

PART D.—RULES REGARDING INSPECTION, SUPPLY OF COPIES, PROTECTION AND PRIVILEGE OF DOCUMENTS RELATING TO THE SPECIAL OFFICIAL RECEIVER, PUNJAB AND DELHI STATES.

1. The records of the Special Receiver have been classified under the following four heads :—

- I. Insolvency Court Judicial Records.
- II. High Court Executive Records.
- III. Official Records of the Special Official Receiver.
- IV. Other papers not falling in any of the above categories.

The details of first three Heads are given in the Appendix to this Chapter.

2. The rules for inspection and copies given in Chapters 5-A and 5-B of this volume shall apply to the records falling under Head I.

3. No hard and fast rules have been framed for inspection and copies of records falling under Head II. Each case shall be decided on its own merits under the order of the Judge for the time being in charge of liquidation work in the High Court and, in his absence, the Administration Judge.

4. Copies of final orders of the Special Official Receiver which form part of his official records, other than judicial records, falling under Head III, may be granted by him:

Provided that no copies of document shall be supplied to any person, not entitled to them by law, between whom and Government there is any likelihood of litigation, except with the previous sanction

of the Judge in charge of liquidation work in the High Court and, in his absence, the Administration Judge.

Note.—(i) Official letters are privileged documents to copies of which no person has any claim whatever. Should it be desirable to grant a copy of a letter, or an extract of a letter, received by the Special Official Receiver from a superior officer, reference shall in every case be made to the superior officer for permission.

(ii) The refusal of the Special Official Receiver to supply copies shall be subject to revision by the Judge in charge of liquidation work and, in his absence, the Administration Judge.

5. Inspection of official records of the Special Receiver falling under head III shall be allowed only under his orders. The order of the Special Official Receiver refusing inspection shall be subject to revision by the Judge in charge of liquidation work and in his absence, the administration Judge.

6. The rules for inspection and supply of copies of the Official Records of the Special Official Receiver (Rules 4 and 5 above) shall also apply to the inspection and supply of copies of paper falling under head IV.

7. In examining the question of claiming protection and privilege for documents relating to the office of the Special Official Receiver, he shall be guided by the provisions of the Indian Evidence Act. In case of any doubt the Special Official Receiver shall take the orders of the Judge in charge of liquidation work and in his absence the Administration Judge.

APPENDIX (Referred in rule 1)

CLASSIFICATION LIST OF RECORDS OF THE
SPECIAL OFFICIAL RECEIVERSI—*Insolvency Court Judicial Records*

- (a) (1) Order of transfer of insolvency proceedings to the High Court.
- (2) Order of the Honourable Insolvency Judge with regard to a claim.
- (3) Declaration of dividend with Schedule.
- (b) (1) Monthly schedule of expenditure as approved by the Judge.
- (2) Audit objection upon which judicial decision has been given.
- (3) Any objection as to expenses of counsel engaged by the Special Official Receiver when determined judicially.
- (c) (1) Applications of a creditor for notice to others.
- (2) Application of adjournment.
- (3) Directions obtained from the Judge.
- (4) Orders regarding transfer of property including the recommendation made by Special Official Receiver on which such orders are passed and the applications of private persons from which such orders arise.
- (5) Order of notice of creditors about dividend.
- (d) (1) Claim petition by a creditor under section 80 of the Provincial Insolvency Act.
- (2) Power of attorney in favour of counsel on behalf of the creditor.
- (3) Letter from a petitioning creditor to the Official Receiver.
- (4) Account and copies of documents in proof of claim.
- (5) Written statement on behalf of an insolvent.
- (6) Written statement on behalf of an objecting creditor.

- (7) Affidavit in a claim petition.
- (8) Documents showing security filed in connection with a claim.
- (9) Original deed included in claim petition.
- (10) Copy of judicial order filed by the claimant.
- (11) Pronote filed by a creditor.
- (12) Proceedings before the Special Official Receiver with respect to proof of claims.

II—*High Court Executive Records*

- (1) Leave application.
- (2) Order regarding staff.
- (3) Applications from members of the staff.
- (4) Audit reports with comments of the Special Official Receiver, if any.

III—*Official Records of the Special Official Receiver*

- (1) Noting by the office upon the audit reports.
- (2) Documents relating to expenses of counsel engaged by the special Official Receiver to conduct cases.
- (3) Correspondence with purchasers.
- (4) Notice (other than a statutory notice issued to creditors) by the Special Official Receiver, including advertisements relating to transfers of property.
- (5) Inspection slip.
- (6) Letter to counsel regarding pending suits and reply.
- (7) Correspondence with the Assistant to Special Official Receiver regarding rent collection.
- (8) Certified copies of judgments and decrees.
- (9) Notice received from Court.
- (10) Notice of demand of property tax.
- (11) Correspondence regarding repairs and estimates thereof.
- (12) Correspondence regarding House tax and Municipal tax.
- (13) Policies of fire insurance.