



**Orientation Programme for the Officers of Delhi Higher  
Judicial Service posted as  
District Judges (Commercial Court)**

**Participants:  
District Judges (Commercial Court)**

**3<sup>rd</sup> December 2022**

***Venue:***

***Delhi Judicial Academy***

***Dwarka, Sector - 14,***

***New Delhi - 110078***

*For Private and Internal Circulation only*

## INDEX

### A. STATUTES REFERRED

S. No.	Title
1.	The Arbitration and Conciliation Act, 1996 (as amended by The Arbitration and Conciliation Act (Amendment) Act, 2015)
2.	The Code of Civil Procedure, 1908
3.	The Commercial Courts Act, 2015
4.	The Court Fees Act, 1870
5.	The Indian Evidence Act, 1872
6.	The 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.	Delhi High Court (Original Side) Rules, 2018
4.	Delhi High Court (Original Side) Rules, 2018 (as amended by notification dated 16.10.2018)
5.	e-Filing Rules of the High Court of Delhi 2021
6.	High Court Commercial Division Procedure Rules, 2012
7.	Standard Operating Procedure for Mandatory Pre-Institution Mediation in Case of Commercial Matters

### C. CIRCULARS & NOTICES

S.No.	Title
1.	Practice Directions issued by High Court of Delhi on use of A4 size paper dated 10.10.2022.
2.	Practice Directions issued by High Court of Delhi on filing petitions under Arbitration & Conciliation Act, 1996 dated 15.02.2022.
3.	Guidance Note for Conducting Arbitration Proceedings by Video Conference issued by Arbitration Committee, High Court of Delhi on 30.05.2020.
4.	Circular on “Case Management Hearing” for commercial cases by High Court of Delhi, dated 13.08.2019

### D. INTERNATIONAL CONVENTIONS

S.No.	Title	Source
1.	Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958	<a href="https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/new-york-convention-e.pdf">https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/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>
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#### E. LAW COMMISSION REPORTS

S.No.	Title	Source
1.	246 <sup>th</sup> Law Commission Report, Amendments to the Arbitration and Conciliation Act, 1996	<a href="https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081615.pdf">https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081615.pdf</a>
2.	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>
3.	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>
4.	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>
5.	176 <sup>th</sup> Law Commission Report, The Arbitration And Conciliation (Amendment) Bill, 2001	<a href="https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081036.pdf">https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081036.pdf</a>

#### F. OTHER REPORTS

S. No.	Title	Source
1.	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>
2.	Case Management through CIS 3.0	e-Committee 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>

#### G. CIRCULARS (Force Majeure)

S. No.	Title
1.	Ministry of Road Transport and Highways (' <b>MORTH</b> ') circular (dated 18 <sup>th</sup> May, 2020) (' <b>MORTH Circular</b> ')
2.	Ministry of Home Affairs Circular (dated 17 <sup>th</sup> May, 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)
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## H. PARLIAMENTARY DEBATE/ REPORT OF THE SELECT COMMITTEE ON THE COMMERCIAL DIVISION OF HIGH COURTS BILL, 2009

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

## I. CASE LAW

### 1. THE COMMERCIAL COURTS ACT, 2015

S. No.	Title	Citation
<b>A.</b>	<b>Objective</b>	
	<b>High Court of Delhi</b>	
1.	<i>Union of India v. Associated Construction Co.</i> (¶25)	MANU/DE/3497/2019
<b>B.</b>	<b>Jurisdiction of Commercial Courts/ Commercial Division</b>	
	<b>High Court of Delhi</b>	
1.	<i>VeenaBahl. v.ManmohanBahl&amp;Ors.</i> (¶¶ 18, 19, 22)	MANU/DE/0348/2017
2.	<i>Soni Dave and Ors. v.Trans Asian Industries Expositions Pvt. Ltd.</i> (¶¶ 8, 11, 25)	MANU/DE/1858/2016
3.	<i>Kamal Sharma and Ors. v. Blue Coast Infrastructure Development Pvt. Ltd. &amp;Ors.</i> (¶¶ 8, 9, 12, 13, 15)	MANU/DE/0859/2016
	<b>Other High Courts</b>	
1.	<i>Telangana State Tourism Development Corporation Limited v. A.A. Avocations Pvt. Ltd.</i> (¶¶8, 12-22)	MANU/TL/0984/2022
2.	<i>ITI Limited v. Alphion Corporation &amp;Anr.</i> (¶5- 51)	MANU/KA/4125/2022
3.	<i>Fine Footwear Private Limited v. Skechers U.S.A. Inc. &amp;Ors.</i> (¶7-10)	MANU/KA/4818/2019
4.	<i>OCI Corporation v.Kandla Export Corporation &amp;Ors.</i> (¶¶ 7-11)	MANU/GJ/2796/2016
5.	<i>SushilaSinghanian and Ors. v. Bharat Hari Singhanian &amp;Ors.</i> (¶19 – 62)	MANU/MH/0504/2017
<b>C.</b>	<b>Commercial Disputes</b>	
<b>a)</b>	<b>Definition of Commercial Dispute</b>	
	<b>Supreme Court</b>	
1.	<i>Ambalal Sarabhai Enterprises Ltd v. K.S. Infraspace LLP</i> (¶¶6-17)	2019 SCC OnLine SC 1311
	<b>High Court of Delhi</b>	
1.	<i>Sumer Singh and Ors.v. Om Prakash Gupta &amp;Ors.</i> (¶3, 21)	MANU/DE/0198/2017

2.	<i>Qatar Airways Q.C.S.C. v. Airports Authority of India</i> (¶¶ 12, 13, 14)	240(2017) DLT731
3.	<i>Hindpal Singh Jabbal&amp;Ors. v. Jasbir Singh &amp;Ors.</i> (¶¶ 5, 6, 10, 11,13)	MANU/DE/2289/2016
4.	<i>Havells India Limited v. Advertising Standards Council of India</i> (¶¶ 15, 22)	MANU/DE/0297/2016
5.	<i>Soni Dave&amp;Ors.v. Trans Asian Industries Expositions Pvt. Ltd.</i> (¶¶14-15,18,31,36-37)	MANU/DE/1858/2016
6.	<i>Sanofi Winthrop Industries v. Kirti B Maheshwari</i> (¶¶14-18)	CS(OS) 2265/2014 Dated: 14.12.2015. Delhi High Court
<b>Other High Courts</b>		
1.	<i>Madhuram Properties v. Tata Consultancy Services Ltd.</i> (¶¶ 4.3, 5)	(2017) 4 GLR 3327
2.	<i>Vasu Healthcare Private Limited v. Gujarat Akruti TCG Biotech Limited and Ors.</i> (¶7)	AIR 2017 Guj 153
<b>b) Commercial Disputes Arising Out of Transactions of Bankers/Merchants</b>		
<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> (¶¶11)	2018 SCC OnLine Del 12455
3.	<i>Rita Agarwal v. Uday Medicare</i> (¶¶7-15)	2018 SCC OnLine Del 8595
<b>Other High Courts</b>		
1.	<i>Ladymoon Towers Private Limited v. Mahendra Investment Advisors Private Limited</i> (¶4 – 21)	MANU/WB/0547/2021
<b>c) 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> (¶¶ 47-58)	2018 SCC OnLine Del 8061
<b>d) Commercial Disputes arising out of Immovable Property Involved in Trade</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>Sanjeev Kumar Arora v. Satish Mohan Aggarwal</i> (¶¶ 4,6, 7, 9, 16, 17, 24, 25, 26, 28)	MANU/DE/1086/2017
2.	<i>JagmohanBehl v. State Bank of Indore</i> (¶¶ 9-17)	2017 SCC OnLine Del 10706
3.	<i>Maruti Suzuki India Ltd. v. Delhi Auto General Finance Pvt Ltd.</i> (¶¶ 8, 9, 10, 11, 12)	2017 SCC OnLine Del 12521

