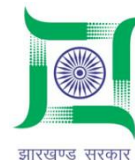


Department of Law and Justice



DIPP Point No. 333

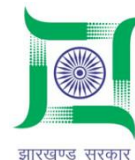
Question	Remarks
10a. Commercial Dispute Resolution Enablers Q: Allow pre-trial conferences as part of case management techniques	This has been allowed as per: 1) CPC - Section 89 2) Order XV-A of CPC as amended in The commercial courts, commercial division and commercial appellate divisions of High Courts Act 2015

Statistics of pre-trial settlement of commercial cases as well as examples of cases involving pre-trial conferences through mediation are attached

Order XV-A of CPC as amended in The commercial courts, commercial division and commercial appellate divisions of High Courts Act 2015

Sec. 1]	THE GAZETTE OF INDIA EXTRAORDINARY	19
	7. After Order XV of the Code, the following Order shall be inserted, namely:—	Insertion of Order XV-A.
	“ORDER XV-A CASE MANAGEMENT HEARING	
	1. The Court shall hold the first Case Management Hearing, not later than four weeks from the date of filing of affidavit of admission or denial of documents by all parties to the suit.	First Case Management Hearing.
	2. In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the Court may pass an order—	Orders to be passed in a Case Management Hearing.
5 of 1908.	(a) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 after examining pleadings, documents and documents produced before it, and on examination conducted by the Court under Rule 2 of Order X, if required;	
	(b) listing witnesses to be examined by the parties;	
	(c) fixing the date by which affidavit of evidence to be filed by parties;	
	(d) fixing the date on which evidence of the witnesses of the parties to be recorded;	
	(e) fixing the date by which written arguments are to be filed before the Court by the parties;	
	(f) fixing the date on which oral arguments are to be heard by the Court; and	
	(g) setting time limits for parties and their advocates to address oral arguments.	
	3. In fixing dates or setting time limits for the purposes of Rule 2 of this Order, the Court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing.	Time limit for the completion of a trial.
	4. The Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis until the cross-examination of all the witnesses is complete.	Recording of oral evidence on a day-to-day basis.
	5. The Court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.	Case Management Hearings during a trial.

Department of Law and Justice



6. (J) In any Case Management Hearing held under this Order, the Court shall have the power to—

Powers of the Court in a Case Management Hearing.

(a) prior to the framing of issues, hear and decide any pending application filed by the parties under Order XIII-A;

(b) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues;

(c) extend or shorten the time for compliance with any practice, direction or Court order if it finds sufficient reason to do so;

(d) adjourn or bring forward a hearing if it finds sufficient reason to do so;

(e) direct a party to attend the Court for the purposes of examination under Rule 2 of Order X;

(f) consolidate proceedings;

(g) strike off the name of any witness or evidence that it deems irrelevant to the issues framed;

(h) direct a separate trial of any issue;

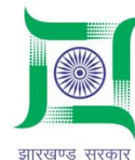
(i) decide the order in which issues are to be tried;

(j) exclude an issue from consideration;

(k) dismiss or give judgment on a claim after a decision on a preliminary issue;

(l) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI;

Department of Law and Justice



झारखण्ड सरकार

(m) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material;

(n) strike off any parts of the affidavit of evidence filed by the parties containing irrelevant, inadmissible or argumentative material;

(o) delegate the recording of evidence to such authority appointed by the Court for this purpose;

(p) pass any order relating to the monitoring of recording the evidence by a commission or any other authority;

(q) order any party to file and exchange a costs budget;

(r) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(2) When the Court passes an order in exercise of its powers under this Order, it may—

(a) make it subject to conditions, including a condition to pay a sum of money into Court; and

(b) specify the consequence of failure to comply with the order or a condition.

(3) While fixing the date for a Case Management Hearing, the Court may direct that the parties also be present for such Case Management Hearing, if it is of the view that there is a possibility of settlement between the parties.

7. (1) The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present.

Provided that an adjournment of the hearing is sought in advance by moving an application, the Court may adjourn the hearing to another date upon the payment of such costs as the Court deems fit, by the party moving such application.

(2) Notwithstanding anything contained in this Rule, if the Court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

8. Where any party fails to comply with the order of the Court passed in a Case Management Hearing, the Court shall have the power to—

(a) condone such non-compliance by payment of costs to the Court;

(b) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file written submissions, address oral arguments or make further arguments in the trial, as the case may be, or

Adjournment
of Case
Management
Hearing.

Consequences
of non-
compliance
with orders.

CPC, Section-89

Section 89, C.P.C. - Settlement of disputes outside the Court. –

- (1) Where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the Court may reformulate the terms of a possible settlement and refer the same for –
 - (a) arbitration;
 - (b) conciliation;
 - (c) judicial settlement including settlement through Lok Adalat; or
 - (d) mediation.

- (2) Where a dispute has been referred –
 - (a) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act;
 - (b) to Lok Adalat, the Court shall refer the same to the Lok Adalat in accordance with the provisions of sub-section (1) of section 20 of the Legal Services Authority Act, 1987 (39 of 1987) and all other provisions of that Act shall apply in respect of the dispute so referred to the Lok Adalat;

 - (c) for judicial settlement, the Court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Legal Services Authority Act, 1987 (39 of 1987) shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act;
 - (d) for mediation, the Court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.

SUPPORTING DOCUMENT



NYAYA SADAN

Jharkhand State Legal Services Authority (JHALSA)

Near A.G. Office, Doranda, Ranchi- 834002

Phone: 0651-2481520 (O), 2482392, Fax: 2482397, E-mail – jhalsaranchi@gmail.com

PATRON-IN-CHIEF

Hon'ble the Chief Justice

Jharkhand High Court

EXECUTIVE CHAIRMAN

Justice D.N.Patel

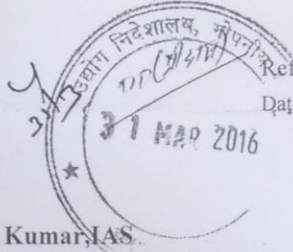
Judge

Jharkhand High Court

MEMBER SECRETARY

Navneet Kumar

(Principal District Judge)



Ref No: JHALSA/ 999

Dated, : 31/03/16

Handwritten notes in Hindi: -सि. प्र. 2020 (सि. प्र. 39 सि. प्र. 3113)

To,

Sri K.Ravi Kumar, IAS,
Director, Industries

Ref : Letter No. 941 Ranchi, Dated 18.03.2016

Sub : Data on Pre-trial settlement of cases in Commercial matters regarding Ease of Doing Business.

Sir,

With refrence to your goodself's above mentioned letter on noted subject, & directed, I am furnishing hereinbelow the data regarding pre-trial settlemet of cases commercial matters (Bank matters) through Lok Adalats (including National Lok Adalat) :

Period	Cases Taken Up	Cases Disposal	Settled Amount
Jan-Dec, 2015	5,50,728	5,16,511	2,18,40,54,101

This is for your goodself's kind information and needful.

Thanking You

Yours faithfully

(Navneet Kumar)
Member Secretary

Handwritten notes in Hindi: -सि. प्र. 2020 (सि. प्र. 39 सि. प्र. 3113)

688/01
31.3.16

SUPPORTING DOCUMENT

Few Cases in which Pre-trial conference has been held

MEDIATION CENTRE, CIVIL COURT, RANCHI

Letter No. 603 Dated 31-5-16

From,

Miss. Manta Shrivastava

Mediator/Conciliator
Mediation Centre, Ranchi

To,

The Judicial Commissioner
Ranchi.

Sub. **Mediation Successful in Case No.** BP-653/2016 Dated 31/05/2016.
BP-777/2016

Sir/Madam,

Mediation Referral Order in Case No. BP-653/2016 was received for mediation, in Mediation Centre from your court. BP-777/2016

"The Mediation is successful".

The report is being sent to the concerned court along with the agreement duly signed by both the parties for needful.

Yours faithfully

M. Shrivastava,
Mediator
Mediator/Conciliator 31/05/2016
Mediation Centre
Civil Court, Ranchi

Encl. Agreement (4 Sheets) [BP-653/2016]

Encl. Agreement (3 Sheets) [BP-777/2016]

मध्यस्थ का नाम :-

समक्ष,

शुष्मी ममता श्रीवास्तव

मध्यस्थ,

मध्यस्थता केन्द्र,

व्यवहार न्यायालय, राँची

दिनांक : 31/05/2016

समय: 9.00 बजे उर्वीह्न

जमानत याचिका संख्या- 623/2016

अशोक कुमार गडलौत

— आवेदक

बनाम

श्रीकांत अग्रवाल

— विपक्षी

उपस्थित व्यक्ति :-

श्री अशोक कुमार गडलौत - आवेदक

श्री अविनाश कुमार - आवेदक के अधिवक्ता

श्री श्रीकांत अग्रवाल - विपक्षी

श्री शंभु प्रसाद अग्रवाल - विपक्षी के अधिवक्ता

उपरोक्त जमानत याचिका मध्यस्थता केन्द्र में माननीय प्रधान न्यायायुक्त महोदय, व्यवहार न्यायालय, राँची के न्यायालय से मध्यस्थता हेतु भेजा गया है। जिला विधिक सेवा प्राधिकार, राँची के सचिव महोदय द्वारा यह जमानत याचिका मध्यस्थता हेतु मुझे सौंपी गई।

उपरोक्त दोनों पक्षों को मध्यस्थता की प्रक्रिया समझा दी गई। मध्यस्थता के दौरान दोनों पक्षों में कई विकल्प सामने आए। बात-चीत के क्रम में पता चला कि विपक्षी श्री श्रीकांत अग्रवाल ने आवेदक श्री अशोक कुमार गडलौत पर बरिमातु बाना काण संख्या- 297/2014 दर्ज की थी। इसकी जीवभाह संख्या- 4019/2014 है। यह वर्तमान में श्री कंकण परदेदार, न्यायिक दण्डाधिकारी, व्यवहार न्यायालय, राँची के न्यायालय में निष्पादन हेतु लम्बित है।

अब उपरोक्त दोनों पक्ष अपने बीच के विवाद का निपटारा अग्रलिखित बिन्दुओं पर आपस में समझौता करते हुए काना-चाहते हैं :-

