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**Refresher Programme for Commercial Courts**  
**District Judges (Commercial Courts)**  
**(11.12.2020)**

***Delhi Judicial Academy, Dwarka, Sector - 14,***  
***New Delhi - 110078***

*For Private and Internal Circulation only*



## INDEX

### Commercial Courts Act, 2015

#### A. STATUTES REFERRED

S. No.	Title
1.	Arbitration and Conciliation Act, 1996 (as amended by The Arbitration and Conciliation Act (Amendment) Act, 2015)
2.	Code of Civil Procedure, 1908
3.	Commercial Courts, Commercial Division and Commercial Appellate Division of the High Courts Act, 2015 (as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018)
4.	Court Fees Act, 1870
5.	Indian Evidence Act, 1872
6.	Specific Relief Act, 1963

#### B. BILLS & RULES

S. No.	Title
1.	Commercial Courts (Pre-Institution, Mediation and Settlement) Rules, 2018
2.	Commercial Courts (Statistical Data) Amendment Rules, 2020
3.	Companies (Transfer of Pending Proceedings) Rules, 2016
4.	Delhi High Court (Original Side) Rules, 2018
5.	Delhi High Court (Original Side) Rules, 2018 as amended by notification dated 16.10.2018
6.	High Court Commercial Division Procedure Rules, 2012

#### C. CIRCULAR & NOTICE

S. No.	Title
1.	Circular on “Case Management Hearing” for commercial cases by the office of District & Sessions Judge, South District, Saket Court Complex, New Delhi, dated: 05.12.2018
2.	Guidance note for conducting arbitration proceedings by video conference

#### D. INTERNATIONAL CONVENTIONS



S.No.	Title	Source
1.	Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958	<a href="http://www.uncitral.org/pdf/english/texts/arbitration/NY-conv/New-York-Convention-E.pdf">http://www.uncitral.org/pdf/english/texts/arbitration/NY-conv/New-York-Convention-E.pdf</a>
2.	Hague Convention on Choice of Court Agreements, 2005	<a href="https://assets.hcch.net/docs/510bc238-7318-47ed-9ed5-e0972510d98b.pdf">https://assets.hcch.net/docs/510bc238-7318-47ed-9ed5-e0972510d98b.pdf</a>

## E. LAW COMMISSION REPORTS

S. No.	Title	Source
1.	253 <sup>rd</sup> Law Commission Report, Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015	<a href="http://lawcommissionofindia.nic.in/reports/Report_No.253_Commercial_Division_and_Commercial_Appellate_Division_of_High_Courts_and_Commercial_Courts_Bill_2015.pdf">http://lawcommissionofindia.nic.in/reports/Report_No.253_Commercial_Division_and_Commercial_Appellate_Division_of_High_Courts_and_Commercial_Courts_Bill_2015.pdf</a>
2.	245 <sup>th</sup> Law Commission Report, Arrears and Backlog: Creating Additional Judicial (wo)manpower	<a href="http://lawcommissionofindia.nic.in/reports/Report_No.245.pdf">http://lawcommissionofindia.nic.in/reports/Report_No.245.pdf</a>
3.	240 <sup>th</sup> Law Commission Report on Costs in Civil Litigation(May, 2012)	<a href="http://lawcommissionofindia.nic.in/reports/report240.pdf">http://lawcommissionofindia.nic.in/reports/report240.pdf</a>
4.	222 <sup>nd</sup> Law Commission Report, Need for Justice-dispensation through ADR, 2009	<a href="http://lawcommissionofindia.nic.in/reports/report222.pdf">http://lawcommissionofindia.nic.in/reports/report222.pdf</a>
5.	188 <sup>th</sup> Law Commission Report, Proposals for Constitution of High-Tech Fast-Track Commercial Divisions in High Courts, 2003	<a href="http://lawcommissionofindia.nic.in/reports/188th%20report.pdf">http://lawcommissionofindia.nic.in/reports/188th%20report.pdf</a>

## F. OTHER REPORTS

S. No.	Title	Source
1.	Doing Business 2020 Comparing Business Regulation in 190 Economies	World Bank Group <a href="http://documents.worldbank.org/curated/en/688761571934946384/pdf/Doing-Business-2020-Comparing-Business-Regulation-in-190-Economies.pdf">http://documents.worldbank.org/curated/en/688761571934946384/pdf/Doing-Business-2020-Comparing-Business-Regulation-in-190-Economies.pdf</a>



2.	Doing Business 2019 Training for Reform	World Bank Group <a href="http://www.worldbank.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf">http://www.worldbank.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf</a>
3.	Doing Business 2018 Reforming to Create Jobs	World Bank Group <a href="http://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2018-Full-Report.pdf">http://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2018-Full-Report.pdf</a>
4.	Doing Business 2016 Measuring Regulatory Quality and Efficiency	World Bank Group <a href="http://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB16-Full-Report.pdf">http://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB16-Full-Report.pdf</a>
5.	The influence of international commercial and investment law and procedure on foreign investment and economic development/ growth (2013)	Governance and Social Development Resource Centre <a href="http://www.gsdr.org/docs/open/hdq881.pdf">http://www.gsdr.org/docs/open/hdq881.pdf</a>
6.	Case Management through CIS 3.0	eCommittee Supreme Court of India <a href="http://doj.gov.in/sites/default/files/CIS%203.0%20final_0.pdf">http://doj.gov.in/sites/default/files/CIS%203.0%20final_0.pdf</a>
7.	National Service and Tracking of Electronic Process User Manual	eCommittee Supreme Court of India <a href="http://doj.gov.in/sites/default/files/NSTEP-User%20manual_0.pdf">http://doj.gov.in/sites/default/files/NSTEP-User%20manual_0.pdf</a>
8.	e-Court Digital Payment User Manual	eCommittee Supreme Court of India <a href="http://ecourts.gov.in/ecourts_home/static/manuals/ePay-Final-USer-manual.pdf">http://ecourts.gov.in/ecourts_home/static/manuals/ePay-Final-USer-manual.pdf</a>



9.	E-Filing Procedure User Manual	eCommittee Supreme Court of India <a href="http://ecourts.gov.in/ecourts_home/static/manuals/efiling-User-manual.pdf">http://ecourts.gov.in/ecourts_home/static/manuals/efiling-User-manual.pdf</a>
10.	What makes civil justice effective? Economics Policy Department Policy Note No. 18	<a href="https://www.oecd.org/eco/growth/Civil%20Justice%20Policy%20Note.pdf">https://www.oecd.org/eco/growth/Civil%20Justice%20Policy%20Note.pdf</a>