4.	<i>Monika Arora v. Neeraj Kohli &amp; Anr</i> (¶¶4-16)	2016 SCC OnLine Del 5259
<b>e)</b>	<b>Commercial Disputes Arising Out of Joint Venture</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)	MANU/DE/1388/2018
3.	<i>Cruz City 1 Mauritius Holdings v. Unitech Limited</i> (¶¶ 41-65, 84-107)	2017 SCC Online Del7810
<b>D.</b>	<b>Suit for Specific Performance for the Property to be Purchased</b>	
	<b>Other High Courts</b>	
1.	<i>Kanchanganga Realtors Pvt. Ltd v. M/s Monarch Infrastructure Developers Pvt. Ltd.</i> (¶¶10-16)	2019 SCC OnLine Bom 240
<b>E.</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>F.</b>	<b>Determination of Specified Value</b>	
	<b>High Court of Delhi</b>	
1.	<i>Vishal Pipes Limited v. Bhavya Pipe Industry</i>	MANU/DE/2079/2022
2.	<i>Laxmi Narayan v. Navneet and Ors.</i> (¶¶ 2, 4, 5, 8, 9, 12)	MANU/DE/0962/2017
3.	<i>Super Cassettes Industries Pvt. Ltd. Goldy Dish Antenna and Ors.</i> (¶¶ 4, 12, 13, 20, 24)	MANU/DE/2113/2016
4.	<i>Soni Dave v. Trans Asian Industries Expositions Pvt. Ltd.</i> (¶¶ 6-21, 27-29)	2016 SCC OnLine Del 4282
	<b>Other High Courts</b>	
1.	<i>Neelkanth Healthcare Pvt. Ltd. v. M/s. Neelkanth Minechem, Partnership Firm</i> (¶¶7-8)	MANU/RH/1914/2017
<b>G.</b>	<b>Imposition of Costs under 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)	MANU/DE/1531/2018
	<b>Other High Court</b>	
1.	<i>Ajay G Goenka v. Alfred MichealArambhan</i> (¶13)	MANU/MH/0671/2019
<b>H.</b>	<b>Partnership: Rendition of accounts</b>	
	<b>Supreme Court</b>	
1.	<i>Guru Nanak Industries, Faridabad v. Amar Singh (Dead) Through LRs</i>	MANU/SC/0453/2020

<b>I.</b>	<b>Standard Form Contracts</b>	
	<b>Supreme Court</b>	
1.	<i>M/s Inox Wind Ltd. v. M/s Thermocables Ltd.</i> (¶¶14-20)	(2018) 2 SCC 2019
2.	<i>Union of India &amp; Anr v. M/s IndusInd Bank Ltd. &amp; Anr.</i> (¶¶17-36)	MANU/SC/1016/2016
3.	<i>M.R. Engineers and Contractors Pvt. Ltd. v. SomDatt Builders Ltd.</i> (¶¶12-15)	MANU/SC/1150/2009
4.	<i>Life Insurance Corporation of India v. Consumer Education and Research Centre and Others</i> (¶¶32-47)	(1995) 5 SCC 482
	<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> (¶¶47-58)	2018 SCC OnLine Del 8061
<b>J.</b>	<b>Statement of Truth</b>	
	<b>High Court of Delhi</b>	
1.	<i>Bela Creation Pvt. Ltd. v. Anuj Textiles</i> (¶¶23-26)	MANU/DE/1651/2022
	<b>Other High Courts</b>	
1.	<i>Harji Engineering Works Pvt. Ltd v. Hindustan Steelworks Construction Ltd.</i> (¶¶6-12, 17-18)	MANU/WB/0626/2021
2.	<i>Shri Balaji Industrial Products Limited v. AIA Engineering</i>	MANU/RH/0477/2018
<b>K.</b>	<b>Collaboration Agreements</b>	
	<b>Supreme Court</b>	
1.	<i>Universal Petro Chemicals Ltd v. B. P. PLC and Others</i>	MANU/SC/0208/2022
2.	<i>Rameshwar v. The State of Haryana</i> (¶¶32-40)	MANU/SC/0909/2022
<b>L.</b>	<b>Specific Relief Act: Amendment (2018)</b>	
	<b>Supreme Court</b>	
1.	<i>Katta Sujatha Reddy &amp; Anr. v. Siddamsetty Infra Projects Pvt. Ltd. &amp; Ors</i> (¶¶48-51)	MANU/SC/1046/2022

## 2. COMMERCIAL DISPUTES & ARBITRATION

<b>A.</b>	<b>Section 11, A&amp;C Act: Appointment of Arbitrator</b>	
	<b>Supreme Court</b>	
1.	<i>Swadesh Kumar Agarwal v. Dinesh Kumar Agarwal and Ors.</i>	MANU/SC/0588/2022
2.	<i>Ravi Ranjan Developers Pvt. Ltd. v. Aditya Kumar Chatterjee</i> (¶¶47, 48)	MANU/SC/0428/2022
3.	<i>Cox and Kings Limited v. Sap India Private Limited &amp; Another</i>	MANU/SC/0593/2022
	<b>High Court of Delhi</b>	
1.	<i>Ecogreen Energy Gwalior Pvt. Ltd. v. Commissioner of Municipal Corporation, Gwalior.</i>	MANU/DE/0881/2022
2.	<i>Parsvnath Developers Ltd v. Future Retail Limited</i>	MANU/DE/1154/2022