शुष्मी ममता श्रीवास्तव
31/05/16

Ashtle Prakash
31/5/16



1) यह कि उपरोक्त जमानत याचिका के विपक्षी श्री श्रीकांत अग्रवाल जो बरियानु घाना काण्ड संख्या-297/2014 के सूचक हैं, इस जमानत याचिका के आवेदक श्री अशोक कुमार गहलौत के साथ समझौता कर रहे हैं, किसी अन्य के साथ यह समझौता नहीं कर रहे हैं।

2) यह कि श्री अशोक कुमार गहलौत इस जमानत के मिलने पर (कारण से मुक्त होने पर) कुल अठारह माह के अन्दर "वीणा अपार्टमेंट" जो कि बुन्देलनगर, इजारीबाग (भाएवण) में स्थित है, उसके लगभग 1362 वर्गफीट में बने, चतुर्भुज तल पर स्थित फ्लैट संख्या-406 (निचले तल पर स्थित कार पार्किंग सहित) को पूरी तरह से पूर्ण करवाकर विपक्षी श्री श्रीकांत अग्रवाल को सौंप देंगे। उक्त फ्लैट में बिजली, जेनरेटर, लिफ्ट एवं अन्य सभी उपकरण सही ढंग से लगे हों एवं ठीक से काम कर रहे हों, इसे भी श्री अशोक कुमार गहलौत सुनिश्चित करने का वादा करते हैं। उक्त फ्लैट का बाजार मूल्य आज की तारीख में लगभग रु 30,00,000 = 30 (तीस लाख रुपये मात्र) है।

3) यह कि उपरोक्त फ्लैट का काम लगभग 80% हो चुका है जो भी 20% काम बचा हुआ है उसे श्री अशोक कुमार गहलौत जमानत मिलने के बाद अठारह माह के अन्दर पूर्ण करवाकर श्री श्रीकांत अग्रवाल को उक्त फ्लैट सौंप देंगे।

4) यह कि श्री अशोक कुमार गहलौत इस तीन महीने पर उक्त फ्लैट से संबंधित प्रगति प्रतिवेदन श्री श्रीकांत अग्रवाल को दिमा करेंगे।

श्री अशोक कुमार गहलौत
31/5/16

Asstt P. Counsel
31/5/16



5) यह कि आवेदक श्री अशोक कुमार गहलोत
विक्रत प्रॉपर्टी से संबंधित विधिवत एकरानामा
(एग्रीमेंट) इस जमानत के मिलने के एक
सप्ताह के अन्दर श्री श्रीकांत अग्रवाल
के साथ कर देंगे।

6) यह कि विक्रत प्रॉपर्टी इत तरह से पाक-साफ
है, इसका विश्वास भी आवेदक अपनी ओर
से अपने एकरानामा में करेंगे।

7) यह कि ड्रॉ का एकरानामा रुपये 6, 20, 000 = 00
(छ: लाख पचास रुपये मात्र) का श्री श्रीकांत अग्रवाल
के साथ, रुपये 2, 00, 000 = 00 (दो लाख रुपये मात्र)
का श्री बंशीधर अग्रवाल के साथ एवं रुपये 1, 00, 000 = 00
(एक लाख रुपये मात्र) का श्री सत्य प्रसाद के साथ
या। पण्डित वर्तमान में इन सभी एकरानामा को
रकड समझ कर जो भी एकरानामा होगा वह
अब श्री अशोक कुमार गहलोत एवं श्री श्रीकांत अग्रवाल
के साथ होगा।

8) यह कि अगर उपरोक्त शर्तों का पालन निर्धारित
समयावधि के अन्तर्गत हो जाता है तो विपक्षी
श्री श्रीकांत अग्रवाल वाद वापस लेने के
संबंध में इस समझौते के आधार पर संबंधित
न्यायालय में न्यायसम्मत कार्यवाई करेंगे।

9) यह कि संबंधित न्यायालय द्वारा ^{की जाने वाली} हर प्रकार
की न्यायिक प्रक्रिया पर रोक लगाने हेतु
(उपरोक्त अठारह माह की अवधि में) विपक्षी
श्री श्रीकांत अग्रवाल अपने अधिवक्ता के
माध्यम से एक आवेदन संबंधित न्यायालय
में दायित्व करेंगे।

10) यह कि अगर उपरोक्त शर्तों का पालन दोनों
पक्षों द्वारा नहीं किया जाता है तो दोनों पक्ष
आगे की न्यायिक प्रक्रिया अपनाने को स्वतंत्र
होंगे।

श्री अशोक कुमार गहलोत
31/5/18

श्री श्रीकांत अग्रवाल
31/5/18



14) यह कि आवेदक श्री अशोक कुमार गहलौत एवं विपक्षी श्री श्रीकांत अग्रवाल यह समझौता बिना किसी भय या दबाव के कर रहे हैं। अतः दोनों पक्ष इस समझौता की शर्तों को मानने के लिए बाध्य होंगे।

Asble K Gahlot
31/5/16

आवेदक का हस्ताक्षर

~~श्रीकांत अग्रवाल~~
श्रीकांत अग्रवाल
31/05/16

विपक्षी का हस्ताक्षर

~~श्रीकांत अग्रवाल~~
31/5/2016

श्री अशोक कुमार गहलौत
श्रीकांत अग्रवाल
31/5/16

Ed by
31/5/16
Advocate

M. Srivastava
Mediator
31/05/2016

मध्यस्थ का हस्ताक्षर
Mediator
Mediation Centre
Civil Court
Ranchi



मध्यस्थ का नाम :-
शुश्री ममता श्रीवास्तव

समक्ष,
मध्यस्थ,
मध्यस्थता केन्द्र,
व्यवहार न्यायालय, राँची

दिनांक : 31/05/2016

समय : 9.30 बजे रविवार

जमानत याचिका संख्या- 777/2016

अशोक कुमार गडलौत	—	आवेदक
	बनाम	
पंकज कुमार	—	विपक्षी

उपस्थित व्यक्ति :-

श्री अशोक कुमार गडलौत - आवेदक
 श्री अविनाश कुमार - आवेदक के अधिवक्ता
 श्री पंकज कुमार - विपक्षी
 श्री नन्द किशोर राम - विपक्षी के अधिवक्ता

उपरोक्त जमानत याचिका मध्यस्थता केन्द्र में माननीय प्रधान न्यायायुक्त महोदय, व्यवहार न्यायालय, राँची के न्यायालय से मध्यस्थता हेतु भेजा गया है। जिला विधिक सेवा प्राधिकारी, राँची के सचिव महोदय द्वारा यह जमानत याचिका मध्यस्थता हेतु मुझे सौंपी गई।

उपरोक्त दोनों पक्षों को मध्यस्थता की प्रक्रिया समझा दी गई। मध्यस्थता के दौरान दोनों पक्षों में कई विकल्प सामने आए। बात-चीत के क्रम में पता चला कि विपक्षी श्री पंकज कुमार ने आवेदक श्री अशोक कुमार गडलौत पर बरिमातु बाना काण संख्या- 283/2014 दर्ज की थी। इसकी जीवभाए संख्या- 4161/2014 है। यह वर्तमान में श्री कंकण परदेहार, न्यायिक दण्डाधिकारी, व्यवहार न्यायालय, राँची के न्यायालय में निष्पादन हेतु लम्बित है।

अब उपरोक्त दोनों पक्ष अपने बीच के विवाद का निपटारा अग्रलिखित बिन्दुओं पर आपस में समझौता करते हुए कला चाहते हैं :-

शुश्री ममता
 31/5/16

शुश्री ममता
 31/5/16



1) यह कि उपरोक्त जमानत याचिका के विपक्षी जो कि बरिमातु याना कांड संख्या- 283/2014 के सूचक हैं, श्री अशोक कुमार गडलौत (इस जमानत याचिका के आवेदक) एवं उनकी पत्नी श्रीमती अंजू देवी के साथ समझौता कर रहे हैं।

2) यह कि इस जमानत याचिका के आवेदक श्री अशोक कुमार गडलौत इस जमानत के मिलने पर (काए से मुक्त होने पर) कुल बाह्य माह के अन्दर "रैश्वर्या अपार्टमेंट", टैंगोर हिल, टॉची के पीछे, मोहाबादी, टॉची (भाखण्ड) में स्थित जमीन एवं फ्लैटों के एज में डुडको बैंक, टॉची शाखा से लिए गए ऋण का भुगतान कर दिवत प्रोजेक्ट को पूर्णतः ऋण मुक्त करवायेंगे।

3) यह कि श्री अशोक कुमार गडलौत यह वादा करते हैं कि डुडको बैंक द्वारा दायर किये गए सभी मुकदमों का निपटारा वे अपने हतर पर करेंगे। वे यह भी वादा करते हैं कि डुडको बैंक द्वारा "रैश्वर्या अपार्टमेंट" के फ्लैटधारियों को उनके चलते किसी पैशानी का सामना नहीं करना पड़ेगा।

4) यह कि श्री अशोक कुमार गडलौत इस बात का भी आश्वासन श्री पंकज कुमार को देते हैं कि डुडको बैंक उनके चलते किसी भी प्रकार की कानूनी प्रक्रिया अपनाकर फ्लैट को अधिगृहित नहीं करेगा।

5) यह कि आवेदक श्री अशोक कुमार गडलौत ने डुडको बैंक के पर: पदाधिकारियों के साथ मिलकर जो ऋण की राशि गलत ढंग से प्राप्त किए थे उन गलतियों को वे उपरोक्त बाह्य माह के अन्दर सुधार करने का प्रयास करेंगे। इस बात का वादा श्री अशोक कुमार गडलौत करते हैं।

6) यह कि उपरोक्त बरिमातु याना काण्ड संख्या- 283/2014 में डुडको बैंक के जो पदाधिकारी दोषी पाये गए हैं, उनके साथ किसी प्रकार का समझौता श्री पंकज कुमार नहीं कर रहे हैं।

उज्ज्वल कुमार
31/5/18
Ashok Gadlout



7) यह कि वारी शर्तों का पालन आवेदक श्री अशोक कुमार गहलोत जमानत पर बुद्धि के बाद ही बाह्य माह के अन्दर पूर्ण करने का पूरा प्रयास करेंगे।