### G. PARLIAMENTARY DEBATEREPORT OF THE SELECT COMMITTEE ON THE COMMERCIAL DIVISION OF HIGH COURTS BILL, 2009

S. No.	Title
1.	Commercial Division of High Courts, 2009

#### 1. CASE LAWS

#### 1. COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS ACT, 2015

S. No.	Title	Citation
<b>A.</b>	<b>Objective</b>	
	<b>High Court of Delhi</b>	
1.	<i>Union of India vs. Associated Construction Co.</i> (¶25)	264 (2019) DLT 523
<b>B.</b>	<b>Jurisdiction of Commercial Courts</b>	
	<b>High Court of Delhi</b>	
1.	<i>Dolby International AB and Ors v. Das Telecom Pvt. Ltd.</i> (¶¶ 7-10)	MIPR 2018(2) 56
2.	<i>VeenaBahl. v.ManmohanBahl and Ors.</i> (¶¶ 18, 19, 22)	238 (2017) DLT 281
3.	<i>Soni Dave and Ors. v. Trans Asian Industries Expositions Pvt. Ltd.</i> (¶¶ 8, 11, 25)	AIR 2016 Delhi 186
4.	<i>Kamal Sharma and Ors. v Blue Coast Infrastructure Development Pvt. Ltd. and Ors.</i> (¶¶ 8, 9, 12, 13, 15)	229(2016) DLT438
	<b>Other High Courts</b>	
1.	<i>OCI Corporation v.Kandla Export Corporation and Ors.</i> (¶¶ 7.1, 7.2, 12)	2017GLH (1)383 GUJ HC
2.	<i>GhanshyambhaiIndravadanbhai Pandya v. Maharaja Sayajirao University</i> (¶ 19)	(2017) 58 (4) GLR 2705 GUJ HC



<b>C.</b>	<b>Jurisdiction of Commercial Division</b>	
	<b>High Court of Delhi</b>	
1.	<i>Guinness World Records Ltd. v. Sababbi Mangal</i> (¶¶ 3, 7, 8, 13)	(2016) 230 DLT 377
	<b>Other High Court</b>	
1.	<i>Gautam Hari Singhania v. Hari Shankar Singhania and Ors.</i> (¶ 22)BOM HC	Commercial App. No.4/2016 Dated: 29.03.2017
<b>D.</b>	<b>Bar of Jurisdiction of Commercial Courts and Commercial Division</b>	
	<b>Other High Courts</b>	
1.	<i>Khandwala Securities Limited v. Nirma Limited</i> (¶¶ 5.2, 5.3, 6)	Special Civil Application No. 22291/2017 Dated: 12/12/2017 GUJ HC
2.	<i>Active Promoters Pvt. Ltd. v. Assotech Realty Private Limited and Ors.</i> (¶¶ 9, 10)	AIR 2017 P&H 41
3.	<i>Sushila Singhania and Ors. v. Bharat Hari Singhania and Ors.</i> (¶¶ 25, 28, 30)	2017 (4) BomCR 348
4.	<i>GhanshyambhaiIndravadanbhai Pandya v. Maharaja Sayajirao University</i> (¶¶5-6)	2017(4) GLR 2705 (Gujarat)(DB)
<b>E.</b>	<b>Jurisdiction is not according to Plaintiff's Choice</b>	
	<b>Other High Court</b>	
1.	<i>Dashrath B Rathod v. Fox Star Studios India Pvt Ltd</i> (¶¶28,30-31,33-34)	2018 (1) Mh.LJ 474 (Bombay)
<b>F.</b>	<b>Definition of Commercial Dispute</b>	
	<b>Supreme Court</b>	
1.	<i>Ambalal Sarabhai Enterprises Ltd v. K.S. Infraspace LLP</i> (¶¶14-16,46)	2019 SCC OnLine SC 1311
	<b>High Court of Delhi</b>	
1.	<i>Sumer Singh and Ors.v. Om Prakash Gupta and Ors.</i> (¶ 3)	(2017) 186 PLR 35
2.	<i>Qatar Airways Q.C.S.C. v. Airports Authority of India</i> (¶¶ 12, 13, 14)	240(2017) DLT731
3.	<i>Sanofi Winthrop Industries v. Kirti B Maheshwari</i> (¶¶ 2-10, 14-18)	CS(OS) 2265/2014
4.	<i>Havells India Limited v. Advertising Standards Council of India</i> (¶¶ 15, 22)	2016(227) DLT 719
5.	<i>Soni Dave v. Trans Asian Industries Expositions Pvt. Ltd</i> (¶¶14,18,31,36-37)	AIR (2016) Delhi 186

	<b>Other High Courts</b>	
1.	<i>Madhuram Properties v. Tata Consultancy Services Ltd.</i> (¶¶ 4.3, 5)	(2017) 4 GLR 3327 GUJ HC
2.	<i>Vasu Healthcare Private Limited v. Gujarat Akruti TCG Biotech Limited and Ors.</i> (¶¶ 7.2, 7.3, 7.5, 7.6)	AIR 2017 Guj 153
<b>a)</b>	<b>Commercial Disputes arising out of transactions of bankers/merchants</b>	
	<b>Supreme Court</b>	
1.	<i>Videocon International Ltd.v. SEBI</i> (¶¶ 17-20, 22)	AIR 2015 SC 1042
	<b>High Court of Delhi</b>	
1.	<i>Kailash Devi Khanna v. DD Global Capital Ltd.</i> (¶¶ 29-30)	2019 SCC OnLine Del 9954
2.	<i>Punj Lloyd v. Hadia Abdul Jamil Lateef Co. Ltd.</i> (¶¶ 3-10)	2018 SCC OnLine Del 12455
3.	<i>Eros Resorts &amp; Hotels v. Explorer Associates Pvt.Ltd.</i> (¶¶ 12, 13, 14, 17, 18, 19, 21, 29)	2018(170)DRJ366
4.	<i>Rita Agarwal v. Uday Medicare</i> (¶¶ 10-15)	2018 SCC OnLine Del 8595
5.	<i>FRHI Hotels and Resorts S. A. R. L. v. Dr.Mukram Ulla Khan</i> (¶¶ 10-15)	2018 Indlaw DEL 1921
6.	<i>Federal Express Court v. Fedex Securities</i> (¶¶ 7-18)	(2017)240 DLT 378
7.	<i>Ardee Infrastructure v. Anuradha Bhatia &amp;Ors.</i> (¶¶ 9, 10, 11, 15, 16, 17)	2017(162) DRJ201
<b>b)</b>	<b>Commercial Disputes arising out of Construction and Infrastructure Contracts</b>	
	<b>High Court of Delhi</b>	
1.	<i>North Delhi Municipal Corporation v. Vikram Bhagat</i> (¶¶ 47-58)	2018 SCC OnLine Del 8055
2.	<i>East Delhi Municipal Corporation v. Pawan Kumar Suri</i> (¶¶ 32-46, 52-70)	2018 SCC OnLine Del 8061
3.	<i>Bhayana Builders Infrastructure Pvt. Ltd. v. Oriental Structural Engineers</i> (¶¶ 16-34)	(2018)249DLT619
4.	<i>Parsoli Motors Pvt. Ltd. v. BMW India Pvt.Ltd.</i> (¶¶ 36-47, 49-63)	2018 SCC OnLine Del 6556
<b>c)</b>	<b>Commercial Disputes arising out of Immovable property involved in trade</b>	
	<b>High Court of Delhi</b>	
1.	<i>Greater Noida Development Authority v. Union of India</i> (¶¶ 4-23)	2018 SCC OnLine Del 7536
2.	<i>Sanjeev Kumar Arora v. Satish Mohan Aggarwal</i> (¶¶ 4,6, 7, 9, 16, 17, 24, 25, 26, 28)	2017(163) DRJ 541

