

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES  
GOVERNMENT OF NCT OF DELHI : OLD COURTS'S BUILDING,  
PARLIAMENT STREET, NEW DELHI-110001.

No. F.RCS/AR/ARB/Cir./22-23/1230-37

Dated: 14/03/2023

CIRCULAR

Sub.: **Service of notices/summons/document via WhatsApp, Telegram in addition to e-mail and recording/placing of proof thereto at the concerned file –reg.**

The Hon'ble Supreme Court in re:Cognizance for Extension of Limitation [Suo Moto W.P.(C) No.3/2020 dated on July 10, 2020] w.r.t. I.A. No.48461/2020 observed that service of notices, summons and exchange of pleadings/documents, is a requirement of virtually every legal proceeding and that the service of notices, summons and pleadings etc. have not been possible during the period of lockdown because this involves visits to post offices, courier companies or physical delivery of notices, summons and pleadings.

The Court therefore, considered it appropriate to direct that such services may be effected by e-mail, FAX, commonly used instant messaging services, such as WhatsApp, Telegram, and Signal etc. However, if such services are made by means of said instant messaging services, then in addition thereto, the service of the same document/documents must be made via e-mail on the same date.

Further, the Hon'ble DCT Court suggested following guidelines pertaining to services to the parties, are issued to the Arbitrators empanelled by the RCS to enable them to pass awards judiciously. These guidelines are culled out from a combined reading of Clause (10) to (15) of Rule 84 of DCS Rules, 2007, Order 9 Rule 5 and Rule 6 of CPC and Section 27 of General Clauses Act, 1897. Summons/notice can be served by registered post, speed post, courier service or personal service through any person so authorised by the Ld. Registrar/Arbitrator.

1. **Service by Post.:** The summonses are usually sent by Arbitrators and by the Registrars through speed post. In such cases, the issuing authority shall record its satisfaction of service/non service on each defendant on the basis of the track report of the speed post. A print out of the track report shall invariably be made a part of the record.
2. **Service by Courier:** Summons/notices can be sent through courier service but in such cases, the report of the courier on whether same was actually delivered or not shall be obtained and placed on record.
3. **Personal Service:** Summons/notices can be sent personally through the staff of the RCS/Arbitrator or any other person including a staff member of the concerned cooperative society. In such cases however, the said serving officer shall be personally responsible to bring back the duplicate of summons/notice with an acknowledgement of service under the signatures of person summoned or in case of the said person not being found, or refusing to accept the summons, his own report to this effect. The report and the acknowledgement, if any, shall form a part of the record.

The report of the person delivering the summons in case the summoned person is not found or in case of refusal by him, shall be accompanied by his affidavit, putting on record the necessary details with regard to date, time and place of tendering of summons and refusal of the receiver. In the absence of the affidavit, he shall be examined on oath by the registrar/arbitrator. Such affidavit or deposition of said person shall be a part of the record.

Contd.....



In every case, the concerned registrar or arbitrator shall record his satisfaction with regard to actual service affected on the person summoned.

Accordingly, the O/o the Registrar, considered it appropriate to **advise all the concerned** :

- 1. To mention e-mail addresses and WhatsApp number of parties in arbitration claim petition for service of summoning by these modes also.**
- 2. To record/place at concerned file the proof of service of summons/notices/documents and ensure compliance of the guidelines as detailed above.**

This issue with the approval of Competent Authority.


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Copy for information and compliance to:

1. P.A. to RCS/Spl. RCS/Dy.RCS.
2. All Asstt. Registrar, o/o the RCS.
3. A.R.(IT) to upload at the department's website.
4. All empanelled Arbitrator.
5. All Petitioners/Parties/Coop. Banks/Thrift & Credit Societies/Group Housing Societies.
6. DSCU & DSCF for further circulation to its member societies.
7. Notice Board.
8. Guard file.

  
Assistant Registrar(Arb.)

Dated: 14/03/2023

  
Assistant Registrar(Arb.)