3.	<i>Vijay Kumar Munjal v. Pawan Kumar Munjal</i>	MANU/DE/0541/2022
4.	<i>Medela India Private Limited v. Walnut Corporation</i> (¶¶ 16-17)	MANU/DE/1271/2022
5.	<i>Sagar Constructions v. Govt. of NCT of Delhi</i>	MANU/DE/2689/2021
6.	<i>Avantha Holdings Limited v. CG Power and Industrial Solutions Limited</i>	MANU/DE/3352/2021
7.	<i>Balancehero India Private Limited v. Arthim投资Finserve Private Limited</i>	MANU/DE/0543/2021
<b>B.</b>	<b>Section 7, A&amp;C Act: Arbitration Agreement</b>	
	<b>Supreme Court</b>	
1.	<i>Babanrao Rajaram Pund v. Samarth Builders &amp; Developers</i> (¶20)	MANU/SC/1113/2022
2.	<i>Enercon (India) Ltd. v. Enercon GMBH &amp; Ors.</i>	MANU/SC/0102/2014
	<b>High Court of Delhi</b>	
1.	<i>Benara Bearings &amp; Pistons Ltd. v. Mahle Engine Components India Pvt. Ltd.</i> (¶¶ 2-8, 24)	2017 (162) DRJ 431
<b>C.</b>	<b>Section 8, A&amp;C Act</b>	
	<b>Supreme Court</b>	
1.	<i>M/S N.N. Global Mercantile v. M/S Indo Unique Flame Ltd.</i>	MANU/SC/0014/2021
2.	<i>Vidya Drolia v. Durga Trading Corporation</i>	MANU/SCOR/46012/2020
3.	<i>Emaar MGF Land Limited v. Aftab Singh</i> (¶¶26,33)	MANU/SC/1458/2018
	<b>High Court of Delhi</b>	
1.	<i>SSIPL Lifestyle Private Limited and Ors. v. Vama Apparels (India) Private Limited and Ors.</i> (¶¶29-31)	MANU/DE/0521/2020
2.	<i>Krishan Radhu v. Emmar MGF Construction Pvt. Ltd. (Delhi)</i> (¶¶ 19-29)	MANU/DE/3422/2016
<b>D.</b>	<b>Computation of Interest by Arbitral Tribunal</b>	
	<b>Supreme Court</b>	
1.	<i>Evergreen Land Mark Pvt. Ltd. v. John Tinson and Company Pvt. Ltd. and Anr.</i> (¶¶6,7)	MANU/SC/0507/2022
2.	<i>Emkay Global Financial Services Ltd. v. Girdhar Sondhi</i> (¶¶ 20-22)	MANU/SC/0875/2018
3.	<i>Hyder Consulting (UK) Ltd. v. Governor, State of Orissa</i> (¶¶4,12)	MANU/SC/0744/2015
	<b>High Court of Delhi</b>	
1.	<i>Ministry of Youth Affairs &amp; Sports v. Agility Logistic Pvt Ltd</i>	MANU/DE/1127/2022
	<b>Other High Courts</b>	
1.	<i>Sukumar Ray v. M/s Indo-Industrial Services and Ors</i>	MANU/WB/0661/2022
2.	<i>Chetan Iron LLP v. NRC Ltd</i>	MANU/MH/0207/2022
3.	<i>NHPC Ltd. v. Jaiparkash Associates Ltd.</i> (¶¶39-40)	MANU/PH/1114/2018
<b>E.</b>	<b>Seat and Venue of Arbitration/ Territorial Jurisdiction</b>	
	<b>Supreme Court</b>	



1.	<i>Oil and Natural Gas Corporation Ltd. v. Discovery Enterprises Pvt. Ltd. and Ors.</i>	MANU/SC/0554/2022
2.	<i>BBR (India) Pvt. Ltd. v. SP Singla Constructions Pvt. Ltd.</i>	2022 SCC OnLine SC 642
3.	<i>Brahmani River Pellets Limited v. Kamachi Industries Limited</i>	MANU/SC/0968/2019
4.	<i>BGS SGS SOMA JV v. NHPC Ltd.</i>	MANU/SC/1715/2019
5.	<i>Indus Mobile Distribution Pvt. Ltd. v. Datawind Innovation Pvt. Ltd</i>	MANU/SC/0456/2017
6.	<i>Executive Engineer, Road Development Division No.III, Panvel&amp;Anr. v Atlanta Limited</i>	MANU/SC/0031/2014
<b>High Court of Delhi</b>		
1.	<i>Vijay Kumar Munjal &amp;Ors. v. Pawan Munjal &amp;Ors.</i>	MANU/DE/0541/2022
2.	<i>Hunch Circle Private Ltd v. Futuretimes Technology India Pvt Ltd</i>	MANU/DE/0376/2022
3.	<i>Kush Raj Bhatia v. DLF Power &amp; Services Ltd.</i>	MANU/DE/3937/2022
4.	<i>Virgo Softech Ltd. v. National Institute of Electronics and Information Technology (¶¶ 32-33)</i>	MANU/DE/2911/2022
5.	<i>Cravants Media Private Limited v. Jharkhand State Cooperative Milk Producers Federation Ltd. and Ors.</i>	MANU/DE/3411/2021
6.	<i>Hashmat Singh Khurana v. Tantra Designs Pvt. Ltd.</i>	MANU/DE/1861/2021
7.	<i>S.P. Singla Constructions Private Limited v. Construction and Design Services, Uttar Pradesh Jal Nigam</i>	MANU/DE/2435/2021
8.	<i>ISGEC Heavy Engineering Ltd. v. Indian Oil Corporation Limited</i>	MANU/DE/2783/2021
9.	<i>Cinepolis India Limited v. Celebration Projects</i>	MANU/DE/0209/2020
10.	<i>Big Charter Private Limited v. Ezen Aviation Proprietary Limited</i>	MANU/DE/1916/2020
<b>F.</b>	<b>Section 34, A&amp;C Act (Objections)</b>	
<b>a)</b>	<b>Court Cannot Remit Award</b>	
	<b>Supreme Court</b>	
1.	<i>I-Pay Clearing Services Pvt Ltd v. ICICI Bank Ltd (¶¶ 20-21)</i>	MANU/SC/0005/2022
2.	<i>Mutha Construction v. Strategic Brand Solutions Pvt. Ltd</i>	SLP NO 1105 of 2022 dated 04.02.2022
<b>b)</b>	<b>Court cannot Modify Award</b>	
	<b>Supreme Court</b>	
1.	<i>The Project Director, National Highways No. 45E &amp; 220, National Highway Authority of India v. M. Hakeem and Anr. (¶ 36)</i>	MANU/SC/0461/2021
2.	<i>McDermott International Inc. v. Burn Standard Co. Ltd.</i>	MANU/SC/8177/2006

