Internet (at the web portal of the Commission) .
  - c. “PDF” means an electronic document filed in a Portable Document Format.
  - d. “Pleadings” include petitions, applications, replies, counter-affidavits, additional or supplementary affidavits, rejoinders, written note of arguments and written submissions etc.
  - e. “Technical failure” means a failure of the hardware, software, and/or telecommunications facility installed in connection with the website of the Commission 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.
3. **General Instructions:**
  - a. ‘E-filing Portal’ can be accessed on the Commission's website by clicking **e-Filing** hyperlink. User instructions/ FAQs are available on this webpage for ease of understanding of stakeholders.
  - b. Registration on e-Filing portal:
    - i. Any individual/ organisation/ advocate/ who wishes to file a petition, reply, response, rejoinder, written submissions or access

and download copies of any petition document etc., must register on e-Filing portal of the Commission.

- ii. The concerned party i.e. petitioners or respondents, as the case may be, shall obtain a unique login id and password. The login id and password issued shall be used for e-filing of the petition and subsequent pleadings.
  - iii. The detailed instructions/help-manual regarding e-registration are available on the 'Online Help' section of the e-Filing portal and updated from time to time.
  - iv. The registration is subject to verification at MPERC end.
- c. Except as provided in these procedures, all documents, whether in fresh, pending or disposed of cases, will be filed electronically by advocates or officers in charge representing parties in person from their homes, offices or other remote locations in the manner provided in the User Manuals and other instructions provided under "Online Help" section at MPERC e-Filing portal.
  - d. Parties while filing the Petition through 'E-filing Portal' are required to file and upload the scanned copy of the entire Petition including summary/synopsis of Petition, facts and grounds of the case, Annexures along with duly signed Affidavit as per Forms specified in the Regulations.
  - e. In case any person is having difficulty in accessing and using e-filing portal, the Commission's staff will assist him in this regard. E-filing help desk facility located in the Commission's office is available from 11.00 a.m. to 5.00 p.m. on all working days.
  - f. All documents filed using the e-filing portal of the Commission shall be digitally signed by the authorised signatory on the behalf of the party filing such a petition or by the Advocate representing the party.
  - g. The Pleadings shall be filed in soft copy (Word and PDF). All Reply / Rejoinder / Interlocutory Application by parties are also required to be submitted online in soft copy (Word and PDF) through e-filing portal. If on scrutiny, it is found that the petition does not conform to the particulars as per checklist posted on the e-filing portal from time to time, in terms of the relevant regulations, the receiving officer in the Office of the Commission shall inform the concerned party through e-portal of the Commission and through email, the defects in the petition, with instructions to remove the defects. The concerned party shall

remove the defects and submit the corrected document (s) within three days and if on subsequent scrutiny, the petition is found to be in order, the petition shall be registered by the receiving officer in the Office of the Commission and assigned a number.

- h. Hard copies of the petition in 4 copies, alongwith original affidavit, shall be submitted to the Office of the Commission, within three working days of e-filing of the petition, in person or through an authorised agent or designated representative. There will be an option of submission of hard copies of the petitions by registered post addressed to the receiving officer in the Office of the Commission. The hard copies of the petition should be accompanied by proof of payment of fees, an acknowledgement received from the e-filing portal, and a copy of the duly executed Vakalatnama or Memo of Appearance, as the case may be.
- i. The hard copies submitted to the Commission's office shall be exactly the same as those submitted through the e-filing portal of the Commission. An undertaking to this effect shall be submitted by the party at the time of filing the hard copies. In case of any discrepancies between the soft copy and hard copy of the petition, the petition may not be registered, till such time such discrepancies are removed. The date of removal of defects shall be reckoned as the date of filing of the petition.
- j. In case pleadings are filed in a pending petition in compliance with the directions of the Commission, the same shall be filed within the due dates permitted by the Commission. After the due date, e-filing of such pleadings shall not be permissible, except with the leave of the Commission.
- k. The steps outlined in sub-paras (g) to (j) shall also be applicable to all the pleadings subsequent to filing of the petition.
- l. The scheduled dates for hearing the petitions shall be posted on the website of the Commission. Notices for dates of hearing of the petitions shall be sent to the parties through the e-filing portal of the Commission.
- m. The daily orders of the hearings of the petitions shall be uploaded on the website of the Commission as soon as possible after approval by the Commission and shall be dispatched to the parties through the e-filing portal of the Commission.
- n. The period of limitation, as specified in MPERC regulations, shall also be applicable to the e-filed petitions:

Provided that in case the e-filing portal is non-operational during any period, for any reason whatsoever, such period shall be excluded for the purpose of computation of limitation.

- o. Every notice or order or document required to be given to or served on a party or person as per the directions of the Commission shall be served, through the e-filing portal of the Commission, which shall be considered as proper service:

Provided that if any party to whom a notice or order or document is required to be served has not been registered with the e-filing portal of the Commission, the service of such notice or order or document shall be carried out in accordance with other provisions of MPERC Conduct of Business Regulations, 2016 (as amended).

#### **4. Respondents:**

- a. The party filing the petition shall map the respondents impleaded in the petition by selecting the appropriate option in the e-filing portal. The Respondents including the Proforma Respondents who are registered with the e-filing portal of the Commission can access and download copies of the petition along with annexures from the e-filing portal. In case, a Respondent impleaded in the petition is not registered in the e-filing portal of the Commission, hard copies of the petition shall be served on such Respondent by the party filing the petition. Once the hard copies of the petition/ notice/ order has been served upon such respondent, they should register themselves with the e-filing portal to be able to file their response through e-filing portal
- b. Every Respondent or any other person to whom the notice or order is issued and who intends to oppose or support the Petition, shall be required to register on the e-filing portal and file its reply and supporting documents through e-filing portal of the Commission. The hard copies of such reply and supporting documents shall also be filed , in 4 copies, in the Office of the Commission within three days of e-filing of the reply.

#### **5. Interlocutory Application (IA)**

- a. Every interlocutory application shall be filed through e-filing portal of the Commission and hard copies thereof, in 4 copies, shall be filed in the Office of the Commission within three days of e-filing of IA.
- b. Request for urgent hearing / mentioning application needs to be filed as Interlocutory Application justifying the urgency.

## 6. Exemptions:

- a. All petitions shall be filed through the e-filing portal of the Commission. Exemption from e-filing of pleadings, in whole or in part, may be permitted only by leave of the Commission in the following circumstances:
  - i. e-filing for reasons explained in the application, is not feasible; or
  - ii. the party pleads about confidentiality of information filed and for protection of privacy; or
  - iii. the documents could not be scanned or filed electronically due to their size, shape, or condition; or
  - iv. the e-filing portal is either in-accessible or is not available for technical and/or other operational reasons; or
  - v. for any other sufficient cause.
7. This detailed terms and conditions of operational procedure and protocol, shall be subject to modifications from time to time for addressing any operational issues.