

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2927 of 2024

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NIPUN PRAVEEN SINGHVI
Versus
NATIONAL COMPANY LAW TRIBUNAL

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Appearance:

MR. PERCY KAVINA , SR. ADV. WITH MR.VISHAL J DAVE(6515) for the
Petitioner(s) No. 1

MS. HIRAL U MEHTA(7003) for the Petitioner(s) No. 1
for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 20/02/2024

ORAL ORDER

Heard Mr. Percy Kavina, the learned Senior Counsel appearing with Mr. Vishal Dave, the learned advocate appearing for the petitioner.

Mr. Percy Kavina, the learned Senior Counsel submitted that this Court may exercise the extra-ordinary jurisdiction under Article 226 of the Constitution of India, directing respondent No.1 to permit the use of electronic devices such as Mobile Phone, Laptop,Tablet/ note-book, etc. for Court hearings/ proceedings before National Company Law Tribunal, Ahmedabad Bench, (for short "NCLT") in line of the directions issued by the Hon'ble Supreme Court, in the case of Sarvesh Mathur v. The Registrar General, Punjab and Haryana High Court in

W.P. (Cri.) No. 351/2023.

It is submitted that NCLT, Bench No.2, posted a notice outside Court room, prohibiting the use of mobile phones and other electronic devices. A copy of photograph of the said notice is placed on record at page-18 (Annexure "B").

Mr. Percy Kavina, the learned Senior Counsel also submitted that this is the age when both Bar and Bench require to use electronic gadgets. Such notice adversely affect the working. The submissions advanced by Mr. Percy Kavina, the learned Senior Counsel require consideration.

Issue notice, returnable on 23.2.2024.

Considering the issue in question, this Court deems it fit to refer to the order dated 6.10.2023 passed by the Hon'ble Apex Court in W.P. (Cri.) No. 351/2023, Paras-16 & 17 read thus:

"16 Above all, it must be noted that technology plays an essential role in securing access to courtrooms and as a result, access to justice for citizens across the country. Lawyers and litigants using electronic gadgets to access files and legal materials cannot be asked to turn the clock back and only refer to paper books. In the march of technology, the Courts cannot remain tech averse. Placing fetters on

hybrid hearings, like mandating an age criteria, requiring prior application, and frequent denial of access to virtual participants has the direct effect of discouraging lawyers and litigants to use technology. Not only does this affect the efficiency and access to courts, but it also sends out the misguided message that access to courts can be restricted at whim to those who seek justice.

17. The use of technology by the Bar and the Bench is no longer an option but a necessity. Members of the Bench, the Bar and the litigants must aid each other to create a technologically adept and friendly environment. The above directions must be implemented by all concerned stakeholders in letter and in spirit."

Considering the aforesaid ratio as laid down by the Hon'ble Apex Court, respondent No.1 is directed to modify the said notice. The respondent No.1 may put reasonable restrictions which resultantly would not disturb the Court proceedings. An absolute restriction on use of mobile phones and other electronic devices be modified in an appropriate manner considering the spirit and the order passed by the Hon'ble Apex Court, as also the directions issued from time to time, to be technologically adept and to see to it that the advocates, litigants and the Courts are technologically adept.

This Court is informed and the same is also averred in Para-6 of the petition that the entire filing of petition,

pleadings, etc., is through e-filing through online portal and, therefore, the petitioner is accustomed for making arguments via. Electronic gadgets.

By way of ad-interim relief, the NCLT, Ahmedabad to permit the use of electronic devices such as Laptop, Tablet- Note-book, subject to further orders that maybe passed by this Court.

The decorum of the Court is also expected to be maintained.

Direct Service **today** is permitted.

SAJ GEORGE

(VAIBHAVI D. NANAVATI,J)