<b>c)</b>	<b>Scope of Public Policy—Award contrary to Law/Contract/Policy/Patent illegality</b>	
	<b>Supreme Court</b>	
1.	<i>South East Asia Marine Engineering and Constructions Ltd. v. Oil India Limited</i>	MANU/SC/0441/2020
2.	<i>Vijay Karia and Ors. v. Prysmian Cavi E Sistemi SRL and Ors.</i>	MANU/SC/0171/2020
3.	<i>Ssangyong Engineering and Construction Co. Ltd. v. National Highways Authority of India (NHAI) (¶¶37-48,69)</i>	MANU/SC/0705/2019
4.	<i>Roger Shashoua and Ors. v. Mukesh Sharma and Ors</i>	MANU/SC/0753/2017
5.	<i>Associated Builders v. Delhi Development Authority</i>	MANU/SC/1076/2014
6.	<i>State of W.B v. Associated Contractors</i>	MANU/SC/0793/2014
7.	<i>Venture Global Engineering v. Satyam Computer Services Ltd. and Ors.</i>	MANU/SC/0333/2008
8.	<i>McDermott International Inc. v. Respondent: Burn Standard Co. Ltd. and Ors.</i>	MANU/SC/8177/2006
9.	<i>ONGC Ltd. v. Saw Pipes Ltd.</i>	MANU/SC/0314/2003
10.	<i>Renu Sagar Power Co. Ltd. v. General Electrical Co.</i>	MANU/SC/0195/1994
	<b>High Court of Delhi</b>	
1.	<i>Wapcos Limited v. C and C Energy Private Limited</i>	MANU/DE/4083/2022
<b>d)</b>	<b>Restrictive Scope of Interference under Section 34</b>	
	<b>Supreme Court</b>	
1.	<i>Delhi Airport Metro Express Pvt. Ltd. v. Delhi Metro Rail Corporation Ltd.</i>	MANU/SC/0623/2021
	<b>High Court of Delhi</b>	
	<b>Award based on due appreciation of evidence</b>	
1.	<i>Amrish Gupta v. Gurchait Singh Chima (¶¶ 59, 60, 66)</i>	MANU/DE/1277/2022
2.	<i>Gammon India Ltd. &amp;Ors. v. National Highways Authority of India(¶ 42)</i>	MANU/DE/1284/2020
3.	<i>Vedanta Ltd. v. Shenzhen Shandong Nuclear Power Construction Company Ltd. (¶¶ 29-31)</i>	2018 SCC OnLine Del 10916
4.	<i>Astonfield Renewables Pvt. Ltd. v. Ravinder Raina (¶¶ 27-40)</i>	2018 SCC OnLine Del 6665
5.	<i>CWHEC-HCIL v. CHPRCL</i>	MANU/DE/5186/2017
	<b>Finding of Arbitrator found to be not sustainable</b>	
6.	<i>Millennium School v. Pawan Dawarss</i>	MANU/DE/1608/2022
	<b>Claim based on no evidence</b>	
7.	<i>Brahmaputra Cracker and Polymer Ltd. v. RVR Projects Pvt. Ltd. (¶¶ 2, 3, 6-10)</i>	2018 SCC OnLine Del 9003

	<b>Error not an error on the face of the award</b>	
8.	<i>Spicejet Siesta Ltd. v. Siesta Hospitality Services</i> (¶¶ 10-15)	2018VIIIAD(Delhi)109
<b>e)</b>	<b>Court not to sit in appeal over the award</b>	
	<b>Supreme Court</b>	
1.	<i>P. R. Shah vs. B.H.H. Securities Pvt. Ltd.</i>	Civil Appeal 9238/2003 decided on 14.10.2011
<b>f)</b>	<b>Seat of Arbitration</b>	
	<b>Supreme Court</b>	
1.	<i>M/s Inox Renewables Ltd. v. Jayesh Electricals Ltd</i>	MANU/SC/0285/2021
<b>g)</b>	<b>Limitation</b>	
	<b>Supreme Court</b>	
1.	<i>Simplex Infrastructure Ltd. v. Union of India</i>	MANU/SC/1417/2018
2.	<i>Union of India v. Popular Construction Co.</i>	MANU/SC/0613/2001
	<b>High Court of Delhi</b>	
1.	<i>Vidhur Bhardwaj v. Horizon Crest India Real Estate and Ors.</i> (¶51)	MANU/DE/4518/2022
2.	<i>Delhi Development Authority v. Durga Construction Co.</i>	MANU/DE/4933/2013
<b>h)</b>	<b>Section 34(5) - Directory &amp; not mandatory</b>	
	<b>Supreme Court</b>	
1.	<i>The State of Bihar v. Bihar Rajya Bhumi Vikas Bank Samiti</i> (¶¶ 27-28)	AIR 2018 SC 3862
<b>i)</b>	<b>International Arbitration</b>	
	<b>Supreme Court</b>	
1.	<i>ONGC Ltd. v. Western Geco International Ltd.</i>	(2014) 9 SCC 263
<b>j)</b>	<b>Interest</b>	
	<b>High Court of Delhi</b>	
1.	<i>Delhi Development Authority v. Watcon Water Specialists Pvt. Ltd. and Anr.</i> (¶36)	MANU/DE/1250/2022
<b>k)</b>	<b>Ground: Claim Before Arbitrator Time Barred</b>	
	<b>High Court of Delhi</b>	
1.	<i>Welspun Enterprises Ltd. v. NCC Ltd.</i>	MANU/DE/3927/2022
<b>G.</b>	<b>Section 9, A&amp;C Act: Interim Relief</b>	
<b>a)</b>	<b>Interface between S. 9 and 17 A&amp;C Act</b>	

	<b>Supreme Court</b>	
1.	<i>Arcelor Mittal Nipon Steel India Ltd. v. Essar Bulk Terminal Limited</i>	MANU/SC/0639/2021
	<b>High Court of Delhi</b>	
1.	<i>DLF Ltd. and Ors v. Lightcon India Contractors Private Ltd.</i> (¶¶19,24,25)	2021 SCC OnLine Del 3772
2.	<i>Hero Wind Energy Pvt. Ltd v. Inox Renewables Ltd.</i>	MANU/DE/0816/2020
<b>b)</b>	<b>Grant of Interim Injunction</b>	
	<b>Supreme Court</b>	
1.	<i>Sanghi Industries Limited v. Ravin Cables Ltd. and Anr.</i>	MANU/SCOR/97250/2022
2.	<i>Sepco Electric Power Construction Corporation v. Power Mech Projects Ltd.</i>	MANU/SC/1202/2022
3.	<i>Essar House Private Limited v. Arcelor Mittal Nippon Steel India Limited</i> (¶¶39,40)	MANU/SC/1165/2022
4.	<i>Arvind Constructions v. Kalinga Mining Corporation and Others</i>	MANU/SC/7697/2007
	<b>High Court of Delhi</b>	
1.	<i>Shanghai Electric Group Co Ltd v. Reliance Infrastructure Ltd</i>	MANU/DE/2488/2022
2.	<i>Goodwill Non-Woven (P) Limited v. Xcoal Energy and Resources LLC</i>	MANU/DE/1165/2020
3.	<i>Parsoli Motors Works Private Limited v. BMW India Private Limited</i>	MANU/DE/0104/2018
4.	<i>Planet M. Retail v. Select Infrastructure Pvt. Ltd</i>	MANU/DE/2337/2014
<b>c)</b>	<b>Invoking Section 9 at post-Arbitral stage</b>	
	<b>High Court of Delhi</b>	
1.	<i>Zostel Hospitality v. Oravel Stays Private Limited</i>	MANU/DE/0498/2022
<b>d)</b>	<b>No Ex-parte Order</b>	
	<b>High Court of Delhi</b>	
1.	<i>New Morning Star Travels v. Volkswagen Finance Private Limited</i> (¶¶14-16)	MANU/DE/2021/2020
<b>e)</b>	<b>If similar order obtained from Arbitrator</b>	
	<b>High Court of Delhi</b>	
1.	<i>Raffles Design International India Private Limited v. Educomp Professional Education Limited</i>	MANU/DE/2754/2016
<b>f)</b>	<b>No exclusion clause in the Dispute Resolution Mechanism excluding the applicability of Section 9</b>	
	<b>High Court of Delhi</b>	