3.	<i>Jagmohan Behl v. State Bank of Indore</i> (¶¶ 9-17)	2017 SCC OnLine Del 10706
4.	<i>Maruti Suzuki India Ltd. v. Delhi Auto General Finance Pvt Ltd.</i> (¶¶ 8, 9, 10, 11, 12)	2017 SCC OnLine Del 12521
<b>d)</b>	<b>Commercial Disputes arising out of Joint Venture Agreements</b>	
	<b>High Court of Delhi</b>	
1.	<i>Focus Energy Ltd. v. Reebok International Ltd.</i> (¶¶ 10-18, 31-33)	2018 SCC OnLine Del 12231
2.	<i>Nuziveedu Seeds Limited Monsanto Technology v. Monsanto Technology LLC and Ors.</i> (¶¶ 21)	2018(74)PTC 12(Del)
3.	<i>Cruz City I Mauritius Holdings v. Unitech Limited</i> (¶¶ 41-65, 84-107)	(2017) 239 DLT 649
<b>G.</b>	<b>Suit for Specific Performance for the Property to be Purchased</b>	
	<b>High Court of Delhi</b>	
1.	<i>Monika Arora v. Neeraj Kohli &amp; Anr</i> (¶¶ 4-16)	2016 SCC OnLine Del 5259
	<b>Other High Court</b>	
1.	<i>Kanchanganga Realtors Pvt. Ltd v. M/s Monarch Infrastructure Developers Pvt. Ltd.</i> (¶¶ 10-16)	AIR 2019 Bom 102
<b>H.</b>	<b>Interpretation of Commercial Contract</b>	
	<b>Supreme Court</b>	
1.	<i>Nabha Power Limited (NPL) v. Punjab State Power Corporation Limited (PSPCL)</i> (¶¶ 34-49, 72)	(2018) 11 SCC 508
<b>I.</b>	<b>Determination of Specified Value</b>	
	<b>High Court of Delhi</b>	
1.	<i>Deputy Secretary v. Bhayana Builders</i> (¶¶ 11-16)	2018 SCC OnLine Del 11406
2.	<i>Focus Energy Ltd. v. Reebok International Ltd.</i> (¶¶ 10-18, 31-33)	2018 SCC OnLine Del 12231
3.	<i>Jagmohan Behl v. State Bank of Indore</i> (¶¶ 9-17)	2017 SCC OnLine Del 10706
4.	<i>Laxmi Narayan v. Navneet and Ors.</i> (¶¶ 2, 4, 5, 8, 9, 12)	240 (2017) DLT 247
5.	<i>Hindpal Singh Jabbal and Ors. v. Jasbir Singh and Ors.</i> (¶¶ 5, 6, 10, 11, 13)	FAO(OS) 50/2016 Dated: 22.08.2016
6.	<i>HPL India Ltd. v. QRG Enterprises and Anr.</i> (¶¶ 6, 7, 10, 14, 15, 16, 26, 27, 28, 30, 42, 43, 47, 49-53)	(2017)238DLT123
7.	<i>Super Cassettes Industries Pvt. Ltd. Goldy Dish Antenna and Ors.</i> (¶¶ 4, 12, 13, 20, 24)	CS (Comm.) 775/2016 Dated: 17.08.2016



8.	<i>Soni Dave v. Trans Asian Industries Expositions Pvt. Ltd.</i> (¶¶ 6-21)	AIR 2016 Del 186
	<b>Other High Court</b>	
1.	<i>Neelkanth Healthcare Pvt. Ltd. v. M/s. Neelkanth Minechem, Partnership Firm</i> (¶¶ 7-8)	2018 (2) WLN 3 (Raj.)
	<b>J. Amendments Introduced to CPC by the Commercial Courts Act are Only Applicable to Commercial Disputes of a Specified Value</b>	
	<b>Other High Court</b>	
1.	<i>Axis Bank Ltd. v. Mira Gehani</i> (¶¶ 20,29)	2019 SCC OnLine Bom 358
	<b>K. Impact of Amendments in CPC on Case for Recovery under Order 37</b>	
	<b>Other High Court</b>	
1.	<i>Ajay G Goenka v. Alfred Micheal Arambhan</i> (¶ 13)	II (2019) BC 21 (Bom.)
	<b>L. Imposition of Costs under Section 35 CPC (as amended with respect to commercial suits)</b>	
	<b>High Court of Delhi</b>	
1.	<i>Country Inn Private Limited v. Country Inns and Suites</i> (¶¶ 10,12)	(2018) 74 PTC 548 (Del)

## 2. COMMERCIAL DISPUTES AND ARBITRATION

<b>A.</b>	<b>Commercial Disputes and Arbitration</b>	
	<b>Supreme Court</b>	
1.	<i>Emaar MGF Land Limited v. Aftab Singh</i> (¶¶ 26,33)	2019 (133) ALR 228
2.	<i>The State of Bihar v. Bihar Rajya Bhumi Vikas Bank Samiti</i> (¶¶ 27-28)	AIR 2018 SC 3862
3.	<i>Emkay Financial Services Ltd. v. Girdhar Sondhi</i> (¶¶ 20, 21, 22)	AIR 2018 SC 3894
	<b>High Court of Delhi</b>	
1.	<i>New Morning Star Travels vs Volkswagen Finance Private Ltd.</i>	CR(M) 553/2020 & CM Appl. 28266/2020 Dated 09.11.2020
2.	<i>Gammon India Ltd. &amp; Ors. v National Highways Authority of India</i> (¶ 44)	O.M.P. (COMM)-392/2020 Dated: 23-06-2020
3.	<i>SSIPL Lifestyle Private Limited and Ors. v. Vama Apparels (India) Private Limited and Ors.</i> (¶¶ 29-31)	CS (COMM) 735/2018 Decided on: 19.02.2020
4.	<i>Astonfiled Renewables Pvt. Ltd. v. Ravinder Raina</i> (¶¶ 27-40)	2018 SCC OnLine Del 6665

5.	<i>Krishan Radhu v. EmmarMgf Construction Pvt. Ltd, (Delhi) (¶¶ 19-29)</i>	2017(1) AD(Delhi)
6.	<i>Antrix Corporation v. Devas Multimedia Pvt. Ltd. (¶¶ 12-18, 23-30)</i>	2018(4) ARBLR 66(Delhi)
7.	<i>Brahmaputra Cracker and Polymer Ltd. v. RVR Projects Pvt. Ltd. (¶¶ 2, 3, 6-10)</i>	2018 SCC OnLine Del 9003
8.	<i>Spicejet Siesta Ltd. v. Siesta Hospitality Services (¶¶ 10-15)</i>	2018VIIIAD(Delhi)109
9.	<i>GMR Energy Ltd. v. Doosan Power Systems Pvt. Ltd. (¶¶ 10-21,30-39))</i>	2017 SCC OnLine Del 11625
10.	<i>Benara Bearings &amp; Pistons Ltd. v. Mahle Engine Components India Pvt. Ltd. (¶¶ 2-8, 24)</i>	2017 (162) DRJ 431
11.	<i>Simplex Infrastructure Ltd. v. Energo Engineering Projects Ltd. and Ors. (¶¶ 2-8, 10, 11)</i>	OMP (I) (Comm.) 55/2015 Dated:14.07.2017
12.	<i>Vedanta Ltd. v. Shenzhen Shandong Nuclear Power Construction Company Ltd. (¶¶ 29-31)</i>	2018 SCC OnLine Del 10916
	<b>Other High Court</b>	
1.	<i>NHPC Ltd. v. Jaiparkash Associates Ltd. (¶¶39-40)</i>	2019(2)RCR(Civil)119