8) यह कि अगर उपरोक्त शर्तों का पालन निर्धारित समावधि के अन्तर्गत हो जाता है तो विपक्षी श्री पंकज कुमार वाद वापस लेने के संबंध में इस समझौते के आधार पर संबंधित न्यायालय में न्यायसम्मत कार्यवाई करेंगे।

9) यह कि उक्त बाह्य माह की अवधि में विपक्षी किसी भी प्रकार की न्यायिक प्रक्रिया संबंधित न्यायालय द्वारा नहीं अपनाई जाए, इस संबंध में अपने अधिवक्ता के माध्यम से न्यायालय में आवेदन देंगे।

10) यह कि अगर उपरोक्त शर्तों का पालन दोनों पक्षों द्वारा नहीं किया जाता है तो दोनों पक्ष भागों की न्यायिक प्रक्रिया अपनाने को स्वतंत्र होंगे।

11) यह कि दोनों पक्ष बिना मम-देबाव के यह समझौता कर रहे हैं इसलिए दोनों पक्ष उपरोक्त बातों को मानने के लिए बाध्य होंगे साथ ही श्री अशोक कुमार गहलोत प्रत्येक तीन माह में इसको बैंक की त्रैमासिक अद्ययगी की जानकारी विपक्षी को देनी अनिश्चित करेंगे।



आवेदक का हस्ताक्षर

विपक्षी का हस्ताक्षर

Ashok Kumar
31/5/16

पंकज कुमार
31/5/16

31/05/16
Advocate

M. Anandastava
Mediator
मध्यस्थ का हस्ताक्षर
Mediator
Mediation Centre
Civil Court
Ranchi

31/5/16

Details of cases disposed during 7th Mega Lok Adalat From 25/03/2014 to 29/03/2014

Cases pending in the Civil Court Naturewise as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazarigagh	Jamshespur	Jamtara	Koderma	Latehar	Lohardagga	Pakur	Palamau	Ranchi	Seraikella	Sahebganj	Simdega	Khunti	Total
Title Suit	6	2						4	3		7	1	2					7			3			35
Money Suit																				1				1
Any other suit						1			1		4							1						7
Misc. Case				7		1			1															9
Title Appeal																								0
Misc. Appeal					1	1																		2
Execution Case						1			1		1	10											2	15
Matrimonial Suit	2		1		3	5		3	4	3			2	1			2		2					28
Maintenance	1					5			3				2	1			5		1					18
Criminal Revision																						3		3
MACT claim	3	1	3	1	41	5	3	3	14		7	11		2	2	11	6	10	4	1		3		131
GR Compoundable Case	120	8	4		66	74	85	19	26	49	37	10	15	7	37	1	6	126	24	109	13	2		838
Complaint Cases like:							2	5		5	5		4		1		1				3			26
NI Act	1				3	1					1	6		1		3			24	2				42
Sec. 498A				9						1	1		10				4	2			1			28
Other Cases	23	2				30		129			1	129	16	24			2		40		62			458
Forest Cases		1	107	20	1	8	6		2	2	17			14	17	3	1	2	7	2	2			212
Excise Cases	8				6	8	1						7	41				1	4	23				99
MV Act	2				1	1					81		46	3			4				16	13		167
Railway Act		423		350	98					1								268	337		234			1711
Shop Act										1														1
WM Act	3				1	3					50	1	1	1			1		6					67
Electricity		9	1	24	48	12	6	16			20	38		18	86	20	2	12	127	18	1			458
Any other Cases	83	44	95	19	18	3			104		76	126	22	66		3	30		559		2	4		1254
Total	252	490	211	430	287	159	103	179	159	62	308	332	127	179	143	41	64	429	1135	156	337	27	0	5610

Details of cases disposed during 7th Mega Lok Adalat From 25/03/2014 to 29/03/2014

Cases otherwise than pending in the Civil Court Naturewise as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardagga	Pakur	Palamau	Ranchi	Sahebganj	Seraikella	Simdega	Khunti	Total	
Cases of Executive Courts	23	-	65	2	113	113	89	30	-	46					28	3	1	35	75	27			126	776	
Labour	3					49			-		3	3		2											57
Certificate Case				29		1	24		-		197	64	10				8	6			15			354	
Any other Case						241	22	17	-	15					71	20					35	1		422	
Total	26	0	65	31	113	404	135	47	0	61	200	67	10	2	99	23	9	41	75	27	50	1	126	1609	

Details of cases disposed during 7th Mega Lok Adalat From 25/03/2014 to 29/03/2014		Details of Amount Settlement during 7th Mega Lok Adalat From 25/03/2014 to 29/03/2014	
Districts	No. of Pre Litigation Cases Disposed off	Total Amount Settled	Total Amount Realized
Bokaro	4785	72,74,621.00	30,39,840.00
Chaibasa	1353	81,51,324.00	27,26,324.00
Chatra	286	13,58,185.00	12,78,185.00
Deoghar	228	7,31,566.00	7,43,494.00
Dhanbad	656	1,90,70,812.00	56,55,654.00
Dumka	7	25,81,350.01	14,86,352.01
Garhwa	-	5,20,000.00	4,49,450.00
Giridih	-	7,81,132.00	7,81,132.00
Godda	579	52,14,910.00	41,41,146.00
Gumla	452	13,77,604.00	8,30,627.00
Hazaribagh	20	39,90,486.00	35,09,907.00
Jamshedpur	1056	52,38,233.00	49,09,233.00
Jamtara	1501	10,09,453.00	7,98,942.00
Koderma	15	24,87,543.00	16,21,700.00
Latehar	180	79,50,142.00	79,50,142.00
Lohardagga	89	48,01,397.00	23,62,494.00
Pakur	562	34,21,029.00	30,22,265.00
Palamau	143	76,61,415.00	70,92,680.00
Ranchi	9342	3,31,54,831.00	3,31,54,831.00
sahebganj	460	7,94,117.00	7,94,117.00
Seraikella	113	13,84,920.00	13,84,920.00
Simdega	131	8,94,283.00	8,94,283.00
Khunti	-	-	-
Total	21958	11,98,49,353.01	8,86,27,718.01

No. of Cases disposed off pending in the Civil Court : **5,610**

No. of Cases disposed off otherwise than pending in the Civil Court : **1,609**

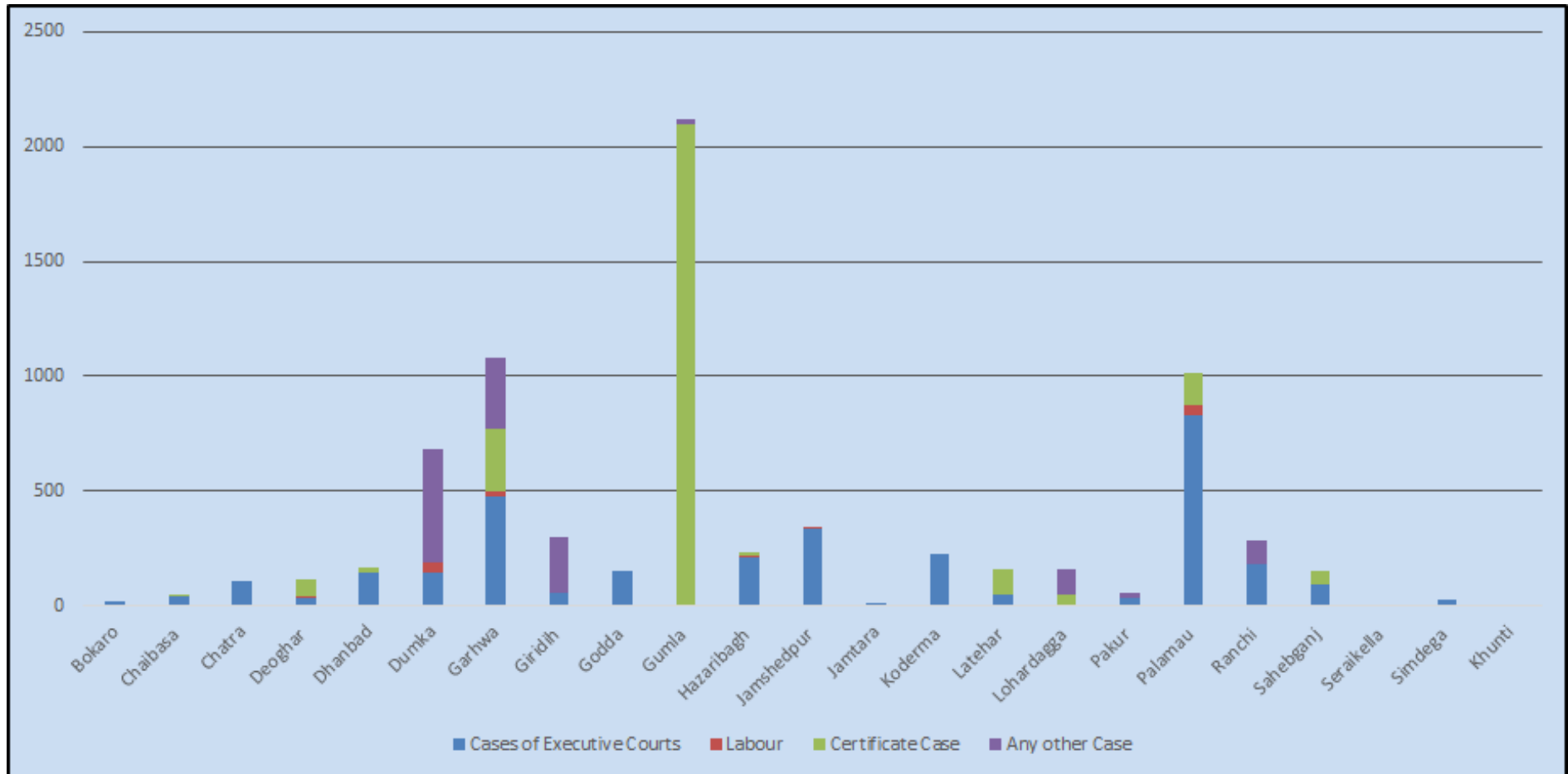
No. of Pre Litigation Cases Disposed off : **21,958**