1.	<i>Ashwani Minda &amp; Anr. v. U-Shin Ltd. &amp; Anr.</i>	MANU/DE/1043/2020
<b>g)</b>	<b>Subsequent applications not to lie before Court where initial application was wrongly filed</b>	
	<b>High Court of Delhi</b>	
1.	<i>Antrix Corporation v. Devas Multimedia Pvt. Ltd.</i> (¶¶ 12-18, 23-30)	MANU/DE/2068/2018
<b>h)</b>	<b>Jurisdiction</b>	
	<b>High Court of Delhi</b>	
1.	<i>Simplex Infrastructure Ltd. v. Energo Engineering Projects Ltd. and Ors.</i> (¶¶ 2-8, 10, 11)	MANU/DE/1947/2017
<b>i)</b>	<b>Court not to revisit findings/conclusions</b>	
	<b>High Court of Delhi</b>	
1.	<i>Zostel Hospitality v. Oravel Stays Private Limited</i>	MANU/DE/0498/2022
<b>j)</b>	<b>The arbitration Clause cannot be rendered otiose by respondent's refusal to renew the lease</b>	
	<b>High Court of Delhi</b>	
1.	<i>Brij Raj Oberoi v. The Secretary, Tourism and Civil Aviation Department and Ors.</i>	MANU/SC/1017/2022
<b>H.</b>	<b>Execution/ Enforcement</b>	
	<b>Supreme Court</b>	
1.	<i>Sundaram Finance Limited v. Abdul Samad and Ors.</i> (¶¶ 5, 7, 8)	MANU/SC/0122/2018
	<b>High Court of Delhi</b>	
<b>1.</b>	<i>KLA Const. Technologies Pvt. Ltd. v. The Embassy of Islamic Republic of Afghanistan</i>	MANU/DE/1131/2021
<b>2.</b>	<i>Ardee Infrastructure v. Anuradha Bhatia &amp; Ors.</i> (¶¶ 29, 34-35)	MANU/DE/0019/2017
<b>I.</b>	<b>Cross Border Disputes: International Commercial Arbitration</b>	
	<b>Supreme Court</b>	
1.	<i>Harmony Innovation Shipping Limited v Gupta Coal India Limited and another</i> (¶¶ 26, 27)	MANU/SC/0231/2015
2.	<i>Enercon (India) Ltd. &amp; Ors v. Enercon GmbH &amp; Anr</i> (¶¶ 122-140)	MANU/SC/0102/2014
3.	<i>Shri Lal Mahal Ltd. v. Progetto Grano Spa</i> (¶¶ 24-27)	MANU/SC/0655/2013
4.	<i>Bharat Aluminium Co v. Kaiser Aluminium Technical</i>	MANU/SC/0722/2012
5.	<i>Bhatia International v. Bulk Trading</i> (¶¶ 31, 35)	MANU/SC/0185/2002

### 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.</i> (¶¶3,18)	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</i> (¶¶4-6)	MANU/DE/0286/2020
2.	<i>North Delhi Municipal Corporation v. M/S Dhingra Construction Company</i> (¶9)	MANU/DE/3473/2020
3.	<i>Red Bull AG v. Pepsico India Holdings Pvt. Ltd</i> (¶25)	2019 SCC OnLine Del 9901
<b>C.</b>	<b>Time to file Written Statement</b>	
	<b>Supreme Court</b>	
1.	<i>Desh Raj v. Balkishan</i> (¶¶ 16, 19,20, 21)	MANU/SC/0055/2020
2.	<i>SCG Contracts India Pvt. Ltd v. K.S. Chamankar Infrastructure Pvt. Ltd</i> (¶¶8,17-18)	2019 SCC OnLine SC 226
	<b>High Court of Delhi</b>	
1.	<i>Cosco International Pvt. Ltd. v. Jagat Singh Dugar</i>	MANU/DE/1274/2022
2.	<i>Mothers Pride Education Institution Pvt. Ltd. v. Shukla Sehgal</i>	2021 SCC OnLine Del 2407
3.	<i>SeemaRani v. Sunil Garg</i> (¶¶3-4)	MANU/DE/2880/2020
4.	<i>NBCC (India) Ltd. v. Aircon Engineering Services</i>	CS(COMM) 232/2017 dated 03.09.2019
5.	<i>Indian Style Wrestling Association of India v Wrestling Federation of India</i> (¶¶14-19)	MANU/DE/2835/2019
6.	<i>Ravinder v. Subhash Gupta</i> (¶¶2-4)	2019 SCC OnLine Del 9834
7.	<i>Atlanta Limited v. National Highways &amp; Infrastructure Development Corporation Limited and Ors.</i> (¶9)	MANU/DE/2216/2019
8.	<i>Red Bull AG v. Pepsico India Holdings Pvt. Ltd</i> (¶25)	MANU/DE/1112/2022
9.	<i>Gulf DTH FZ LLC v. Dish TV India Limited</i> (¶¶ 5-18)	2016 (8) AD (Delhi) 266
10.	<i>Oku Tech Pvt. Ltd. v. Sangeet Agarwal and Ors.</i> (¶¶ 2-5, 8-12)	2016 SCC OnLine Del 6601
11.	<i>Telefonaktiebolaget L.M. Ericsson v. Lava International Ltd.</i>	MANU/DE/4010/2015
	<b>Other High Courts</b>	
1.	<i>Bharat Bhogilal Patel v. Leitz Tooling Systems India Private</i> (¶¶8,19,28-30)	MANU/MH/1249/2019
2.	<i>Axis Bank Limited v. Mira Gehani&amp;Ors</i> (¶¶96-103)	2019 SCC OnLineBom. 358

3.	<i>Reliance General Insurance Company Ltd. v. Colonial Life Insurance Company (Trinidad) Limited</i> (¶¶10,12,20)	MANU/MH/1125/2019
4.	<i>Indian Overseas Bank v. Jason Deckor P. Ltd.</i> (¶¶13,17,30)	2018 SCC OnLineGuj 4551
5.	<i>Colonial Life Insurance Company (Trinidad) Ltd. and Another v. Reliance General Insurance Company Ltd.</i>	2019 SCC OnLineBom 848
6.	<i>Raj Television Network Ltd. v. Sony Music Entertainment India Pvt. Ltd.</i>	MANU/TN/2461/2018
<b>D.</b>	<b>Amendment to Written Statement</b>	
	<b>High Court of Delhi</b>	
1.	<i>Kailash Devi Khanna v. DD Global Capital Ltd.</i>	2019 SCC OnLine Del 9954
<b>E.</b>	<b>Late Filing of Written Statement With(out) Imposition of Costs</b>	
	<b>High Court of Delhi</b>	
1.	<i>Sinopharm Weiqida Pharmaceutical Co (WQD) v. DSMSinochem Pharmaceuticals India Pvt. Ltd.</i> (¶¶21-24,27)	2018 (246) DLT 443
2.	<i>Sunil Alagh v. Shivraj Puri</i>	2017 SCC Online Del (12368)
<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>Comite Interprofessionnel 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/ Supply of Documents</b>	
	<b>Supreme Court</b>	
1.	<i>Sudhir Kumar @ S. Baliyan v. Vinay Kumar G.B</i>	2021 SCC OnLine SC 734
	<b>High Court of Delhi</b>	
1.	<i>Entertainment Network (India) Ltd. v. HT Media Limited</i> (¶¶25-26,29,31-32)	MANU/DE/3186/2022
2.	<i>Nitin Gupta v. Texmaco Infrastructure &amp; Holding Ltd.</i> (¶¶25-26,32,37-38)	2019 SCC OnLine Del 8367
3.	<i>Satender Singh Rana &amp; Ors. v. Gaon Sabha Kadipur &amp; Anr</i>	MANU/DE/3349/2019
	<b>Other High Court</b>	