### 3. TIMELINES AND PROCEDURE

<b>A.</b>	<b>Framing of Issues</b>	
	<b>High Court of Delhi</b>	
1.	<i>Tullio Giusi Spa v. House of Trims Pvt. Ltd. (¶¶3,18)</i>	2019 SCC OnLine Del 9656
<b>B.</b>	<b>Issuance/Service of Summons</b>	
	<b>High Court of Delhi</b>	
1.	<i>Sudhakar Singh &amp; Anr v. M/S Webkul Software Pvt Ltd(¶¶4-6)</i>	CM(M)-50/2020 Decided on:28.01.2020
2.	<i>North Delhi Municipal Corporation v. M/S Dhingra Construction Company (¶9)</i>	CM (M) 136/2020 Dated: 05.01.2020
3.	<i>Red Bull AG v. Pepsico India Holdings Pvt. Ltd (¶25)</i>	2019 (176) DRJ 642
<b>C.</b>	<b>Time to file Written Statement</b>	
	<b>Supreme Court</b>	
1.	<i>SCG Contracts India Pvt. Ltd v. K.S. Chamankar Infrastructure Pvt. Ltd (¶¶8,17-18)</i>	2019 SCC OnLine SC 226
	<b>High Court of Delhi</b>	
1.	<i>Seema Rani v. Sunil Garg (¶¶3-4)</i>	CM(M) 329/2020 Dated: 13.03.2020

2.	<i>Friends Motel Private Limited Through Its Director Mr. Arun Dwivedi v. Ved Consultancy LLP</i> (¶¶4-5)	CS (COMM.) 140/2019 Dated: 15.01.2020
3.	<i>Kailash Devi Khanna v. DD Global Capital Ltd.</i>	2019 SCC OnLine Del 9954
4.	<i>Indian Style Wrestling Association of India v Wrestling Federation of India</i> (¶¶14-19)	CS(COMM) 1303/2018 Decided on: 20.08.2019
5.	<i>Ravinder v. Subhash Gupta</i> (¶¶2-4)	2019 SCC OnLine Del 9834
6.	<i>Atlanta Limited v. National Highways &amp; Infrastructure Development Corporation Limited and Ors.</i> (¶9)	2019 (176) DRJ 642
7.	<i>Gulf DthFzLlc v. Dishtv India Limited</i> (¶¶ 5-18)	2016 (8) AD (Delhi) 266
8.	<i>Oku Tech Pvt. Ltd. v. Sangeet Agarwal</i> (¶¶ 2-5, 8-12)	2016 SCC OnLine Del 6601
	<b>Other High Courts</b>	
1.	<i>Bharat Bhogilal Patel v. Leitz Tooling Systems India Private</i> (¶¶28-30)	Notice of Motion Commercial Division (L) No. 2118 of 2018 Dated: 01.06.2019
2.	<i>Axis Bank Limited v. Mira Gehani&amp;Ors</i> (¶¶96-103)	2019 SCC OnLine Bom. 358
3.	<i>Reliance General Insurance Company Ltd. v. Colonial Life Insurance Company (Trinidad) Limited</i> (¶¶10,12,20)	Notice of Motion Commercial Division No. 561 of 2018 Dated: 24.05.2019
4.	<i>Indian Overseas Bank v. Jason Deckor P. Ltd.</i> (¶¶13,17,30)	2018 SCC OnLineGuj 4551
<b>D.</b>	<b>Late Filing of Written Statement With(out) Imposition of Costs</b>	
	<b>High Court of Delhi</b>	
1.	<i>SinopharmWeiqida Pharmaceutical Co (WQD) v. DsmSinochem Pharmaceuticals India Pvt. Ltd.</i> (¶¶21-24,27)	2018 (246) DLT 443
2.	<i>Sunil Alagh v. ShivrajPuri</i> (¶4)	2017 SCC OnLine Del 12368
	<b>Other High Court</b>	
1.	<i>Raj Television Network Ltd. v. Sony Music Entertainment India Pvt. Ltd.</i> (¶¶4-9, 11)	AIR 2018 Madras 232
<b>E.</b>	<b>Maintainability of Appeal Against the Order Allowing Taking Written Statement on Record After 120 Days</b>	



	<b>High Court of Delhi</b>	
1.	<i>Varun Fashion v. Income Tax Commissioner Ltd</i> (¶¶1,7) (Not maintainable)	2017 SCC OnLine Del 11972
<b>F.</b>	<b>Decree Can Be Passed if the Defendant Fails to File Written Statement</b>	
	<b>High Court of Delhi</b>	
1.	<i>ComiteInterprofessionnel Du Vin De Champagne v. M/s. Chinar Agro Fruit Products</i> (¶¶4-7)	2017 SCC OnLine Del 10704
2.	<i>Nirog Pharma Pvt. Ltd. v. Umesh Gupta</i> (¶¶11,28)	2016 SCC OnLine Del 5961
3.	<i>Singer Company Limited S.A.R.L. v. Ms. Anshu Singh</i> (¶7)	2017 SCC OnLine Del 11034
<b>G.</b>	<b>Ex-parte Decree without Evidence</b>	
	<b>High Court of Delhi</b>	
1.	<i>Merck Sharp and Dohme Corp. v. Mr. Munish Thakur</i> (¶¶9-13)	2017 SCC OnLine Del 11226
<b>H.</b>	<b>Belated Filing of Documents</b>	
	<b>High Court of Delhi</b>	
1.	<i>Nitin Gupta v. Texmaco infrastructure &amp; Holding Ltd.</i> (¶¶25-26,32,37-38)	2019 SCC OnLine Del 8367
<b>I.</b>	<b>Time to Conclude Oral Arguments</b>	
	<b>High Court of Delhi</b>	
1.	<i>Roland Corporation v. Sandeep Jain</i> (¶¶4,6-7,11-13)	2019 SCC OnLine Del 6557
<b>J.</b>	<b>Admission of Documents</b>	
	<b>High Court of Delhi</b>	
1.	<i>UnilinBeheer B.V. v. Balaji Action Buildwell</i> (¶¶30-32) (Effect of failure of defendant to file an affidavit of admission and denial of documents filed by plaintiff)	260(2019) DLT478
	<b>Other High Court</b>	
1.	<i>State of Gujarat v. Union of India</i> (¶¶14-15)	R/Special Civil Application No. 737 of 2018 Dated:07.05.2018
<b>K.</b>	<b>Revision Barred Against Interlocutory order</b>	
	<b>Other High Courts</b>	
4.	<i>M/s Active Promoters Pvt. Ltd. v. Assotech Realty Private Limited</i>	AIR 2017 P&H 41