Total Case Disposal during 7th Mega Lok Adalat : 29,177

Details of cases disposed during 9th Mega Lok Adalat From 26/08/2014 to 30/08/2014

Cases pending in the Civil Court Naturewise as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazarigagh	Jamshespur	Jamtara	Koderma	Latehar	Lohardagga	Pakur	Palamau	Ranchi	Seraikella	Sahebganj	Simdega	Khunti	Total	
Title Suit	4		1			1					4	1		1				1	3					31	47
Money Suit	2			2			1																		5
Any other suit	1	1					1				2			1				5							11
Misc. Case																		2							2
Title Appeal															1	2									3
Misc. Appeal					2																				2
Execution Case									1				1										2		4
Matrimonial Suit	4		4	5	3	8	6	6	3		1	12	4				2	1	3						62
Maintenance	3	2			7	12			2		8	3	2			1	1	3	2		1				47
Criminal Revision							1					9	1	3					1						15
MACT claim	1	23		3	5	5	3	1	5		7	16			4	2	15	16	18				4		128
GR Compoundable Case	48	4	16	36	185	68	125	12	28	55	29	213	9		30	12	7	433	16	3	160	6			1495
Complaint Cases like:							7	10	4		3		2	17			3								46
NI Act	7		1	13							14	94		24	1	5	1	3	19	2	1	1			186
Sec. 498A													2				1		1						4
Other Cases	8	7				50		150			4		12	23	1	2		15	14				44		330
Forest Cases	10		78	19		5	53	15	2	1	34	6	3	45	15	5	2	66	10	2	2	2			375
Excise Cases	4	4		14	10	17	8	8	10		6	18	7	106				31	3	20					266
MV Act		2				5	25				63		35	2			33		3		2	7			177
Railway Act		109		325	166													93	138		217				1048
Shop Act	4																		1						5
WM Act	4				1							20	8	20					4		10				67
Electricity	18	12	8	47	77	6	12	50	3		45	58		56	8	12	6	21	87	38	10	7			581
Any other Cases	177	18		193	6				181	56	133		9	94	142	16	59	6	318	33	54	22	200		1717
Total	295	182	108	657	462	177	242	252	239	112	353	450	95	392	202	57	130	696	641	98	457	51	275	6623	

Cases otherwise than pending in the Civil Court Naturewise as	Bokaro	Chaibasa	Chatra	Deoghar	Dhanbad	Dumka	Garhwa	Giridih	Godda	Gumla	Hazaribagh	Jamshedpur	Jamtara	Koderma	Latehar	Lohardagga	Pakur	Palamau	Ranchi	Sahebganj	Seraikella	Simdega	Khunti	Total
Cases of Executive Courts	24	44	110	39	145	144	477	55	152		215	340	11	230	54	3	33	830	180	98	-	30	-	3214
Labour	-	-	-	1	3	44	21	-	-	2	4	6	-	-	-	-	-	45	-	-	-	-	-	126
Certificate Case	-	3	-	79	23	3	273	-	-	2092	19	-	-	-	108	44	5	137	-	56	-	-	-	2842
Any other Case	-	-	-	-	-	489	308	245	-	22	-	-	-	-	-	116	17	-	105	-	-	-	-	1302
Total	24	47	110	119	171	680	1079	300	152	2116	238	346	11	230	162	163	55	1012	285	154	0	30	0	7484



Details of cases disposed during 9th Mega Lok Adalat From 26/08/2014 to 30/08/2014

Districts	No. of Pre Litigation Cases Disposed off
Bokaro	4,321
Chaibasa	-
Chatra	1,292
Deoghar	1,342
Dhanbad	425
Dumka	20
Garhwa	4,338
Giridih	416
Godda	1,238
Gumla	2,258
Hazaribagh	159
Jamshedpur	2,129
Jamtara	996
Koderma	28
Latehar	509
Lohardagga	141
Pakur	1,596
Palamau	1,052
Ranchi	10,569
sahebganj	82
Seraikella	220
Simdega	220
Khunti	-
Total	33,351

Details of Amount Settlement during 9th Mega Lok Adalat From 26/08/2014 to 30/08/2014

Total Amount Settled	Total Amount Realized
83,73,189.00	27,10,130.00
74,63,142.00	66,23,142.00
64,74,303.00	30,10,610.00
78,67,653.00	-
83,88,814.00	29,57,544.00
27,10,386.24	21,27,317.24
83,12,813.00	78,62,813.00
39,66,830.00	39,66,830.00
3,21,37,755.00	1,09,33,550.00
9,66,507.00	
91,19,484.00	51,99,107.00
1,29,84,208.00	1,29,84,208.00
8,14,628.00	4,44,647.00
34,05,020.00	23,34,536.00
78,70,262.00	42,66,513.00
60,24,624.00	20,00,365.00
83,61,506.00	82,11,119.00
5,23,57,852.00	1,31,71,309.00
4,75,25,575.00	-
1,24,65,117.00	97,09,198.00
18,99,336.00	11,25,107.00
2,79,000.00	52,650.00
5,22,434.00	-
25,02,90,438.24	9,96,90,695.24

No. of Cases disposed off pending in the Civil Court : **6,623**

No. of Cases disposed off otherwise than pending in the Civil Court : **7,484**

No. of Pre Litigation Cases Disposed off : **33,351**

Total Case Disposal during 9th Mega Lok Adalat : 47,458

National Lok Adalat held on 6-12-14 (1st Phase Data)

Name of the State	Pre-Litigation			Referred by Court			Grand Total		
Jharkhand	Cases Taken Up	Cases Disposed	Compensation/Awarded/ Settlement Amount	Cases Taken Up	Cases Disposed	Amount Awarded/ Settled	Cases Taken Up	Cases Disposed	Amount Awarded/ Settled
Criminal	2538	2531	0	19965	7850	2593000	22503	10381	2593000
NI Act Cases	46	46	0	2600	1626	1162505	2646	1672	1162505
Bank	414741	394719	374881101	17903	719	18633656	432644	395438	393514757
MACT	252	252	7055598	705	340	94771226	957	592	101826824
Matrimonial/Family/Maintenance/ Divorced by Mutual Consent	85	85	0	848	503	341300	933	588	341300
Labour	29222	29222	25267803	902	866	8329820	30124	30088	33597623
Land Acquisition	106	106	0	389	385	272387487	495	491	272387487
Civil	1845	1845	0	860	384	2725874	2705	2229	2725874
Revenue	15620	15550	6012409	1589	1587	1390218	17209	17137	7402627
Execution Application	1	1	0	54	44	560913	55	45	560913
Electricity/Theft & Water	122492	121051	219982217	1135	870	7922861	123627	121921	227905078
Service Matter	36797	36784	268234149	0	0	0	36797	36784	268234149
Traffic Challan	36279	36049	23449857	322	244	50944	36601	36293	23500801
Industrial Disputes	0	0	0	0	0	0	0	0	0
Forest Act Cases	7712	7712	1385782	1007	752	1167096	8719	8464	2552878
MNREGA	232145	229599	3413274	0	0	0	232145	229599	3413274
Misc. Appeals	0	0	0	40	32	0	40	32	0
Covered Matters	18872	18625	536703	37	37	177950	18909	18662	714653
Excise	636	636	420200	425	359	712650	1061	995	1132850
Telephone	9027	6466	12055950	59	59	126084	9086	6525	12182034
Municipal Deptt.	36382	36306	2728425	443	443	0	36825	36749	2728425
Consumer disputes	120	109	3525629	1456	1241	176610	1576	1350	3702239
Pty. Crl. Cases	12917	12917	4494896	2894	2278	237945	15811	15195	4732841
Other Cases *	3307135	3203012	1953913107	6581	4720	237929179	3313716	3207732	2191842286
Special Drive	2674	2674	5878390	0	0	0	2674	2674	5878390
Mining	148	148	480103785	3	3	8000	151	151	480111785
Insurance Matters	26370	26370	0	0	0	0	26370	26370	0
High Court	328	326	12416544	966	44	23835270	1294	370	36251814
Total	4314490	4183141	3405755819	61183	25386	675240588	4375673	4208527	4080996407

National Lok Adalat 10-1-15, 2nd Phase Data

Name of the State	Pre-Litigation			Referred by Court			Grand Total		
Jharkhand	Cases Taken Up	Cases Disposed	Compensation/Awarded/Settlement Amount	Cases Taken Up	Cases Disposed	Amount Awarded/Settled	Cases Taken Up	Cases Disposed	Amount Awarded/Settled
Criminal	247	247	0	1581	1322	669321	1828	1569	669321
NI Act Cases	101	100	0	972	965	352500	1073	1065	352500
Bank	34512	32778	110866723	183	183	5013215	34695	32961	115879938
MACT	18	18	1000000	103	86	18536198	121	104	19536198
Matrimonial/Family/ Maintenance/ Divorced by Mutual Consent	0	0	0	211	182	700000	211	182	700000
Labour	2732	2732	3319321	201	239	4473527	2933	2971	7792848
Land Acquisition	185	185	0	0	0	0	185	185	0
Civil	2	2	0	65	56	3200000	67	58	3200000
Revenue	3504	3504	118101	904	904	0	4408	4408	118101
Execution Application	0	0	0	5	5	938458	5	5	938458
Electricity/Theft & Water	4458	4079	4021543	192	184	1594009	4650	4263	5615552
Service Matter	3	3	0	0	0	0	3	3	0
Traffic Challan	3319	3319	11668164	41	41	2950	3360	3360	11671114
Industrial Disputes	0	0	0	0	0	0	0	0	0
Forest Act Cases	431	431	1500477	97	79	455700	528	510	1956177
MNREGA	21941	21941	0	0	0	0	21941	21941	0
Misc. Appeals	0	0	0	79	79	0	79	79	0
Covered Matters	28531	28531	0	2	2	0	28533	28533	0
Excise	0	0	0	148	143	331400	148	143	331400
Telephone	3791	3262	3920626	0	0	0	3791	3262	3920626
Municipal Deptt.	5950	5950	74230	0	0	0	5950	5950	74230
Consumer disputes	6	6	160000	4	4	1623238	10	10	1783238
Pty. Crl. Cases	4117	4117	1536659	358	358	47800	4475	4475	1584459
Other Cases	529747	519946	156705245	2275	2103	825639	532022	522049	157530884
Special Drive	20	20	0	0	0	0	20	20	0
Mining	13177	13177	575121717	3	3	10000	13180	13180	575131717
Insurance Matters	2383	2383	0	0	0	0	2383	2383	0
High Court	55	52	0	85	15	1650000	140	67	1650000
Total	659230	646783	870012806	7509	6953	40423955	666739	653736	910436761

