



Orientation Programme on Commercial Courts

JSCC-cum-ASCJ-cum-GJ/Civil Judges

20th June, 2020

Venue: Delhi Judicial Academy, Dwarka, Sector - 14,

New Delhi - 110078

For Private and Internal Circulation only



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COMMERCIAL COURTS ACT

20th June, 2020

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2.	Hague Convention on Choice of Court Agreements, 2005	https://assets.hcch.net/docs/510bc238-7318-47ed-9ed5-e0972510d98b.pdf

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2.	245 th Law Commission Report, Arrears and Backlog: Creating Additional Judicial (wo)manpower	http://lawcommissionofindia.nic.in/reports/Report_No.245.pdf
3.	240 th Law Commission Report on Costs in Civil Litigation(May, 2012)	http://lawcommissionofindia.nic.in/reports/report240.pdf
4.	222 nd Law Commission Report, Need for Justice-dispensation through ADR, 2009	http://lawcommissionofindia.nic.in/reports/report222.pdf
5.	188 th Law Commission Report, Proposals for Constitution of High-Tech Fast-Track Commercial Divisions in High Courts, 2003	http://lawcommissionofindia.nic.in/reports/188th%20report.pdf

F. OTHER REPORTS

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



2.	Doing Business 2019 Training for Reform	World Bank Group http://www.worldbank.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf
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	Supreme Court	
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
	High Court of Delhi	

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
	Other High Courts	
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
F.	Transfer of Appeal	
	Other High Courts	
1.	<i>Executive Director v. M/s. Y.R. Reddy Engineers, (Bombay) (Aurangabad Bench)</i> (¶¶ 16-21)	2017(5) Mh.LJ 660
G.	Transfer of Pending Cases	
	High Court of Delhi	
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
	Other High Courts	
1.	<i>Dr. Dilip Choudhury v. Pratishruti Projects Limited &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
H.	Period of Limitation	
	High Court of Delhi	
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
I.	Power to condone delay in filing written statements beyond the prescribed period of 90 days qua non-commercial suits	
	Supreme Court	
1.	<i>Desh Raj v. Balkishan</i>	(2020) 2 SCC 708
J.	Expeditious Disposal of Cases	
	High Court of Delhi	
1.	<i>Vifor (International) Ltd. v. Suven Life Sciences Ltd.</i> (¶¶1-2)	2019 SCC OnLine Del 7514

5. FALSE CLAIM and SUIT FOR RECOVERY OF THE SECURITY DEPOSIT

A.	Section 209, Criminal Procedure Code, 1973	
	High Court of Delhi	
1.	<i>H.S. Bedi v. National Highway Authority of India</i> (¶¶7,16,16.2-16.3, 16.8)	227 (2016) DLT 129
B.	Section 340, Criminal Procedure Code, 1973	
	High Court of Delhi	
1.	<i>Sanjeev Kumar Mittal v. The State</i> (¶¶6-14)	174 (2010) DLT 214

6. EXECUTION

A.	Attachment before Judgment	
	Supreme Court	
1.	<i>Raman Tech. and Process Engg. Co. and Ors. vs. Solanki Traders</i> (¶¶ 5,6)	(2008) 2 SCC 302
	High Court of Delhi	
1.	<i>Manganese Ore (India) Ltd., Nagpur v. Mangilal Rungta, Calcutta</i> (¶¶9-12)	AIR1981Delhi114
	Other High Courts	
1.	<i>Shanthi Engineering Works and Ors. vs. T.K.K.N.N. Vysya Charities</i> (¶¶39-51)	C.M.P. No. 3066 of 2018 Dated: 25.04.2018 (Madras)
2.	<i>V. Gopi v. Bhaskaran and Ors.</i> (¶22)	2015(3)KLT835 (Kerala)
3.	<i>Sunil Kakrania and Ors. v. Saltee Infrastructure Ltd. and Ors.</i> (¶¶24-27)	AIR 2009 Cal 260