<b>L.</b>	<b>Appeal and Revision Against the Order on Application under Order VII Rule 11 is not Maintainable</b>	
	<b>Other High Courts</b>	
1.	<i>Shri Balaji Industrial Products Limited v. AIA Engineering</i>	2018 SCC OnLine Raj
2.	<i>M/s. Supreme Tex Mart Limited v. Stoll Financial Services (¶¶3-7)</i>	2017 SCC OnLine P&H 386
<b>M.</b>	<b>Appeal against the judgment or order of a Commercial Division of a High Court</b>	
	<b>High Court of Delhi</b>	
1.	<i>D&amp;H India Ltd. v SuperonSchweisstechnik India Ltd.</i> Section 13 of the Commercial Courts Act (under Chapter IV, Appeals) entitles any person aggrieved by the judgment or order of a Commercial Division of a High Court to prefer an appeal to the Commercial Appellate Division of that High Court (within a period of 60 days from the date of the judgment or order)	FAO (OS) (COMM) 237/2019, decided on 16.03.2020
<b>N.</b>	<b>Condonation of delay in Appeal</b>	
	<b>High Court of Delhi</b>	
1.	<i>Union of India vs. Associated Construction Co.(¶¶8, 24, 28)</i>	264 (2019) DLT 523

#### 4. PRE-INSTITUTION MEDIATION, CASE MANAGEMENT HEARING AND JUDGMENT

<b>A.</b>	<b>Pre-Institution Mediation</b>	
	<b>Other High Courts</b>	
1.	<i>GSD Constructions Pvt. Ltd. v. Balaji Febtech Engineering Pvt. Ltd. (¶¶8-9)</i>	MA No. 4081/2019 Dated: 07.08.2019 (MPHC)
2.	<i>Sathyam Wood Industries v. Adoniss (P) Ltd. and Ors. (¶¶3-7)</i>	C.R.P. (MD) No. 804 of 2019 Dated:10.06.2019 (MADHC)
3.	<i>M/SM K Food Products v. M/SS H Food Product(¶¶7-12)</i>	CRP No.3690 of 2018 Dated: 21.02.2019 (TEL HC)
<b>B.</b>	<b>Extension of time for Completing theProcess of Compulsory Pre-Litigation, Mediation and Settlement</b>	
	<b>Supreme Court</b>	

1.	<i>In Re Cognizance for Extension of Limitation</i>	SUO MOTO WRIT PETITION (C) NO. 3/2020 Order Dated: 10.07.2020
<b>C.</b>	<b>Case Management in a Commercial Suit</b>	
	<b>High Court of Delhi</b>	
1.	<i>Roland Corporation v. Sandeep Jain</i> (¶¶ 6-10)	2019 SCC OnLine Del 6557
<b>D.</b>	<b>Summary Judgment under the Commercial Courts Act, 2015</b>	
	<b>High Court of Delhi</b>	
1.	<i>K.R. Impex v. Punj Lloyd Ltd.</i> (¶¶ 28-30, 34-36)	CS (COMM) 646/2016 Dated: 08.01.2019
2.	<i>Mallcom (India) Limited and Ors. v. Rakesh Kumar and Ors.</i> (¶¶ 16, 19, 21)	259( 2019) DLT1
3.	<i>Su-Kam Power Systems Ltd. v. Kunwer Sachdev</i> (¶¶ 90-91)	2019 SCC OnLine Del 10764
4.	<i>Universal Contractors &amp; Engineers (P) Ltd. v. National Projects Constructions Corporation Ltd</i> (¶¶ 19, 24)	2019 SCC OnLine Del 11436
5.	<i>Sandisk LLC v. Memory World</i> (¶¶ 12-15)	2018 SCC OnLine Del 11243
6.	<i>Skechers USA INC and Ors. v. Pure Play Sports</i> (¶¶ 12-16)	2016(67 vPTC 324(Del)
7.	<i>Rockwood International A/S and Ors. V. Thermocare Rockwood India Pvt. Ltd.</i> (¶¶ 8, 9, 11, 13, 14, 15)	CS (COMM) 884/2017 Dated: 16.10.2018
8.	<i>NSK India Sales Co. Pvt. Ltd. V. Proactive Universal Trading Corporation Private Ltd.</i>	CS (Comm) 33/2016 Order dated 9 <sup>th</sup> February 2017
9.	<i>Tata Sons Limited v. Mr. Rajbir Jindal</i> (¶¶ 7-19)	2017(8) AD(Delhi) 223
10.	<i>Satya Infrastructure Ltd. V. Satya Infra &amp; Estates Pvt. Ltd.</i> (¶¶ 4, 15)	2013 III AD (Delhi) 176
<b>E.</b>	<b>Application of the Commercial Courts Act, 2015 in IPR Matters</b>	
	<b>High Court of Delhi</b>	
1.	<i>Christian Louboutin SAS v. Abubaker and Ors.</i> (¶¶ 5)	2018(74)PTC 301(Del)
2.	<i>Inter Ikea Systems B.V. and Ors. V. Sham Murari and Ors.</i> (¶¶ 24)	2018(76)PTC 121(Del)
3.	<i>Burger King Corporation v. Ranjan Gupta &amp; Ors.</i> (¶¶ 21-24)	2018 SCC OnLine Del 11484
4.	<i>VINI Cosmetics Pvt. Ltd. V. Abhay Enterprises and Ors.</i> (¶¶ 14-17)	2018 SCC OnLine Del 11708
<b>F.</b>	<b>Maintainability of Appeals u/s 13 of the Commercial Courts Act, 2015</b>	