DISPOSAL OF CASES IN NATIONAL LOK ADALAT ON 14-2-15

Name of SLSA- Jharkhand			Total disposal- 12136		Total Amt.-795393517	
Pre-Litigation Cases			Pending Cases			
Taken up	Disposal	Settlement Amt.	Taken up	Disposal	Settlement Amt.	
32886	9139	695963699	5899	2997	99429818	

SI	Performance of Banks in r/o	Pending cases	
	Name of Bank	Total no. of cases disposed of	Total Settlement Amt.
1	SBI	939	25639061
2	Land Development Bank	730	1095000
3	Vananchal Gramin Bank	175	2482407
4	BOI	65	6419159
5	Central Bank	53	21564514
6	Allahabad Bank	22	956418
7	Union Bank	10	2612493
8	Central Cooperative Bank	2	49550
9	Jharkhand Gramin Bank	2	130000
10	Punjab National Bank	1	390400
11	UCO Bank	1	65000
12	United Bank	1	65000
13	Indusind	1	0

SI	Performance of Banks in r/o	Prelitigative cases	
	Name of Bank	Total no. of cases disposed of	Total Settlement Amt.
1	SBI	3392	95199066
2	Punjab National Bank	1236	52059810
3	Central Bank	945	53366449
4	Jharkhand Gramin Bank	874	23830860
5	Allahabad Bank	755	27878310
6	BOI	634	38979256
7	Vananchal Gramin Bank	433	4576091
8	Indian Overseas Bank	166	2062136
9	Bank of Baroda	132	10712030
10	Mahindra Finance	74	1074550
11	Canara Bank	69	12709330
12	Union Bank	67	2507020
13	UCO Bank	41	1655019
14	Oriental bank of commerce	30	6827000
15	United Bank	22	1588300
16	MAGMA	16	984300
17	Punjab and Sind	14	371050
18	Andhra Bank	12	1988800
19	Central Cooperative Bank	9	144181
20	Dena	7	170122
21	Syndicate	6	104500
22	Corporation Bank	5	667180
23	Vijaya	2	180000
24	IDBI	1	40800

*Descending order of Banks with regard to cases disposed

FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 14.03.2015							
Name of the State Authority		Jharkhand					
Total Taken up cases		619682	Total disposal cases		618202	Total settlement amount	1518054325
Pre-Litigation Cases				Pending Cases			
Subject / Nature of Cases	Taken up	Disposal	Settlement Amt.	Taken up	Disposal	Settlement Amt.	
Revenue	232124	231313	823072097	2096	2081	1634895	
Land Acquisition	2836	2836	281956287	155	155	50545355	
MNREGA	382471	381817	360845691	0	0	0	
TOTAL	617431	615966	1465874075	2251	2236	52180250	

FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 11.04.2015 (for the cases related to Labour and Family matters)						
Name of the State Authority		Jharkhand				
Total Taken up cases		Total disposal cases		Total settlement amount		
178365		176908		346977420		
Pre-Litigation Cases				Pending Cases		
Subject / Nature of Cases	Taken up	Disposal	Settlement Amt.	Taken up	Disposal	Settlement Amt.
Labour	176227	174979	334776183	1302	1268	10291237
Family	321	310	0	515	351	1910000
TOTAL	176548	175289	334776183	1817	1619	12201237

**FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 09.05.2015
(for the cases relating to MACT and Insurance Claims)**

Name of the State Authority		Jharkhand			
Total Taken up cases	44164	Total disposal cases	41483	Total settlement amount	732665904
Pre-Litigation Cases			Pending Cases		
Taken up	Disposal	Settlement Amt.	Taken up	Disposal	Settlement Amt.
43633	41296	666197767	531	187	66468137

Services Provided

** Pursuant to the Resolutions passed in 13th All India Meet, under the theme of Agenda to ensure the welfare schemes of the Central and State Govt. to the entitled poor beneficiaries, the services provided by the Legal Services Institution spread over entire districts of Jharkhand in the matter related to insurance is as under.*

Name of Scheme	Beneficiaries
1. Pradhanmantri Suraksha Bima Yojna	10732
2. Crop Insurance	4636
3. Aam Admi Bima Yojna	591
Total	15959

FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON 11.07.2015
(for the cases relating to Electricity/Water/Telephone/Public Utility disputes)

Name of the State Authority	Jharkhand					
	Total Taken up cases	148668	Total disposal cases	129326	Total settlement amount	143998019
Category	Pre-Litigation Cases			Pending Cases		
	Taken up	Disposal	Settlement Amt.	Taken up	Disposal	Settlement Amt.
Electricity	70937	65978	21429606	629	214	7370801
Water	26726	16533	798315	0	0	0
Telephone	2288	714	1330883	0	0	0
Bank	2899	1092	40511288	224	34	1705187
Insurance	1647	1647	51658873	25	16	7711665
Transport	40454	40359	6796098	0	0	0
Postal	1656	1656	1126996	0	0	0
Public Utility Dispute	1107	1007	2899300	76	76	659007
Total	147714	128986	126551359	954	340	17446660

*190058 disposal under Jharkhand Rajya Sewa Dene Ki Guarantee Adhinium 2011 (not included above)

DISPOSAL OF CASES IN NATIONAL LOK ADALAT ON 8-8-15

Name of SLSA- Jharkhand						
Category	Total Cases Taken up	28585	Total disposal-	7056	Total Amt.	406926617
	Pre-Litigation Cases			Pending Cases		
	Taken up	Disposal	Settlement Amt.	Taken up	Disposal	Settlement Amt.
	Banking U/s 138NI Act	23992	6477	391827022	2621	284
Recovery suit	0	0	0	1687	199	2168801
Total	0	0	0	285	96	558385
Total	23992	6477	391827022	4593	579	15099595

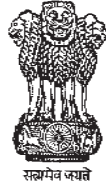
*Services provided : Jandhan Yojna 2356 (not included above)

Performance of Bank in r/o Pending cases		
Name of Bank	Total no. of cases disposed of	Total Settlement Amt.
SBI	278	12185205
Union Bank	5	137204
Central Cooperative Bank	1	50000

Performance of Bank in r/o Pre-litigation cases		
Name of Bank	Total no. of cases disposed of	Total Settlement Amt.
SBI	2942	180210264
Jharkhand Gramin Bank	860	14281828
Allahabad Bank	530	56133784
Union Bank	512	20978669
Punjab National Bank	437	51676921
BOI	432	35696799
Canara Bank	147	5234212
Bank of Baroda	125	5362634
Central Bank	124	4256429
Vananchal Gramin Bank	117	3295391
Vijaya	78	648000
UCO Bank	77	3957712
Oriental	44	6412470
Indian Overseas Bank	14	1356149
IDBI	9	425245
HDFC	9	134615
United Bank	8	856500
Dena	5	129400
Andhra Bank	4	585000
Corporation Bank	1	41000
Syndicate	1	148000
Indian Bank	1	6000

*performance of banks with regard to cases disposed

SUPPORTING DOCUMENT



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 4] नई दिल्ली, शुक्रवार, जनवरी 1, 2016/ पौष 11, 1937 (शक)
No. 4] NEW DELHI, FRIDAY, JANUARY 1, 2016/PAUSHA 11, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 1st January, 2016/Pausha 11, 1937 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2015, and is hereby published for general information:—

**THE COMMERCIAL COURTS, COMMERCIAL DIVISION AND
COMMERCIAL APPELLATE DIVISION OF HIGH COURTS
ACT, 2015**

No. 4 OF 2016

[31st December, 2015.]

An Act to provide for the constitution of Commercial Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes of specified value and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 23rd day of October, 2015.

Short title,
extent and
commence-
ment.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “Commercial Appellate Division” means the Commercial Appellate Division in a High Court constituted under sub-section (1) of section 5;

(b) “Commercial Court” means the Commercial Court constituted under sub-section (1) of section 3;

(c) “commercial dispute” means a dispute arising out of—

(i) ordinary transactions of merchants, bankers, financiers and traders such as those relating to mercantile documents, including enforcement and interpretation of such documents;

(ii) export or import of merchandise or services;

(iii) issues relating to admiralty and maritime law;

(iv) transactions relating to aircraft, aircraft engines, aircraft equipment and helicopters, including sales, leasing and financing of the same;

(v) carriage of goods;

(vi) construction and infrastructure contracts, including tenders;

(vii) agreements relating to immovable property used exclusively in trade or commerce;

(viii) franchising agreements;

(ix) distribution and licensing agreements;

(x) management and consultancy agreements;

(xi) joint venture agreements;

(xii) shareholders agreements;

(xiii) subscription and investment agreements pertaining to the services industry including outsourcing services and financial services;

(xiv) mercantile agency and mercantile usage;

(xv) partnership agreements;

(xvi) technology development agreements;

(xvii) intellectual property rights relating to registered and unregistered trademarks, copyright, patent, design, domain names, geographical indications and semiconductor integrated circuits;

(xviii) agreements for sale of goods or provision of services;

(xix) exploitation of oil and gas reserves or other natural resources including electromagnetic spectrum;

(xx) insurance and re-insurance;

(xxi) contracts of agency relating to any of the above; and

(xxii) such other commercial disputes as may be notified by the Central Government.

Explanation.—A commercial dispute shall not cease to be a commercial dispute merely because—

(a) it also involves action for recovery of immovable property or for realisation of monies out of immovable property given as security or involves any other relief pertaining to immovable property;

(b) one of the contracting parties is the State or any of its agencies or instrumentalities, or a private body carrying out public functions;

(d) “Commercial Division” means the Commercial Division in a High Court constituted under sub-section (1) of section 4;

(e) “District Judge” shall have the same meaning as assigned to it in clause (a) of article 236 of the Constitution of India;

(f) “document” means any matter expressed or described upon any substance by means of letters, figures or marks, or electronic means, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter;

(g) “notification” means a notification published in the Official Gazette and the expression “notify” with its cognate meanings and grammatical variations shall be construed accordingly;

(h) “Schedule” means the Schedule appended to the Act; and

(i) “Specified Value”, in relation to a commercial dispute, shall mean the value of the subject-matter in respect of a suit as determined in accordance with section 12 which shall not be less than one crore rupees or such higher value, as may be notified by the Central Government.