4.	<i>PremrajMundra v. Md. Maneck Gazi and Ors.</i> (¶10)	AIR 1951 Cal 156
B.	Execution	
	Supreme Court	
1.	<i>Sir Sobha Singh & Sons Pvt. Ltd. v. Shashi Mohan Kapur</i> (¶¶30-32)	2019 (9) SCALE 369
2.	<i>S. Bhaskaran v. Sebastian (Dead) by L.Rs. and Ors.</i> (¶9)	Civil Appeal No. 7800 of 2014 Dated: 13.09.2019
3.	<i>West Bengal Essential Commodities Supply Corporation vs. Swadesh Agro Farming and Storage Pvt. Ltd. and Ors.</i> (¶19)	AIR 1999 SC 3421
	Delhi High Court	
1.	<i>Bhandari Engineers and Builders Pvt. Ltd. vs. Maharia Raj Joint Venture and Ors.</i> (¶¶45-55)	MANU/DE/4601/2019
2.	<i>H.S. Bedi vs. National Highway Authority of India</i> (¶¶6.1-6.5)	227 (2016) DLT 129
3.	<i>Sanjeev Kumar Mittal vs. The State</i> (¶¶10-11)	174 (2010) DLT 214
C.	Preliminary Decree versus Final Decree	
	Supreme Court	
1.	<i>Shub Karan Bubnav Saran Bubna</i> (¶¶12-14)	(2009) 9 SCC 689
2.	<i>Phoolchand and Ors. v. Gopal Lal</i> (¶7)	AIR 1967 SC 1470
D.	Preliminary Decree and Final Decree in Partition Suits	
	Supreme Court	
1.	<i>GanduriKoteschwarammavChakiriYanadi</i> (¶¶20)	AIR 2012 SC 169
2.	<i>Bimal Kumar v Shakuntala Debi</i> (¶27)	(2012) 3 SCC 548
3.	<i>PremavNasZanje Gowda</i> (¶¶ 11-20)	(2011) 6 SCC 462
4.	<i>BikobaDeora Gaikwad vHirabaiMarutiraoGhorgare</i> (¶¶ 9-14)	(2008) 8 SCC 198
5.	<i>Hasham Abbas Sayyad v Usman Abbas Sayyad</i> (¶8)	(2007) 2 SCC 355
6.	<i>Shankar Balwant Lokhandev Shankar Lokhande</i> (¶¶ 4,8)	(1995) 3 SCC 413
E.	No Limitation Period for the Execution of Preliminary Decree for Partition.	
	Supreme Court	
1.	<i>Venu v. PonnusamyReddiar (Dead) thr. L.Rs. and Ors.</i> (¶¶6-8)	AIR2017SC2447
F.	Resistance to Execution of Decree	
1.	<i>Brahmdeo Choudhary v Rishikesh Prasad Jaiswal &Anr</i> (¶5)	AIR 1997 SC 856
G.	Suits for Partition and Possession	
	Supreme Court	



1.	<i>Nagabhushanammal v. C. Chandikeswaralingam</i> (¶¶18-20)	AIR2016SC1134
2.	<i>Saheb Khan vMohd. Yusufuddin& Others</i> (¶¶10-12)	(2006) 4 SCC 476
	Delhi High Court	
1.	<i>Rita Ghosh v. Rama Tiwari</i> (¶¶5-8)	C. R. P. 49/2020Dated 13.03.2020
2.	<i>Ramesh DuttSalwanv ShivDuttSalwan</i> (¶¶ 24-27)	2016 (158) DRJ 601
	Other High Courts	
1.	<i>Antony v Joseph& Others</i> (¶¶ 8-15, 17)	2010 (2) KLJ 508 (Ker.)
H.	Resistance to Delivery of Possession and Grant of Police Aid	
	Supreme Court	
1.	<i>Brahmdeo Chaudhary, Advocate v Rishikesh Prasad Jaiswal & Another</i> (¶¶ 4-6)	AIR 1997 SC 856
	Delhi High Court	
1.	<i>Prem Singh v. GirdhariDhara</i> (¶¶27-32)	CM (M) 1244/2018 Dated: 19.03.2020
2.	<i>SRM Infracon Private Limited & Others v A.N. Elegant Hospitality & Others</i> (¶¶13-18)	237 (2017) DLT 243
	Other High Courts	
1.	<i>Anjali Das & Others v Sri Samar Roy & Others</i> (¶¶ 7-8, 12-13)	2010 SCC Online Cal 1265
2.	<i>ShrimatiRatnabai , Advocate w/o Narayanrao Naik & Another v Shri Satwarao s/o Narayanrao Naik</i> (¶¶ 5, 7-8)	AIR 1995 Bom 61
I.	Execution of Foreign Court Decree (Section 44A, Sections 13 &14)	
	Supreme Court	
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
J.	Limitation For Execution Of Foreign Decree	
	Supreme Court	
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



K.	Guidelines for Executing Courts	
	High Court of Delhi	
1.	<i>M/s Bhandari Engineers & Builders v. M/s You One Maharia (Jv) Delhi & Ors (¶¶57-66)</i>	EX.P. 275/2012 Dated: 05.12.2019
2.	<i>Bhandari Engineers & Builders Pvt. Ltd. v. Maharia Raj Joint Venture</i>	(2016) 227 DLT 302

