



The Kolkata Municipal Corporation
Central Municipal Office Buildings,
5, S.N. Banerjee Road, Kolkata – 700 013

Municipal Commissioner's Office
Dated: 14/09/2017

Municipal Commissioner's Circular No. 44 of 2017-18.

Sub:- Preparation of the brief in regard to court matter and to review the number of pending court cases.

In continuation and in partial modification to the Municipal Commissioner's Circular no. 42 of 2017-18 dated 06-09-2017, regarding the procedure to be followed to deal with the court cases, the engagement of lawyers and preparation of brief in the court matter need special attention. Moreover the number of pending court cases should decrease which has to be reviewed periodically and the performance of the empanelled lawyers will have to be monitored.

1. It is felt that in preparation of the brief, the technical aspects should be drafted by the concerned department as per the requirements of the law point in question. On the basis of the technical views expressed by the concerned department, the concerned law officer of the Law department deputed to the administrative department must prepare the final brief taking due consideration of the legal aspects pertaining to the court case. The concerned department should verify whether all requisite technical aspects have been taken care of in the final brief and as a testimony to that, the Controlling Officers /HoDs shall have to sign the final brief. The concerned Law Officer will also have to sign the final brief jointly with the COs/HoDs of the concerned department. The signed brief shall have to be submitted to the empanelled lawyer who will appear on behalf of KMC.
2. A serious effort has to be made to dispose of the pending court cases as soon as possible and to lower the number of pending court cases. The Controlling Officers/HoDs of the departments shall submit the status report on the pending court cases as per the format given in Municipal Commissioner's Circular no. 42 of 2017-18 dated 06-09-2017, after reviewing the court matters with the Officers of the Law Department. The number of pending court cases and the performance of the empanelled lawyers will be reviewed once a month and the status report shall have to be submitted to Municipal Commissioner, concerned M-MIC and Hon'ble Mayor. In a particular court case, the decision whether to file an appeal or not shall be taken by the Joint Municipal Commissioner (Rev) or the Joint Municipal Commissioner (General) as may be applicable, after consultation with the Chief Municipal Law Officer/Addl. CMLO/Dy. CMLO, taking into account the merit and the demerit of the case.
3. The engagement of the lawyers shall be made by the Law Department in consultation with the administrative department till the performance of the empanelled lawyers is reviewed by HoDs.

This Circular is issued with the approval of Hon'ble Mayor vide dated 12/09/2017.

Municipal Commissioner

Distribution:

1. OSD to Hon'ble Mayor
2. All MMICs
3. JMC (Revenue & Supply)
4. JMC (Gen. & Dev.)
5. Municipal Secretary
6. CMLO
7. All Controlling Officers and HODs.