(2) The words and expressions used and not defined in this Act but defined in the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872, shall have the same meanings respectively assigned to them in that Code and the Act.

5 of 1908.
1 of 1872.

CHAPTER II

CONSTITUTION OF COMMERCIAL COURTS, COMMERCIAL DIVISIONS AND COMMERCIAL APPELLATE DIVISIONS

3. (1) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at District level, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:

Constitution
of
Commercial
Courts.

Provided that no Commercial Court shall be constituted for the territory over which the High Court has ordinary original civil jurisdiction.

(2) The State Government shall, after consultation with the concerned High Court specify, by notification, the local limits of the area to which the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.

(3) The State Government shall, with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a Commercial Court, from amongst the cadre of Higher Judicial Service in the State.

4. (1) In all High Courts, having ordinary civil jurisdiction, the Chief Justice of the High Court may, by order, constitute Commercial Division having one or more Benches consisting of a single Judge for the purpose of exercising the jurisdiction and powers conferred on it under this Act.

Constitution
of
Commercial
Division of
High Court.

(2) The Chief Justice of the High Court shall nominate such Judges of the High Court who have experience in dealing with commercial disputes to be Judges of the Commercial Division.

Constitution of Commercial Appellate Division.

5. (1) After issuing notification under sub-section (1) of section 3 or order under sub-section (1) of section 4, the Chief Justice of the concerned High Court shall, by order, constitute Commercial Appellate Division having one or more Division Benches for the purpose of exercising the jurisdiction and powers conferred on it by the Act.

(2) The Chief Justice of the High Court shall nominate such Judges of the High Court who have experience in dealing with commercial disputes to be Judges of the Commercial Appellate Division.

Jurisdiction of Commercial Court.

6. The Commercial Court shall have jurisdiction to try all suits and applications relating to a commercial dispute of a Specified Value arising out of the entire territory of the State over which it has been vested territorial jurisdiction.

Explanation.—For the purposes of this section, a commercial dispute shall be considered to arise out of the entire territory of the State over which a Commercial Court has been vested jurisdiction, if the suit or application relating to such commercial dispute has been instituted as per the provisions of sections 16 to 20 of the Code of Civil Procedure, 1908.

5 of 1908.

Jurisdiction of Commercial Divisions of High Courts.

7. All suits and applications relating to commercial disputes of a Specified Value filed in a High Court having ordinary original civil jurisdiction shall be heard and disposed of by the Commercial Division of that High Court:

Provided that all suits and applications relating to commercial disputes, stipulated by an Act to lie in a court not inferior to a District Court, and filed or pending on the original side of the High Court, shall be heard and disposed of by the Commercial Division of the High Court:

Provided further that all suits and applications transferred to the High Court by virtue of sub-section (4) of section 22 of the Designs Act, 2000 or section 104 of the Patents Act, 1970 shall be heard and disposed of by the Commercial Division of the High Court in all the areas over which the High Court exercises ordinary original civil jurisdiction.

16 of 2000.
39 of 1970.

Bar against revision application or petition against an interlocutory order.

8. Notwithstanding anything contained in any other law for the time being in force, no civil revision application or petition shall be entertained against any interlocutory order of a Commercial Court, including an order on the issue of jurisdiction, and any such challenge, subject to the provisions of section 13, shall be raised only in an appeal against the decree of the Commercial Court.

Transfer of suit if counterclaim in a commercial dispute is of Specified Value.

9. (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908, in the event that a counterclaim filed in a suit before a civil court relating to a commercial dispute is of Specified Value, such suit shall be transferred by the civil court to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit.

5 of 1908.

(2) In the event that such suit is not transferred in the manner contemplated in sub-section (1), the Commercial Appellate Division of the High Court exercising supervisory jurisdiction over the civil court in question may, on the application of any of the parties to the suit, withdraw such suit pending before the civil court and transfer the same for trial or disposal to the Commercial Court or Commercial Division or, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding.

Jurisdiction in respect of arbitration matters.

10. Where the subject-matter of an arbitration is a commercial dispute of a Specified Value and—

(1) If such arbitration is an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 that have been filed in a High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court.

26 of 1996.

26 of 1996. (2) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 that have been filed on the original side of the High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court.

26 of 1996. (3) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by the Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted.

11. Notwithstanding anything contained in this Act, a Commercial Court or a Commercial Division shall not entertain or decide any suit, application or proceedings relating to any commercial dispute in respect of which the jurisdiction of the civil court is either expressly or impliedly barred under any other law for the time being in force.

Bar of jurisdiction of Commercial Courts and Commercial Divisions.

CHAPTER III SPECIFIED VALUE

12. (1) The Specified Value of the subject-matter of the commercial dispute in a suit, appeal or application shall be determined in the following manner:—

Determination of Specified Value.

(a) where the relief sought in a suit or application is for recovery of money, the money sought to be recovered in the suit or application inclusive of interest, if any, computed up to the date of filing of the suit or application, as the case may be, shall be taken into account for determining such Specified Value;

(b) where the relief sought in a suit, appeal or application relates to movable property or to a right therein, the market value of the movable property as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining such Specified Value;

(c) where the relief sought in a suit, appeal or application relates to immovable property or to a right therein, the market value of the immovable property, as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining Specified Value;

(d) where the relief sought in a suit, appeal or application relates to any other intangible right, the market value of the said rights as estimated by the plaintiff shall be taken into account for determining Specified Value; and

(e) where the counterclaim is raised in any suit, appeal or application, the value of the subject-matter of the commercial dispute in such counterclaim as on the date of the counterclaim shall be taken into account.

(2) The aggregate value of the claim and counterclaim, if any as set out in the statement of claim and the counterclaim, if any, in an arbitration of a commercial dispute shall be the basis for determining whether such arbitration is subject to the jurisdiction of a Commercial Division, Commercial Appellate Division or Commercial Court, as the case may be.

5 of 1908. (3) No appeal or civil revision application under section 115 of the Code of Civil Procedure, 1908, as the case may be, shall lie from an order of a Commercial Division or Commercial Court finding that it has jurisdiction to hear a commercial dispute under this Act.

CHAPTER IV

APPEALS

Appeals from
decrees of
Commercial
Courts and
Commercial
Divisions.

13. (1) Any person aggrieved by the decision of the Commercial Court or Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of judgment or order, as the case may be:

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 as amended by this Act and section 37 of the Arbitration and Conciliation Act, 1996.

5 of 1908.
26 of 1996.

(2) Notwithstanding anything contained in any other law for the time being in force or Letters Patent of a High Court, no appeal shall lie from any order or decree of a Commercial Division or Commercial Court otherwise than in accordance with the provisions of this Act.

Expeditious
disposal of
appeals.

14. The Commercial Appellate Division shall endeavour to dispose of appeals filed before it within a period of six months from the date of filing of such appeal.

CHAPTER V

TRANSFER OF PENDING SUITS

Transfer of
pending cases.

15. (1) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996, relating to a commercial dispute of a Specified Value pending in a High Court where a Commercial Division has been constituted, shall be transferred to the Commercial Division.

26 of 1996.

(2) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996, relating to a commercial dispute of a Specified Value pending in any civil court in any district or area in respect of which a Commercial Court has been constituted, shall be transferred to such Commercial Court:

26 of 1996.

Provided that no suit or application where the final judgment has been reserved by the Court prior to the constitution of the Commercial Division or the Commercial Court shall be transferred either under sub-section (1) or sub-section (2).

(3) Where any suit or application, including an application under the Arbitration and Conciliation Act, 1996, relating to a commercial dispute of Specified Value shall stand transferred to the Commercial Division or Commercial Court under sub-section (1) or sub-section (2), the provisions of this Act shall apply to those procedures that were not complete at the time of transfer.

26 of 1996.

(4) The Commercial Division or Commercial Court, as the case may be, may hold case management hearings in respect of such transferred suit or application in order to prescribe new timelines or issue such further directions as may be necessary for a speedy and efficacious disposal of such suit or application in accordance with Order XIV-A of the Code of Civil Procedure, 1908:

5 of 1908.

Provided that the proviso to sub-rule (1) of Rule 1 of Order V of the Code of Civil Procedure, 1908 shall not apply to such transferred suit or application and the court may, in its discretion, prescribe a new time period within which the written statement shall be filed.

5 of 1908.

(5) In the event that such suit or application is not transferred in the manner specified in sub-section (1), sub-section (2) or sub-section (3), the Commercial Appellate Division of the High Court may, on the application of any of the parties to the suit, withdraw such suit or application from the court before which it is pending and transfer the same for trial or disposal to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding.

CHAPTER VI

AMENDMENTS TO THE PROVISIONS OF THE CODE OF CIVIL PROCEDURE, 1908

- 5 of 1908. **16.** (1) The provisions of the Code of Civil Procedure, 1908 shall, in their application to any suit in respect of a commercial dispute of a Specified Value, stand amended in the manner as specified in the Schedule. Amendments to the Code of Civil Procedure, 1908 in its application to commercial disputes.
- 5 of 1908. (2) The Commercial Division and Commercial Court shall follow the provisions of the Code of Civil Procedure, 1908, as amended by this Act, in the trial of a suit in respect of a commercial dispute of a Specified Value.
- 5 of 1908. (3) Where any provision of any Rule of the jurisdictional High Court or any amendment to the Code of Civil Procedure, 1908, by the State Government is in conflict with the provisions of the Code of Civil Procedure, 1908, as amended by this Act, the provisions of the Code of Civil Procedure as amended by this Act shall prevail.