I. GENERAL READINGS

S. No.	Title	Author	Source
A.	Commercial Matters		
a)	General Readings		
1.	Dispute Resolution in India An Introduction	Nishith Desai Associates	http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Dispute_Resolution_in_India.pdf
2.	Commercial Courts Act, 2015: An Empirical Impact Evaluation	Ameen Jauhar and Vaidehi Misra	Vidhi Centre for Legal Policy
3.	Resolving Commercial Disputes in India: Focus on 'Mediation' As an Effective Alternative 'Towards Ease of Doing Business	Vijay Kumar Singh, Professor, UPES, Dehradun	5 RFMLR (2018) 1 R
4.	Transnational Commercial Law in the Age of Globalization	Klaus Peter Berger	http://cisgw3.law.pace.edu/cisg/biblio/berger1.html
5.	An Analysis of the Commercial Division of High Courts Bill	Debashree Datta, Legal Manager, ICICI Bank, Mumbai	3(3) Indian Law Journal
6.	Commercial Litigation or Litigation Commercial: Specialised Commercial Courts in India	Justice V. Ramasubramanian,	2015 NLS Bus L Rev 79
7.	Fair, Timely, Economical Justice: Achieving Justice through Effective Case flow Management	National Judicial College, Reno, Nevada	https://www.judges.org/wp-content/uploads/Effective-Caseflow-Management.pdf

8.	ICT in Indian Court: Challenges & Solution	Rishi Prakash, T. Mohanty, Ramji Gupta & Vinay Jain	1(2)International Journal of Internet Computing (IJIC), 2011
9.	Information Technology and its Impact on Judiciary	Sri A.C.Upadhyay, Registrar General(ex), Gauhati High Court	http://nagaonjudiciary.gov.in/articleacu.htm
10.	National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary	E-Commerce, Supreme Court of India, New Delhi	http://hcraj.nic.in/action-plan-ecourt.pdf
11.	Status of Information Technology in Indian Courts	Courts Informatics Division, National Informatics Centre, Ministry of Information Technology	http://indiancourts.nic.in/courts/itinjud.html
b)	Case Management: Enhancing Judicial Efficiency		
1.	Case Management and its Advantages	Justice M. Jagannadha Rao	Law Commission of India (Article) http://lawcommissionofindia.nic.in/adr_conf/mayo%20rao%20case%20mngt%203.pdf
2.	Case Management and Court Administration	Justice Madan B. Lokur	Law Commission of India (Article) http://lawcommissionofindia.nic.in/adr_conf/Justice_Lokur.pdf
3.	Delay defeats Justice: Issue of large pendency of cases in Indian Courts	Justice Pranav Tripathi	2016 (2) 1 International Journal of Legal Developments and Allied Issues
4.	The Business of Court Management	Justice Roshan Dalvi	2007 7 Law Rev. GLC 25
5.	Judicial Impact Assessment	Justice M. Jagannadha Rao	http://doj.gov.in/sites/default/files/judicialimpactassessmentreportvol2_0.pdf
c)	Mediation		

1.	Resolving Commercial Disputes in India: Focus on 'Mediation' As an Effective Alternative 'Towards Ease of Doing Business	Vijay Kumar Singh, Professor, UPES, Dehradun	5 RFMLR (2018) 1 R
2.	Formulating a Model Legislative Framework for Mediation in India	RashikaNarain	(2018)11NUJS LRev
3.	The Mediation Gap: Where India Stands and How Far It Must Go	Tara Olapally	2017 SCJ 321
4.	Mediation its Importance and Relevance	Justice RV Raveendran	2010 PL October 10
d)	E-Commerce		
1.	Law Relating to E-Commerce: International and National Scenario with Special Reference to India	Dr. Jyoti Rattan	1(2) International Journal of Social Science and Economics Invention (IJSSEI) 2015
2.	An Introduction to Electronic Commerce	YaserAhangariNanehkara n	2(4) International Journal of Scientific & Technology Research 2013
3.	Topical Issues in the Regulation of E-Commerce in India	Rohitashwa Prasad, Gerald Manoharan (Partners), and Nidhi Sahay (Senior Advocate), J. Sagar Associates, Advocates and Solicitors	US Indian Business Council, Legal Service Newsletter, 2016
e)	International Commercial Arbitration		
1.	The Finality and the Fairness in International Commercial Arbitration: A Paradox in International Arbitral Awards	Prasenjit Kundu, Assistant Professor, Dr. Ram Manohar Lohia National Law University	8 RMLNLUJ (2016) 233
2.	The Role of Arbitral Institutions in the Modern World	P. K. Ravindranatha Menon	(2004) Sep PL (Jour) 13

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