	<b>Supreme Court</b>	
1.	<i>Kandla Export Corporation and Ors. V. OCI Corporation and Ors.</i> (¶¶ 11-17, 21, 23-26, 28)	2018 (2) SCALE 368
2.	<i>Arun Dev Upadhyaya v. Integrated Sales Service Ltd. And Ors.</i> (¶¶ 11-14, 16, 21)	AIR 2016 SC 4899
3.	<i>Fuerst Day Lawson Ltd. And Ors. V. Jindal Exports Ltd.</i> (¶¶ 72-74)	AIR 2011 SC 2649
	<b>High Court of Delhi</b>	
1.	<i>South Delhi Municipal Corporation v. Tech Mahindra</i> (¶¶ 9-11)	EFA (OS) (COMM) 3/2019 DOD:12.02.2019
2.	<i>HPL (India) Limited and Ors. V. QRG Enterprises and Ors.</i> (¶¶ 5, 8, 24, 26-28, 30, 32-35, 40, 43, 48, 50)	238 (2017) DLT 123
3.	<i>Samsung Leasing Ltd. V. Samsung Electronics Co Ltd</i> (¶¶ 8-18)	2017(9) AD(Delhi) 657
	<b>Other High Courts</b>	
1.	<i>Base Industries Group v. Mahesh P. Raheja</i> (¶¶ 21-23)	(2019) 1 Bom CR 636
2.	<i>Shailendra Bhadauria v. Matrix Partners India Investment Holdings LLC</i> (¶¶ 44-45)	2018 SCC OnLine Bom 13804
3.	<i>Sushila Singhania and Ors. v. Bharat Hari Singhania and Ors.</i> (¶¶ 22, 24, 25, 29, 30, 33, 34, 42, 43, 46, 51, 54, 58, 60)	2017 (4) Bom CR 348
<b>G.</b>	<b>Transfer of Appeal</b>	
	<b>Other High Courts</b>	
1.	<i>Executive Director v. M/s. Y.R. Reddy Engineers, (Bombay) (Aurangabad Bench)</i> (¶¶ 16-21)	2017(5) Mh.LJ 660
<b>H.</b>	<b>Transfer of Pending Cases</b>	
	<b>High Court of Delhi</b>	
1.	<i>OKU Tech Private Limited v. Sangeet Agarwal and Ors.</i> (¶ 11)	2016 SCC OnLine Del 6601
2.	<i>Soni Dave and Ors v. Trans Asian Industries Expositions Pvt. Ltd.</i> (¶¶ 36, 37)	AIR 2016 Delhi 186
3.	<i>Guinness World Records Ltd. v. Sababbi Mangal</i> (¶¶ 5, 6, 17)	(2016) 230 DLT 377
4.	<i>Vifor (International) Limited v. High Court of Delhi</i> (¶ 4)	2016 (154) DRJ 67
	<b>Other High Courts</b>	
1.	<i>Dr. Dilip Choudhury v. Pratishruti Projects Limited &amp; Ors.</i> (¶¶ 21-30)	Old G.A. No. 1369 of 2019 Dated: 09.01.2020 (Calcutta HC)
2.	<i>UjwalaRaje Gaekwar v. Hemaben Achyut Shah and Ors.</i> (¶¶ 5.4, 5.8)	(2017) 1 GLR 360(Guj)
3.	<i>Hubtown Limited v. IDBI Trusteeship Service Limited</i> (¶¶ 19, 22-24, 29, 30)	2017 (4) Bom CR 310



<b>I.</b>	<b>Period of Limitation</b>	
	<b>High Court of Delhi</b>	
1.	<i>NBCC (India) Ltd. v. Aircon Engineering Services</i> (¶¶7-9) (The period of limitation for filing written statement in a commercial suit starts from the first service and not subsequent service dates if the bailiff's report indicates successful service on the first occasion itself.)	C.S. (COMM) 232/2017 Order Dated: 03.09.2019
2.	<i>Telefonaktiebolaget L.M. Ericsson v. Lava International Limited</i> (¶¶ 20, 21, 22)	226 (2016) DLT 342
<b>J.</b>	<b>Power to condone delay in filing written statements beyond the prescribed period of 90 days qua non-commercial suits</b>	
	<b>Supreme Court</b>	
1.	<i>Desh Raj v. Balkishan</i>	(2020) 2 SCC 708
<b>K.</b>	<b>Expeditious Disposal of Cases</b>	
	<b>High Court of Delhi</b>	
1.	<i>Vifor (International) Ltd. v. Suven Life Sciences Ltd.</i> (¶¶1-2)	2019 SCC OnLine Del 7514

## 5. EXECUTION

<b>A.</b>	<b>Execution of Foreign Court Decree (Section 44A, Sections 13 &amp;14)</b>	
	<b>Supreme Court</b>	
1.	<i>Alcon Electronics Pvt. Ltd. v. Celem S.A. of FOS 34320 Roujan, France and Ors.</i> (¶¶13-15, 21)	AIR 2017 SC 1
2.	<i>M/s. International Woolen Mills v. M/s. Standard Wool (U.K.) Ltd.</i> (¶30)	AIR 2001 SC 2134
<b>B.</b>	<b>Limitation For Execution Of Foreign Decree</b>	
	<b>Supreme Court</b>	
1.	<i>Bank of Baroda v. Kotak Mahindra Bank Ltd.</i> (¶¶ 19,35,39,43)	Civil Appeal No. 2175 of 2020 Dated: 17.03.2020
<b>C.</b>	<b>Guidelines for Executing Courts</b>	
	<b>High Court of Delhi</b>	
1.	<i>M/s Bhandari Engineers &amp; Builders v. M/s You One Maharia (Jv) Delhi &amp;Ors</i> (¶¶57-66)	EX.P. 275/2012 Dated: 05.12.2019





2.	<i>Bhandari Engineers &amp; Builders Pvt. Ltd. v. Maharia Raj Joint Venture</i>	(2016) 227 DLT 302
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## 6. Force Majeure in Times of Covid-19: Challenges and the Road Ahead

### 1. CIRCULARS

S. No.	Title
1.	Ministry of Road Transport and Highways ('MORTH') circular dated 18.05.2020 ('MORTH Circular')
2.	Ministry of Home Affairs circular dated 17.05.2020
3.	Ministry of Finance office memorandum with respect to 'Manual for Procurement of Goods, 2017' dated February 19, 2020
4.	Ministry of Finance office memorandum with respect to 'Manual for Procurement of Goods, 2017' clarification dated May 13, 2020
5.	Ministry of New & Renewable Energy office memorandum with respect to solar project developers dated March 20, 2020

### 2. CASE LAWS

S. No.	Title	Citation
<b>A.</b>	<b>Force Majeure and Performance of Contracts</b>	
	<b>Supreme Court</b>	
1.	<i>South East Asia Marine Engineering and Constructions Ltd. v. Oil India Limited</i> (¶¶21-27)	Civil Appeal Nos. 673 and 900 of 2012 Dated: 11.05.2020
2.	<i>Energy Watchdog v. Central Electricity</i> (¶¶32-42)	(2017) 14 SCC 80
3.	<i>The Naihati Jute Mills Ltd. vs. Khyaliram Jagannath</i> (¶20)	AIR1968SC522
4.	<i>Satyabrata Ghose v. Mugneeram Bangur and Company and Ors</i> (¶¶10-27)	AIR 1954 SC 44
	<b>High Court of Delhi</b>	
1.	<i>Rashmi Cement Ltd v. World Metals &amp; Alloys (FZC) &amp; Anr</i> (¶¶24-36)	O.M.P.(I)(COMM) 118/2020 Dated: 18.06.2020
2.	<i>M/S Polytech Trade Foundation v UOI</i> (¶¶45-51)	W.P.(C) 3029/2020 Order Dated: 22.05.2020
<b>B.</b>	<b>Construction Contracts</b>	