CHAPTER VII

MISCELLANEOUS

- 17.** The statistical data regarding the number of suits, applications, appeals or writ petitions filed before the Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, the pendency of such cases, the status of each case, and the number of cases disposed of, shall be maintained and updated every month by each Commercial Court, Commercial Division, Commercial Appellate Division and shall be published on the website of the relevant High Court. Collection and disclosure of data by Commercial Courts, Commercial Divisions and Commercial Appellate Divisions.
- 5 of 1908. **18.** The High Court may, by notification, issue practice directions to supplement the provisions of Chapter II of this Act or the Code of Civil Procedure, 1908 insofar as such provisions apply to the hearing of commercial disputes of a Specified Value. Power of High Court to issue directions.
- 19.** The State Government shall provide necessary infrastructure to facilitate the working of a Commercial Court or a Commercial Division of a High Court. Infrastructure facilities.
- 20.** The State Government may, in consultation with the High Court, establish necessary facilities providing for training of Judges who may be appointed to the Commercial Court, Commercial Division or the Commercial Appellate Division in a High Court. Training and continuous education.
- 21.** Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law for the time being in force other than this Act. Act to have overriding effect.
- 22.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.
- Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.
- Ord. 8 of 2015. **23.** (1) The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 is hereby repealed. Repeal and savings.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE
(See section 16)

Amendment of section 26. **1.** In section 26 of the Code of Civil Procedure, 1908 (hereafter referred to as the Code), in sub-section (2), the following proviso shall be inserted, namely:— 5 of 1908.

“Provided that such an affidavit shall be in the form and manner as prescribed under Order VI of Rule 15A”.

Substitution of new section for section 35.
Costs.

2. For section 35 of the Code, the following section shall be substituted, namely:—

‘35. (1) In relation to any commercial dispute, the Court, notwithstanding anything contained in any other law for the time being in force or Rule, has the discretion to determine:

- (a) whether costs are payable by one party to another;
- (b) the quantum of those costs; and
- (c) when they are to be paid.

Explanation.—For the purpose of clause (a), the expression “costs” shall mean reasonable costs relating to—

- (i) the fees and expenses of the witnesses incurred;
- (ii) legal fees and expenses incurred;
- (iii) any other expenses incurred in connection with the proceedings.

(2) If the Court decides to make an order for payment of costs, the general rule is that the unsuccessful party shall be ordered to pay the costs of the successful party:

Provided that the Court may make an order deviating from the general rule for reasons to be recorded in writing.

Illustration

The Plaintiff, in his suit, seeks a money decree for breach of contract, and damages. The Court holds that the Plaintiff is entitled to the money decree. However, it returns a finding that the claim for damages is frivolous and vexatious.

In such circumstances the Court may impose costs on the Plaintiff, despite the Plaintiff being the successful party, for having raised frivolous claims for damages.

(3) In making an order for the payment of costs, the Court shall have regard to the following circumstances, including—

- (a) the conduct of the parties;
- (b) whether a party has succeeded on part of its case, even if that party has not been wholly successful;
- (c) whether the party had made a frivolous counterclaim leading to delay in the disposal of the case;
- (d) whether any reasonable offer to settle is made by a party and unreasonably refused by the other party; and
- (e) whether the party had made a frivolous claim and instituted a vexatious proceeding wasting the time of the Court.

(4) The orders which the Court may make under this provision include an order that a party must pay—

- (a) a proportion of another party's costs;
- (b) a stated amount in respect of another party's costs;
- (c) costs from or until a certain date;
- (d) costs incurred before proceedings have begun;
- (e) costs relating to particular steps taken in the proceedings;
- (f) costs relating to a distinct part of the proceedings; and
- (g) interest on costs from or until a certain date.'.

3. In section 35A of the Code, sub-section (2) shall be omitted.

Amendment
of section
35A.

4. In the First Schedule to the Code,—

Amendment
of First
Schedule.

(A) in the Order V, in Rule 1, in sub-rule (I), for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.”;

(B) in Order VI,—

(i) after Rule 3, the following Rule shall be inserted, namely:—

“3A. Forms of pleading in Commercial Courts—In a commercial dispute, where forms of pleadings have been prescribed under the High Court Rules or Practice Directions made for the purposes of such commercial disputes, pleadings shall be in such forms.”;

(ii) after Rule 15, the following Rule shall be inserted, namely:—

“15A. Verification of pleadings in a commercial dispute.—

(1) Notwithstanding anything contained in Rule 15, every pleading in a commercial dispute shall be verified by an affidavit in the manner and form prescribed in the Appendix to this Schedule.

(2) An affidavit under sub-rule (1) above shall be signed by the party or by one of the parties to the proceedings, or by any other person on behalf of such party or parties who is proved to the satisfaction of the Court to be acquainted with the facts of the case and who is duly authorised by such party or parties.

(3) Where a pleading is amended, the amendments must be verified in the form and manner referred to in sub-rule (1) unless the Court orders otherwise.

(4) Where a pleading is not verified in the manner provided under sub-rule (1), the party shall not be permitted to rely on such pleading as evidence or any of the matters set out therein.

(5) The Court may strike out a pleading which is not verified by a Statement of Truth, namely, the affidavit set out in the Appendix to this Schedule.”;

(C) in Order VII, after Rule 2, the following Rule shall be inserted, namely:—

“2A. Where interest is sought in the suit,—

(1) Where the plaintiff seeks interest, the plaint shall contain a statement to that effect along with the details set out under sub-rules (2) and (3).

(2) Where the plaintiff seeks interest, the plaint shall state whether the plaintiff is seeking interest in relation to a commercial transaction within the meaning of section 34 of the Code of Civil Procedure, 1908 and, furthermore, if the plaintiff is doing so under the terms of a contract or under an Act, in which case the Act is to be specified in the plaint; or on some other basis and shall state the basis of that.

(3) Pleadings shall also state—

(a) the rate at which interest is claimed;

(b) the date from which it is claimed;

(c) the date to which it is calculated;

(d) the total amount of interest claimed to the date of calculation; and

(e) the daily rate at which interest accrues after that date.”;

(D) in Order VIII,—

(i) in Rule 1, for the proviso, the following proviso shall be substituted, namely:—

“Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.”;

(ii) after Rule 3, the following Rule shall be inserted, namely:—

“3A. Denial by the defendant in suits before the Commercial Division of the High Court or the Commercial Court—

(1) Denial shall be in the manner provided in sub-rules (2), (3), (4) and (5) of this Rule.

(2) The defendant in his written statement shall state which of the allegations in the particulars of plaint he denies, which allegations he is unable to admit or deny, but which he requires the plaintiff to prove, and which allegations he admits.

(3) Where the defendant denies an allegation of fact in a plaint, he must state his reasons for doing so and if he intends to put forward a different version of events from that given by the plaintiff, he must state his own version.

(4) If the defendant disputes the jurisdiction of the Court he must state the reasons for doing so, and if he is able, give his own statement as to which Court ought to have jurisdiction.

(5) If the defendant disputes the plaintiff's valuation of the suit, he must state his reasons for doing so, and if he is able, give his own statement of the value of the suit.”;

(iii) in Rule 5, in sub-rule (1), after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that every allegation of fact in the plaint, if not denied in the manner provided under Rule 3A of this Order, shall be taken to be admitted except as against a person under disability.” ;

(iv) in Rule 10, after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that no Court shall make an order to extend the time provided under Rule 1 of this Order for filing of the written statement.”;

(E) for Order XI of the Code, the following Order shall be substituted, namely:—

“ORDER XI

DISCLOSURE, DISCOVERY AND INSPECTION OF DOCUMENTS IN SUITS BEFORE THE COMMERCIAL DIVISION OF A HIGH COURT OR A COMMERCIAL COURT

1. (1) Plaintiff shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint, including:—

Disclosure and discovery of documents.

(a) documents referred to and relied on by the plaintiff in the plaint;

(b) documents relating to any matter in question in the proceedings, in the power, possession, control or custody of the plaintiff, as on the date of filing the plaint, irrespective of whether the same is in support of or adverse to the plaintiff's case;

(c) nothing in this Rule shall apply to documents produced by plaintiffs and relevant only—

(i) for the cross-examination of the defendant's witnesses, or

(ii) in answer to any case set up by the defendant subsequent to the filing of the plaint, or

(iii) handed over to a witness merely to refresh his memory.

(2) The list of documents filed with the plaint shall specify whether the documents in the power, possession, control or custody of the plaintiff are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document, mode of execution, issuance or receipt and line of custody of each document.

(3) The plaint shall contain a declaration on oath from the plaintiff that all documents in the power, possession, control or custody of the plaintiff, pertaining to the facts and circumstances of the proceedings initiated by him have been disclosed and copies thereof annexed with the plaint, and that the plaintiff does not have any other documents in its power, possession, control or custody.

Explanation.—A declaration on oath under this sub-rule shall be contained in the Statement of Truth as set out in the Appendix.

(4) In case of urgent filings, the plaintiff may seek leave to rely on additional documents, as part of the above declaration on oath and subject to grant of such leave by Court, the plaintiff shall file such additional documents in Court, within thirty days of filing the suit, along with a declaration on oath that the plaintiff has

produced all documents in its power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff and that the plaintiff does not have any other documents, in its power, possession, control or custody.

(5) The plaintiff shall not be allowed to rely on documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with plaint or within the extended period set out above, save and except by leave of Court and such leave shall be granted only upon the plaintiff establishing reasonable cause for non-disclosure along with the plaint.

(6) The plaint shall set out details of documents, which the plaintiff believes to be in the power, possession, control or custody of the defendant and which the plaintiff wishes to rely upon and seek leave for production thereof by the said defendant.

(7) The defendant shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the written statement or with its counterclaim if any, including—

(a) the documents referred to and relied on by the defendant in the written statement;

(b) the documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendant, irrespective of whether the same is in support of or adverse to the defendant's defence;

(c) nothing in this Rule shall apply to documents produced by the defendants and relevant only—

(i) for the cross-examination of the plaintiff's witnesses,

(ii) in answer to any case set up by the plaintiff subsequent to the filing of the plaint, or

(iii) handed over to a witness merely to refresh his memory.

(8) The list of documents filed with the written statement or counterclaim shall specify whether the documents, in the power, possession, control or custody of the defendant, are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document being produced by the defendant, mode of execution, issuance or receipt and line of custody of each document.