1.	<i>State of Gujarat v. Union of India</i> (¶¶14-15)	MANU/GJ/0870/2018
<b>I.</b>	<b>Counter Claim</b>	
	<b>High Court of Delhi</b>	
1.	<i>PSA Nitrogen Ltd. v. Maeda Corporation</i>	MANU/DE/3060/2019
<b>J.</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>K.</b>	<b>Admission/ Denial of Documents</b>	
	<b>High Court of Delhi</b>	
1.	<i>UnilinBeheer B.V. v. Balaji Action Buildwell</i> (¶¶30-32)	260(2019) DLT478

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

<b>A.</b>	<b>Pre-Institution Mediation</b>	
	<b>Supreme Court</b>	
1.	<i>Patil Automation Private Limited and Ors. v Rakheja Engineers Private Limited</i> (¶84)	MANU/SC/1004/2022
	<b>High Court of Delhi</b>	
1.	<i>Chandra Kishore Chaurasia v. R A Perfumery Works Private Ltd.</i> (¶¶3,2 8-40)	MANU/DE/4128/2022
2.	<i>BOLT Technology OU v. Ujoy Technology Pvt. Ltd.</i> (¶¶15-36)	MANU/DE/3151/2022
3.	<i>Extreme Coating Private Ltd. v. Jotun India Private Ltd.</i> (¶¶10-16)	MANU/DE/2759/2022
	<b>Other High Courts</b>	
1.	<i>Ramesh Co. v. Imperial Tubes Pvt. Ltd</i>	MANU/WB/0514/2022
2.	<i>Awasthi Motors v. Managing Director Energy Electricals Vehicle and Ors</i> (¶¶28,29)	MANU/UP/0565/2021
3.	<i>Shahi Exports Pvt. Ltd. v. Gold Star Line Limited and Ors.</i> (¶¶23,24)	MANU/TN/6125/2021
4.	<i>Dhanbad Fuels Ltd. v. Union of India and Ors.</i> (¶¶10, 15-21)	MANU/WB/0108/2021
5.	<i>LaxmiPolyfabPvt. Ltd. and Ors. v. Eden Realty Ventures Pvt. Ltd. and Ors</i> (¶¶51-60)	MANU/WB/0297/2021
6.	<i>Curewin Pharmaceuticals Pvt.Ltd.v. CurewinHylico Pharma Pvt. Ltd</i> (¶¶10-12)	MANU/MP/1229/2021
7.	<i>Dredging and Desiltation Company Pvt. Ltd. v.Mackintosh Burn and Northern Consortium and Ors.</i>	MANU/WB/0298/2021
8.	<i>Ganga Taro Vazirani v. Deepak Raheja</i> (¶¶16-32)	MANU/MH/0403/2021
9.	<i>Deepak Raheja v. Ganga Taro Vazirani</i> (¶¶42-44)	MANU/MH/3000/2021
10.	<i>GSD Constructions Pvt. Ltd. v. Balaji Febtech Engineering Pvt. Ltd.</i> (¶¶4-9)	MANU/MP/0451/2019



11.	<i>Sathyam Wood Industries v. Adoniss (P) Ltd. and Ors.</i> (¶¶3-7)	MANU/TN/2654/2019
12.	<i>M/s M K Food Products v. M/s H Food Product</i> (¶¶7-12)	CRP No.3690 of 2018 Dated: 21.02.2019 (Tel HC)
<b>B.</b>	<b>Extension of time for Completing the Process of Compulsory Pre-Litigation, Mediation and Settlement</b>	
	<b>Supreme Court</b>	
1.	<i>In Re Cognizance for Extension of Limitation</i>	(2020) 9 SCC 468
<b>C.</b>	<b>Case Management in a Commercial Suit</b>	
	<b>High Court of Delhi</b>	
1.	<i>Amit Bansal v. CSH Power Himoina Private Limited</i>	MANU/DE/3538/2022
2.	<i>Bright Enterprises Private Ltd. and Ors. v. MJ Bizcraft LLP and Ors.</i>	MANU/DE/0017/2017
<b>D.</b>	<b>Summary Judgment under the Commercial Courts Act, 2015</b>	
	<b>High Court of Delhi</b>	
1.	<i>Jindal Saw Limited and Ors. v. Aperam Stainless Services and Solutions Precision SAS and Ors.</i> (¶¶ 22-27)	263 (2019) DLT 235
2.	<i>Venezia Mobili (India) Pvt. Ltd. v. Ramprastha Promoters and Developers Pvt. Ltd</i> (¶¶ 31-36)	MANU/DE/1031/2019
3.	<i>K.R. Impex v. Punj Lloyd Ltd.</i> (¶¶18, 26-29)	MANU/DE/0204/2019
4.	<i>Mallcom (India) Limited and Ors. v. Rakesh Kumar and Ors.</i> (¶¶23-28)	259( 2019) DLT1
5.	<i>Su-Kam Power Systems Ltd. v. KunwerSachdev</i> (¶¶90-91)	2019 SCC OnLine Del 10764
6.	<i>Oxbridge Associates Limited v. Atul Kumra</i> (¶¶7-9, 21)	MANU/DE/3409/2019
7.	<i>Universal Contractors &amp; Engineers (P) Ltd. v. National Projects Constructions Corporation Ltd.</i> (¶18)	2019 SCC OnLine Del 11436
8.	<i>Sandisk LLC v. Memory World</i> (¶¶12-15)	2018 SCC OnLine Del 11243
9.	<i>FRHI Hotels and Resorts S. A. R. L. v. Dr.Mukram Ulla Khan</i> (¶¶ 10-15)	MANU/DE/1514/2018
10.	<i>Rockwool International A/S and Ors. v. Thermocare Rockwood India Pvt. Ltd.</i> (¶¶ 11-19)	MANU/DE/3793/2018
11.	<i>Tata Sons Limited v. Mr. Rajbir Jindal</i> (¶¶ 7-19)	MANU/DE/2618/2017
12.	<i>Bright Enterprises Private Limited and Ors. v. MJ Bizcraft LLP and Ors.</i>	MANU/DE/1958/2016
13.	<i>Satya Infrastructure Ltd. v. Satya Infra &amp; Estates Pvt. Ltd.</i> (¶¶4,15)	MANU/DE/0511/2013
	<b>Other High Courts</b>	
1.	<i>Hubtown Limited v. IDBI Trusteeship Service Limited</i> (¶¶ 19, 22-24, 29, 30)	MANU/MH/2182/2016