	<b>High Court of Delhi</b>	
1.	<i>MEP Infrastructure Developers Ltd. v South Delhi Municipal Corporation</i> (¶¶27, 29, 31)	W.P.(C) 2241/2020 Dated: 12.06.2020
<b>C.</b>	<b>Invocation of Bank Guarantee</b>	
	<b>High Court of Delhi</b>	
1.	<i>M/S Halliburton Offshore Services Inc. v. Vedanta Limited &amp; Anr</i> (¶¶56-58, 62-63, 69)	O.M.P (I) (COMM.) No. 88/2020 Dated: 29.05.2020
2.	<i>Indrajit Power Private Limited vs. Union of India and Ors.</i> (¶¶54-55)	W.P. (C) 2957/2020 (URGENT) Dated: 28.04.2020
3.	<i>Coastal Andhra Power Limited v. Andhra Pradesh Central Power Distribution Co. Ltd. and Ors.</i> (¶29)	256(2019)DLT764
4.	<i>Global Steel Philippines v. STC of India Ltd.</i> (¶¶12,14,17-18)	FAO (OS) No. 186/2009, Dated: 12.05.2009
5.	<i>Global Steel Philippines (SPV-AMC) v. STC of India Ltd. and Ors.</i> (¶¶59-63)	2009 (110) DRJ 516
<b>D.</b>	<b>Pledge of Shares</b>	
	<b>Other High Court</b>	
1.	<i>Rural Fairprice Wholesale Limited and Ors. v. IDBI Trusteeship Services Limited and Ors.</i> (¶7)	2020 SCC OnLine Bom 518
<b>E.</b>	<b>Classification of an asset as Non-Performing Asset (NPA)</b>	
	<b>High Court of Delhi</b>	
1.	<i>Anant Raj Ltd v. Yes Bank</i> (¶¶25-31)	2020 SCC OnLine Del 543
2.	<i>Shakuntla Educational &amp; Welfare Society v Punjab &amp; Sind Bank</i> (¶¶13-14)	W.P.(C)2959/2020 Order Dated: 13.04.2020
3.	<i>India Bulls Housing Finance Ltd. v. Securities Exchange Board of India &amp; Ors.</i> (¶8)	W.P.(C) Urgent No. 7/2020 order dated 03.04.2020
	<b>Other High Court</b>	

1.	<i>TransconSkycityPvt. Ltd. and Ors. v. ICICI Bank and Ors. (¶¶38-44)</i>	Writ Petition LD-VC Nos. 28 and 30 of 2020 Dated: 11.04.2020 (BOMHC)
<b>F.</b>	<b>Invocation of LC's (Letter of Credits)</b>	
	<b>Other High Court</b>	
1.	<i>Standard Retail Pvt. Ltd. and Ors. v. G.S. Global Corp. and Ors.(¶4)</i>	Commercial Arbitration Petition Nos. 408 and 407 of 2020 Dated: 08.04.2020 (BOMHC)
<b>G.</b>	<b>Defaults in Payment of Reverse Factoring Facility</b>	
	<b>High Court of Delhi</b>	
1.	<i>Eastman Auto &amp; Power Ltd. v. Reserve Bank of India &amp;Ors. (¶¶15-16)</i>	W.P.(C) 2997/2020 Order Dated: 27.04.2020
<b>H.</b>	<b>Lease/Rent Agreements</b>	
	<b>Supreme Court</b>	
1.	<i>Sushila Devi v. Hari Singh (¶8)</i>	AIR 1971 SC 1756
2.	<i>Dhruv Dev Chand v. Harmohinder Singh and Ors.(¶¶9-11,17)</i>	AIR 1968 SC 1024
	<b>High Court of Delhi</b>	
1.	<i>Gaurav Jain v. UOI (¶¶4-6,9-10)</i>	WP(C) 3519 of 2020, Dated: 15-06-2020
2.	<i>Ramanand and Ors. v. Girish Soni and Ors. (¶¶30-32)</i>	R.C. Rev. 447/2017 Dated: 21.05.2020
<b>I.</b>	<b>Employment Contracts and Payment of Wages</b>	
	<b>Supreme Court</b>	
1.	<i>Ficus Pax Private Ltd. and Ors. v. Union of India (UOI) and Ors. (¶37)</i>	W. P. (C) Diary No. 10983 of 2020 Order Dated:12.06.2020
	<b>Other High Court</b>	

1.	<i>Align Components Pvt Ltd v Union of India</i> (¶¶6,8)	W. P. STAMP NO.10569 of 2020 Order Dated: 30.04.2020 (BOM HC)
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## 7. Practice Directions by HMJ Pratibha M. Singh

S.No.	Suit Title	Suit No.	Date of Decision	Direction(s)
1.	<i>Amrish Agarwal v. Venus Home Appliances Pvt. Ltd.</i>	CM (M) 1059/18	27.08.19	The TC's order, taking on record the Legal Proceedings Certificate relating to the trademark, was challenged on the ground that evidence had already concluded and the matter was at the stage of final arguments. The Court observed that in a trademark infringement matter, it is imperative for the Court to be able to see that the trademark itself is registered. <u>Directions were therefore passed, specifying the documents, such as the Legal Proceedings Certificate, which ought to be filed along with the plaint in trade mark infringement matters. (Para 7)</u>
2.	<i>Lalit Kumar v. M/s Samsonite IP Holding SARL</i>	CM (M) 737/19	29.08.19	The TC's order, appointing an LC to seize the alleged counterfeit products, was challenged on the ground that the name of Defendant No. 2 was mentioned as ' <i>Ashok Kumar</i> '. The reason given for not specifying the name of the Defendant was that the Plaintiff was unaware of the name of the Defendant's proprietor. In order to ensure that such grievances are not raised in the future, <u>a direction was given that if the name of the proprietor of the Defendant or any other entity is not known, the trading name shall appear in the memo of parties as the name of the Defendant. (Para 7)</u>
3.	<i>Satender Singh Rana &amp; Ors. v. Gaon Sabha Kadipur &amp; Anr.</i>	CM (M) 1017/19	29.08.19	In view of the fact that several adjournments were taking place due to non-receipt or non-supply of copies of complete pleadings and documents, <u>directions were passed in respect of</u>

				service of copies of documents/pleadings between counsels and court clerks. <b>(Para 3)</b>
4.	<i>BVG India Ltd. v. Navin Saini</i>	CM (M) 1311/19	04.09.19	In this case, a handwritten notation had caused confusion as to whether only the dispute in the suit was settled or whether all the disputes arising under the agreements between the parties were settled. <u>It was observed that the court which recorded the settlement ought to have perused the report and clarified the same prior to disposing of the suit. Direction was given to Mediators to not allow any handwritten notations or words, in the Mediation/settlement agreements, especially if the same are not countersigned/initialed by the Mediator himself. (Para's 6&amp;7)</u>
5.	<i>PSA Nitrogen Ltd. v. Maeda Corporation</i>	CM (M) 4/19	17.09.19	The TC's order, rejecting the Plaintiff's application for condonation of delay in filing the written statement to the Defendant's' counterclaim, was challenged on the ground that the counter-claim had not been registered. The Court clarified that a counter-claim is governed by the same rules as applicable to plaints under the Commercial Courts Act. Hence, it was observed that every counter-claim must be registered before summons can be issued and the time for filing the written statement runs from the date of service of summons. <u>Directions were given prescribing the procedure to be followed for registration of counter-claims to ensure that there is no ambiguity in the timelines for filing of the written statement to the counter-claim. (Para 11)</u>
6.	<i>Rajesh Aggarwal v. Om Prakash &amp;Anr.</i>	CM(M) 768/19	17.09.19	The TC's order, permitting an amendment to the plaint, was challenged on the ground that it was highly belated. The Court <u>observed that at the stage of final arguments the TC ought not to permit amendments in the plaint. (Para's 4&amp;5)</u>
7.	<i>M/s Prakash Oil Corporation &amp;Anr. v. BrijKishan</i>	CM (M) 1002/18	19.09.19	The question before the Court was whether the admissibility and mode of proof of an exhibited document is to be decided at the final stage or during the trial itself - at the time when the exhibit mark is being put on the document. The