<b>E.</b>	<b>Transfer of Pending Cases</b>	
	<b>High Court of Delhi</b>	
1.	<i>Satyanarain Khandelwal v. Prem Arora</i> (¶¶28-30)	MANU/DE/2578/2022
2.	<i>Soni Dave and Ors. v. Trans Asian Industries Expositions Pvt. Ltd</i> (¶¶ 36, 37)	MANU/DE/1858/2016
3.	<i>OKU Tech Private Limited v. Sangeet Agarwal and Ors.</i> (¶ 11)	2016 SCC OnLine Del 6601
4.	<i>Guinness World Records Ltd. v. SababbiMangal</i> (¶¶ 5, 6, 17)	(2016) 230 DLT 377
	<b>Other High Courts</b>	
1.	<i>Dr. Dilip Choudhury v. Pratishruti Projects Limited &amp;Ors.</i>	MANU/WB/0031/2020
2.	<i>UjwalaRaje Gaekwar v. Hemaben Achyut Shah and Ors.</i>	MANU/GJ/1299/2016

## 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>	MANU/SC/1575/2016
2.	<i>M/s. International Woolen Mills v. M/s. Standard Wool (U.K.) Ltd.</i>	MANU/SC/0304/2001
<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>	MANU/SC/0313/2020
<b>C.</b>	<b>Guidelines for Executing Courts</b>	
	<b>Supreme Court</b>	
1.	<i>Sir Sobha Singh and Sons Pvt. Ltd. v. Shashi Mohan Kapur (Deceased) thr. L.R</i>	MANU/SC/0909/2019
2.	<i>West Bengal Essential Commodities Supply Corporation v. Swadesh Agro Farming &amp; Storage Pvt. Ltd. and Ors.</i>	MANU/SC/0568/1999

## 6. SPEEDY JUSTICE IN COMMERCIAL SUITS

	<b>Supreme Court</b>	
1.	<i>Jaycee Housing Pvt. Ltd. and Ors. v. Registrar (General), Orissa High Court, Cuttack and Ors.</i> (¶¶4, 9-11)	MANU/SC/1363/2022
2.	<i>Ambalal Sarabhai Enterprises Ltd. v. K.S. Infraspace LLP &amp;Anr.</i>	2019 SCC OnLine SC 1311
	<b>High Court of Delhi</b>	
1.	<i>Union of India v. Associated Construction Co.</i> (¶¶11,16,26)	264 (2019) DLT 523

2.	<i>Vifor (International) Ltd. v. Suven Life Sciences Ltd.</i> (¶¶1-2)	2019 SCC OnLine Del 7514
	<b>Other High Courts</b>	
1.	<i>ManyataDealcom (P)Ltd. v. DinkarMishra</i> (¶¶14-17)	Com. Appeal No. 05 of 2018 Dated 01.07.2020

## 7. FORCE MAJEURE IN TIMES OF COVID-19: CHALLENGES AND THE ROAD AHEAD

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> (¶¶19-27)	MANU/SC/0441/2020
2.	<i>Energy Watchdog v. Central Electricity Regulatory Commission</i> (¶¶32-45)	MANU/SC/0408/2017
3.	<i>The Naihati Jute Mills Ltd. v. KhyaliramJagannath</i> (¶¶7-15, 20)	MANU/SC/0348/1967
4.	<i>Raja Dhruv Dev Chand v. Raja Harmohinder Singh</i>	MANU/SC/0179/1968
5.	<i>SatyabrataGhose v. MugneeramBangur and Company and Ors</i> (¶¶10-27)	1954 SCR 310
	<b>High Court of Delhi</b>	
1.	<i>Rashmi Cement Ltd v. World Metals &amp; Alloys (FZC) &amp;Anr</i> (¶¶26-31)	2020 SCC OnLine Del 2411
2.	<i>M/s Polytech Trade Foundation v. Union of India</i>	MANU/DE/1636/2020
	<b>Other High Courts</b>	
1.	<i>R Narayanan v. Government of Tamil Nadu</i> (¶¶7-10)	MANU/TN/0330/2021
<b>B.</b>	<b>Construction Contracts</b>	
	<b>High Court of Delhi</b>	
1.	<i>South Delhi Municipal Corporation v. MEP Infrastructure Developers Ltd.</i>	MANU/DE/2028/2020
<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)	MANU/DE/1130/2020

2.	<i>Coastal Andhra Power Limited v. Andhra Pradesh Central Power Distribution Co. Ltd. and Ors.</i> (¶¶24-25)	256(2019)DLT764
<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)	MANU/DE/1760/2020
<b>F.</b>	<b>Invocation of LC's (Letter of Credits)</b>	
	<b>High Court of Delhi</b>	
1.	<i>Global Steel Philippines (SPV-AMC) v. STC of India Ltd. and</i>	2009 (110) DRJ 516
	<b>Other High Court</b>	
1.	<i>Standard Retail Pvt. Ltd. and Ors. v. G.S. Global Corp. and Ors.</i> (¶4)	2020 SCC OnLine Bom 704
<b>G.</b>	<b>Lease/Rent Agreements</b>	
	<b>Supreme Court</b>	
1.	<i>T. Lakshmipathi and Ors. v. P. Nithyananda Reddy and Ors.</i>	(2003) 5 SCC 150
2.	<i>Sushila Devi and Ors. v. Hari Singh and Ors.</i> (¶8)	MANU/SC/0025/1971
3.	<i>Dhruv Dev Chand v. Harmohinder Singh and Ors.</i> (¶¶9-11,17)	MANU/SC/0179/1968
	<b>High Court of Delhi</b>	
1.	<i>Gaurav Jain v. Union of India and Anr.</i> (¶¶4,9-10)	MANU/DE/1244/2020
2.	<i>Ramanand and Ors. v. Girish Soni and Ors.</i> (¶¶11-20, 31-33)	MANU/DE/1072/2020
3.	<i>Aranya Hospitality Management Services Pvt. Ltd. v. K.M. Dhoundiyal and Ors.</i>	2017 SCC OnLine Del 7645

## 8. PRACTICE DIRECTIONS BY HIGH COURT OF DELHI FOR CIVIL COURTS AND COMMERCIAL COURTS

S.No.	Suit Title	Suit No.	Date of Decision	Citation
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1.	<i>Amrish Agarwal v. Venus Home Appliances Pvt. Ltd.</i>	CM (M) 1059/18	27.08.19	MANU/DE/2908/2019	The order of the Trial Court taking on record the Legal Proceedings Certificate (LPC) 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 LPC, 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 order of the Trial Court, appointing a LC to seize the alleged counterfeit products, was challenged on the ground that the name of Defendant No. 2 was mentioned as 'Ashok Kumar'. 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	MANU/DE/3349/2019	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 service of copies of documents/pleadings between counsels and court clerks. (Para 3)</u>
4.	<i>BVG India Ltd. v. Navin Saini</i>	CM (M) 1311/19	04.09.19	2019 SCC OnLine Del 9948	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/initialled by the Mediator himself. (Para 6&amp;7)</u>

5.	<i>PSA Nitrogen Ltd. v. Maeda Corporation</i>	CM (M) 4/19	17.09.19	MANU/DE/3060/2019
		The order of the Trial Court 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 complaints 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	2019 SCC OnLine Del 10147
		The order of the Trial Court 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 Trial Court ought not to permit amendments in the plaint. (Para 4 &amp; 5)</u>		
7.	<i>M/s Prakash Oil Corporation &amp; Anr. v. BrijKishan</i>	CM (M) 1002/18	19.09.19	2019 SCC OnLine Del 10325
		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 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. <u>Finally, it was observed that "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". (Para's 10-14)</u>		
8.	<i>Veena Gupta v. Bajaj Allianz Life Insurance Co. Ltd.</i>	CM (M) 1555/19	30.10.19	2019 SCC OnLine Del 10819
		The order of the Trial Court 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		

		<p>which the plaintiff was considered as having not appeared. <u>The Court issued directions clarifying when the term “proxy counsel” ought not to be used. Only in case a junior or other counsel who is completely unrelated and/or unprepared in the case, the terminology of ‘proxy counsel’ can to be used. (Para 6)</u></p>		
9.	<i>Zile Singh v. Santosh@Santra &amp;Ors.</i>	CM (M) 1296/18	06.11.19	2019 SCC OnLine Del 11074
		<p>This petition challenged an order of the trial court 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. (Para 14)</u></p>		
10.	<i>Ganga Ram v. Shekhar Kumar</i>	CM (M) 1656/19	22.11.19	2019 SCC OnLine Del 11422
		<p>Two grievances were raised in this petition. The first was that the trial court had accepted the plaintiff’s witnesses’ evidence by way of affidavit without the plaintiff having filed a list of witnesses. The 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 5, 6 &amp;8)</u></p>		
11.	<i>Harwant Singh v. Govind Singh</i>	CM(M) 1662/19	22.11.19	2019 SCC OnLine Del 11566
		<p>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 with additional costs upon the defendant. 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</u></p>		

		<i>to be in the name of the party in whose favour the costs are being awarded.”(Para 5)</i>		
12.	<i>Krishan Kumar v. Shanti Devi&amp;Anr.</i>	CM(M) 1694/19	29.11.19	2019 SCC OnLine Del 11533
		The grievance in this petition was that the trial court had settled the issues and also directed affidavits-in-evidence to be filed, without waiting for the plaintiff to file their replication. After passing certain directions, specific to the case at hand, the Court observed that— <i>“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.”(Para 4)</i>		
13.	<i>SarveshBisaria v. AnandNirogDham Hospital Pvt. Ltd.</i>	CM (M) 1787/19	17.12.19	2019 SCC OnLine Del 12091
		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 required the Defendant to file his written statement within 30 days of the receipt of summons. It was held that – <i>“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.”(Para 10)</i>		



14.	<i>ICICI v. Naveen Kalkal</i> - <i>ICICI v. PriyaBaveja</i> - <i>ICICI v. Deepanshu Bansal &amp;Anr. &amp; Connected Matters</i>	CM (M) 1821/2019	23.12.19 - 13.01.20	2019 SCC OnLine Del 12266 -
		CM (M) 16/2020	13.01.20	2020 SCC OnLine Del 125
		CM (M) 18/2020		2020 SCC OnLine Del 127
		<p>These petitions were concerned with 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 trial court to expeditiously consider such applications. The <u>directions, as to the manner in which cases of vehicle loans are to be dealt with</u>, 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. (Naveen Kalkal: Para 6-9; Priya Baveja: Para9-12; Deepanshu Bansal: Para 5-8)</p>		
15.	<i>YN Gupta (Deceased thr. LRs) v. MA Ramzana</i>	CM (M) 1827/19	24.12.19	MANU/DE/448/2019
		<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 <u>held that it was impermissible to repeatedly adjourn cases for orders</u> and observed that this “<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>”(Para 18-20)</p>		

## J. GENERAL READINGS

S. No.	Title	Author	Source
<b>A.</b>	<b>Commercial Matters</b>		
<b>a)</b>	<b>General Readings</b>		
1.	Commercial Courts Act, 2015: An Empirical Impact Evaluation	Ameen Jauhar and Vaidehi Misra	Vidhi Centre for Legal Policy
2.	An Analysis of the Commercial Division of High Courts Bill	Debashree Datta, Legal Manager, ICICI Bank, Mumbai	3(3) Indian Law Journal
3.	Commercial Litigation or Litigation Commercial: Specialised Commercial Courts in India	Justice V. Ramasubramanian,	2015 NLS Bus L Rev 79
4.	Fair, Timely, Economical Justice: Achieving Justice through Effective Case flow Management	National Judicial College, Reno, Nevada	<a href="https://www.judges.org/wp-content/uploads/Effective-Caseflow-Management.pdf">https://www.judges.org/wp-content/uploads/Effective-Caseflow-Management.pdf</a>
5.	ICT in Indian Court: Challenges & Solution	Rishi Prakash, T. Mohanty, Ramji Gupta & Vinay Jain	1(2) International Journal of Internet Computing (IJIC), 2011
6.	Information Technology and its Impact on Judiciary	Sri A.C. Upadhyay, Registrar General(ex), Gauhati High Court	<a href="http://nagajudiciary.gov.in/articleacu.htm">http://nagajudiciary.gov.in/articleacu.htm</a>
7.	National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary	E-Committee, Supreme Court of India, New Delhi	<a href="http://hcraj.nic.in/action-plan-ecourt.pdf">http://hcraj.nic.in/action-plan-ecourt.pdf</a>
8.	Status of Information Technology in Indian Courts	Courts Informatics Division, National Informatics Centre, Ministry of Information Technology	<a href="http://indiancourts.nic.in/courts/itinjud.html">http://indiancourts.nic.in/courts/itinjud.html</a>
<b>b)</b>	<b>Case Management: Enhancing Judicial Efficiency</b>		
1.	Case Management and its Advantages	Justice M. Jagannadha Rao	Law Commission of India (Article) <a href="http://lawcommissionofindia.nic.in/adr_conf/mayo%20rao%20case%20mngt%203.pdf">http://lawcommissionofindia.nic.in/adr_conf/mayo%20rao%20case%20mngt%203.pdf</a>

2.	Case Management and Court Administration	Justice Madan B. Lokur	Law Commission of India (Article) <a href="http://lawcommissionofindia.nic.in/adr_conf/Justice_Lokur.pdf">http://lawcommissionofindia.nic.in/adr_conf/Justice_Lokur.pdf</a>
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	<a href="http://doj.gov.in/sites/default/files/judicial_impactassessmentreportvol2_0.pdf">http://doj.gov.in/sites/default/files/judicial_impactassessmentreportvol2_0.pdf</a>
<b>c)</b>	<b>Mediation</b>		
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	Rashika Narain	(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
<b>d)</b>	<b>E-Commerce</b>		
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	Yaser Ahangar Nanehkar	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

4.	The Emerging Law of Electronic Commerce	Amelia H. Boss and Jane Kaufman Winn	52 Bus. LAW. 1469 (1996)
5.	The Xth NLSIR Symposium on Regulating E-Commerce in India - A Transcription	National Law School of India Review	29 NAT'L L. Sch. INDIA REV. 121 (2017)
<b>e)</b>	<b>International Commercial Arbitration</b>		
1.	The Commercial Law of Nations and the Law of International Trade	Imre Gal Professor and Chief Librarian, Bloomfield College.	<a href="http://scholarship.law.cornell.edu/cilj">http://scholarship.law.cornell.edu/cilj</a>
2.	The Role of Arbitral Institutions in the Modern World	P. K. Ravindranatha Menon	(2004) Sep PL (Jour) 13

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