				<p>Court observed that the mere marking of a document as an exhibit does not amount to it being proved. Several judgments were relied on to clarify the procedure to be adopted in the case of exhibition of documents. Finally, it was observed that <u>“allowing objections regarding exhibited documents to be captured in the statement of the witness and permitting cross examination to be conducted without prejudice to the objections raised, would strike the right balance between ensuring that the trial is not protracted and that the rights of the party are also not jeopardized”</u>. (Para’s 10-14)</p>
8.	<i>Veena Gupta v. Bajaj Allianz Life Insurance Co. Ltd.</i>	CM (M) 1555/19	30.10.19	<p>The TC’s order, imposing costs on the Plaintiff for non-appearance, was challenged on the ground that the Junior Counsel’s appearance had wrongly been recorded as ‘Proxy Counsel’, due to which the Plaintiff was considered as having not appeared. <u>The Court issued directions clarifying when the term “Proxy Counsel” ought to be used.</u>(Para 6)</p>
9.	<i>Zile Singh v. Santosh@Santra &amp;Ors.</i>	CM (M) 1296/18	06.11.19	<p>This petition challenged an order of the TC by which the evidence of a witness was directed to not be read, as no affidavit had been filed on their behalf and the evidence of another witness, who was present in Court, was not recorded, on the ground that the list of witnesses was not filed. In so far as the second witness was concerned, the Court held that <u>“once witnesses are summoned and are present before the Court, with notice to the opposite party, the usual procedure ought to be to record their evidence rather than sending them back”</u>. As regards the first witness, it was found that a <u>non-existent affidavit had been exhibited</u>. In view of these discrepancies in the recording of evidence, <u>directions were passed, specifying the manner in which evidence must be recorded.</u> (Para 14)</p>
10.	<i>Ganga Ram v. Shekhar Kumar</i>	CM (M) 1656/19	22.11.19	<p>Two grievances were raised in this petition. The first was that the TC had accepted the Plaintiff’s witness’ evidence by way of affidavit without the Plaintiff having filed a list of witnesses. The</p>

				second was in relation to the de-exhibition of exhibited documents. With respect to the first grievance, while an exception was made in this case, it was observed that <u>parties ought not to be permitted to commence evidence without having filed a list of witnesses</u> . As regards the second grievance, it was observed that <u>the mere exhibition of a document does not amount to it being proved. (Para's 5-8)</u>
11.	<i>Harwant Singh v. Govind Singh</i>	CM(M) 1662/19	22.11.19	In this case, the written statement was taken on record, subject to costs. A demand draft was made out in the name of the Plaintiff, however, the same was not accepted on the ground that the costs were to be tendered in the name of the Plaintiff's counsel. On the Plaintiff's claim that costs had not been tendered, the written statement was taken off the record and additional costs were imposed on the Plaintiff. Setting aside this order, the Court held that - " <u>Whenever orders are passed imposing costs on parties, unless there is any specific person in whose favour the costs are directed to be paid, it is understood that costs are to be in the name of the party in whose favour the costs are being awarded.</u> "(Para 5)
12.	<i>Krishan Kumar v. Shanti Devi&amp;Anr.</i>	CM(M) 1694/19	29.11.19	The grievance in this petition was that the TC had settled the issues and also directed affidavits-in-evidence to be filed, without waiting for the Plaintiff's to file their replication. After passing certain directions, specific to the case at hand, the Court observed that - " <u>In order to avoid unnecessary delays and complexities, by framing issues prior to filing of replication, it is directed that in future, Trial Courts shall ensure that if permission for replication is being granted, issues shall be framed only after the replication is filed.</u> "(Para 4)
13.	<i>SarveshBisaria v. Anand NirogDham Hospital Pvt. Ltd.</i>	CM (M) 1787/19	17.12.19	In this case, though the suit had been filed under Order XXXVII CPC, summons were not issued under the said order. Instead, a template order had been passed which simply set out various portions of the CPC, did not record any satisfaction under Order XXXVII CPC and

				<p>required the Defendant to file his written statement within 30 days of the receipt of summons. It was held that – <u>“Whenever summons are issued, the Court has to be conscious of the provision under which the summons is to be issued. The summons in a summary suit is completely different from the summons in Form No.2, for settlement of issues in an ordinary suit. Clearly, the Court has not taken into consideration that the suit was filed under Order XXXVII CPC and the Plaintiff’s grievance is thus completely justified.”</u><b>(Para 10)</b></p>
14.	<i>ICICI v. Naveen Kalkal; ICICI v. Priya Baveja; ICICI v. Deepanshu Bansal &amp; Anr. &amp; Connected Matters</i>	CM (M) 1821/2019; CM (M) 16/2020; CM (M) 18/2020	23.12.19 ; 13.01.20 20; 13.01.20 20	<p>These petitions concerned applications seeking permission to sell hypothecated vehicles. In all these cases, though possession of the vehicle had been taken by the Receiver, inordinate delay was being caused in the grant of permission for sale of the vehicle, leading to additional expenditure for maintenance etc. In view of this, as well as the fact that the value of the vehicle deteriorates as time passes by, the Court directed the TC to expeditiously consider such applications. The directions, as to the manner in which cases of vehicle loans are to be dealt with, as passed by a Id. Single Judge of the Delhi High Court in <i>M/s. ICICI Bank Ltd. v. Kamal Kumar Garewal, [FAO 49/2015, decided on 29th May, 2015]</i>, were reiterated and public auction was permitted in all the cases.</p> <p><b>(Naveen Kalkal: Para’s 6-9; Priya Baveja: Para’s 9-12; Deepanshu Bansal: Para’s 5-8)</b></p>
15.	<i>YN Gupta (Deceased thr. LRs) v. MA Ramzana</i>	CM (M) 1827/19	24.12.19	<p>In this case, the matter had been heard and adjourned on more than 10 hearings, with the order-sheet showing the matter as being either ‘part-heard’ or listed ‘for orders’. The Court held that it was impermissible to repeatedly adjourn cases for orders and observed that the same <u>“reflects extremely poorly on the Court system”</u> and that <u>“Repeated hearing of arguments also increases the litigation costs for litigants, as they have to incur expenses for legal representation, etc., Such a practice would also make access to justice unaffordable.”</u><b>(Para’s 18-20)</b></p>



## 2. GENERAL READINGS

S. No.	Title	Author	Source
<b>A.</b>	<b>Commercial Matters</b>		
<b>a)</b>	<b>General Readings</b>		
1.	Dispute Resolution in India An Introduction	Nishith Desai Associates	<a href="http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Dispute_Resolution_in_India.pdf">http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Dispute_Resolution_in_India.pdf</a>
2.	Commercial Courts Act, 2015: An Empirical Impact Evaluation	Ameen Jauhar and Vaidehi Misra	Vidhi Centre for Legal Policy
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