(9) The written statement or counterclaim shall contain a declaration on oath made by the deponent that all documents in the power, possession, control or custody of the defendant, save and except for those set out in sub-rule (7) (c) (iii) pertaining to the facts and circumstances of the proceedings initiated by the plaintiff or in the counterclaim, have been disclosed and copies thereof annexed with the written statement or counterclaim and that the defendant does not have in its power, possession, control or custody, any other documents.

(10) Save and except for sub-rule (7) (c) (iii), defendant shall not be allowed to rely on documents, which were in the defendant's power, possession, control or custody and not disclosed along with the written statement or counterclaim, save and except by leave of Court and such leave shall be granted only upon the defendant establishing reasonable cause for non-disclosure along with the written statement or counterclaim.

(11) The written statement or counterclaim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendant wishes to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same.

(12) Duty to disclose documents, which have come to the notice of a party, shall continue till disposal of the suit.

2. (1) In any suit the plaintiff or defendant by leave of the court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:

Discovery by
interrogatories.

Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose:

Provided further that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

(2) On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the court, and that court shall decide within seven days from the day of filing of the said application, in deciding upon such application, the court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the court shall consider necessary either for disposing fairly of the suit or for saving costs.

(3) In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

5 of 1908.

(4) Interrogatories shall be in the form provided in Form No. 2 in Appendix C to the Code of Civil Procedure, 1908, with such variations as circumstances may require.

(5) Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer of other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.

(6) Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited *bona fide* for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on the ground of privilege or any other ground may be taken in the affidavit in answer.

(7) Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous and any application for this purpose may be made within seven days after service of the interrogatories.

(8) Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the court may allow.

5 of 1908.

(9) An affidavit in answer to interrogatories shall be in the form provided in Form No. 3 in Appendix C to the Code of Civil Procedure, 1908, with such variations as circumstances may require.

(10) No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the court.

(11) Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the court for an order requiring him to answer, or to answer further, as the case may be, and an order may be made requiring him to answer, or to answer further, either affidavit or by *viva voce* examination, as the court may direct.

Inspection.

3. (1) All parties shall complete inspection of all documents disclosed within thirty days of the date of filing of the written statement or written statement to the counterclaim, whichever is later. The Court may extend this time limit upon application at its discretion, but not beyond thirty days in any event.

(2) Any party to the proceedings may seek directions from the Court, at any stage of the proceedings, for inspection or production of documents by the other party, of which inspection has been refused by such party or documents have not been produced despite issuance of a notice to produce.

(3) Order in such application shall be disposed of within thirty days of filing such application, including filing replies and rejoinders (if permitted by Court) and hearing.

(4) If the above application is allowed, inspection and copies thereof shall be furnished to the party seeking it, within five days of such order.

(5) No party shall be permitted to rely on a document, which it had failed to disclose or of which inspection has not been given, save and except with leave of Court.

(6) The Court may impose exemplary costs against a defaulting party, who wilfully or negligently failed to disclose all documents pertaining to a suit or essential for a decision therein and which are in their power, possession, control or custody or where a Court holds that inspection or copies of any documents had been wrongfully or unreasonably withheld or refused.

Admission
and denial of
documents.

4. (1) Each party shall submit a statement of admissions or denials of all documents disclosed and of which inspection has been completed, within fifteen days of the completion of inspection or any later date as fixed by the Court.

(2) The statement of admissions and denials shall set out explicitly, whether such party was admitting or denying:—

- (a) correctness of contents of a document;
- (b) existence of a document;
- (c) execution of a document;
- (d) issuance or receipt of a document;
- (e) custody of a document.

Explanation.—A statement of admission or denial of the existence of a document made in accordance with sub-rule (2)(b) shall include the admission or denial of the contents of a document.

(3) Each party shall set out reasons for denying a document under any of the above grounds and bare and unsupported denials shall not be deemed to be denials of a document and proof of such documents may then be dispensed with at the discretion of the Court.

(4) Any party may however submit bare denials for third party documents of which the party denying does not have any personal knowledge of, and to which the party denying is not a party to in any manner whatsoever.

(5) An Affidavit in support of the statement of admissions and denials shall be filed confirming the correctness of the contents of the statement.

(6) In the event that the Court holds that any party has unduly refused to admit a document under any of the above criteria,— costs (including exemplary costs) for deciding on admissibility of a document may be imposed by the Court on such party.

(7) The Court may pass orders with respect to admitted documents including for waiver of further proof thereon or rejection of any documents.

5. (1) Any party to a proceeding may seek or the Court may order, at any time during the pendency of any suit, production by any party or person, of such documents in the possession or power of such party or person, relating to any matter in question in such suit.

Production of documents.

5 of 1908.

(2) Notice to produce such document shall be issued in the Form provided in Form No. 7 in Appendix C to the Code of Civil Procedure, 1908.

(3) Any party or person to whom such notice to produce is issued shall be given not less than seven days and not more than fifteen days to produce such document or to answer to their inability to produce such document.

(4) The Court may draw an adverse inference against a party refusing to produce such document after issuance of a notice to produce and where sufficient reasons for such non-production are not given and order costs.

21 of 2000.

6. (1) In case of disclosures and inspection of Electronic Records (as defined in the Information Technology Act, 2000), furnishing of printouts shall be sufficient compliance of the above provisions.

Electronic records.

(2) At the discretion of the parties or where required (when parties wish to rely on audio or video content), copies of electronic records may be furnished in electronic form either in addition to or in lieu of printouts.

(3) Where Electronic Records form part of documents disclosed, the declaration on oath to be filed by a party shall specify—

(a) the parties to such Electronic Record;

(b) the manner in which such electronic record was produced and by whom;

(c) the dates and time of preparation or storage or issuance or receipt of each such electronic record;

(d) the source of such electronic record and date and time when the electronic record was printed;

(e) in case of email ids, details of ownership, custody and access to such email ids;

(f) in case of documents stored on a computer or computer resource (including on external servers or cloud), details of ownership, custody and access to such data on the computer or computer resource;

(g) deponent's knowledge of contents and correctness of contents;

(h) whether the computer or computer resource used for preparing or receiving or storing such document or data was functioning properly or in case of malfunction that such malfunction did not affect the contents of the document stored;

(i) that the printout or copy furnished was taken from the original computer or computer resource.

(4) The parties relying on printouts or copy in electronic form, of any electronic records, shall not be required to give inspection of electronic records, provided a declaration is made by such party that each such copy, which has been produced, has been made from the original electronic record.

(5) The Court may give directions for admissibility of Electronic Records at any stage of the proceedings.

(6) Any party may seek directions from the Court and the Court may of its motion issue directions for submission of further proof of any electronic record including metadata or logs before admission of such electronic record.

7. For avoidance of doubt, it is hereby clarified that Order XIII Rule 1, Order VII Rule 14 and Order VIII Rule 1A of the Code of Civil Procedure, 1908 shall not apply to suits or applications before the Commercial Divisions of High Court or Commercial Courts.”.

5 of 1908.

Certain provisions of the Code of Civil Procedure, 1908 not to apply.

Insertion of new Order XIII-A.

5. After Order XIII of the Code, the following Order shall be inserted, namely:—

‘ORDER XIII-A

SUMMARY JUDGMENT

Scope of and classes of suits to which this Order applies.

1. (1) This Order sets out the procedure by which Courts may decide a claim pertaining to any Commercial Dispute without recording oral evidence.

(2) For the purposes of this Order, the word “claim” shall include—

(a) part of a claim;

(b) any particular question on which the claim (whether in whole or in part) depends; or

(c) a counterclaim, as the case may be.

(3) Notwithstanding anything to the contrary, an application for summary judgment under this Order shall not be made in a suit in respect of any Commercial Dispute that is originally filed as a summary suit under Order XXXVII.

Stage for application for summary judgment.

2. An applicant may apply for summary judgment at any time after summons has been served on the defendant:

Provided that, no application for summary judgment may be made by such applicant after the Court has framed the issues in respect of the suit.

Grounds for summary judgment.

3. The Court may give a summary judgment against a plaintiff or defendant on a claim if it considers that—

(a) the plaintiff has no real prospect of succeeding on the claim or the defendant has no real prospect of successfully defending the claim, as the case may be; and

(b) there is no other compelling reason why the claim should not be disposed of before recording of oral evidence.

Procedure.

4. (1) An application for summary judgment to a Court shall, in addition to any other matters the applicant may deem relevant, include the matters set forth in sub-clauses (a) to (f) mentioned hereunder:—

(a) the application must contain a statement that it is an application for summary judgment made under this Order;

(b) the application must precisely disclose all material facts and identify the point of law, if any;

(c) in the event the applicant seeks to rely upon any documentary evidence, the applicant must,—

(i) include such documentary evidence in its application, and

(ii) identify the relevant content of such documentary evidence on which the applicant relies;

(d) the application must state the reason why there are no real prospects of succeeding on the claim or defending the claim, as the case may be;

(e) the application must state what relief the applicant is seeking and briefly state the grounds for seeking such relief.

(2) Where a hearing for summary judgment is fixed, the respondent must be given at least thirty days' notice of:—

(a) the date fixed for the hearing; and

(b) the claim that is proposed to be decided by the Court at such hearing.

(3) The respondent may, within thirty days of the receipt of notice of application of summary judgment or notice of hearing (whichever is earlier), file a reply addressing the matters set forth in clauses (a) to (f) mentioned hereunder in addition to any other matters that the respondent may deem relevant:—

(a) the reply must precisely—

(i) disclose all material facts;

(ii) identify the point of law, if any; and

(iii) state the reasons why the relief sought by the applicant should not be granted;

(b) in the event the respondent seeks to rely upon any documentary evidence in its reply, the respondent must—

(i) include such documentary evidence in its reply; and

(ii) identify the relevant content of such documentary evidence on which the respondent relies;

(c) the reply must state the reason why there are real prospects of succeeding on the claim or defending the claim, as the case may be;

(d) the reply must concisely state the issues that should be framed for trial;

(e) the reply must identify what further evidence shall be brought on record at trial that could not be brought on record at the stage of summary judgment; and

(f) the reply must state why, in light of the evidence or material on record if any, the Court should not proceed to summary judgment.

5. (1) Notwithstanding anything in this Order, if the respondent in an application for summary judgment wishes to rely on additional documentary evidence during the hearing, the respondent must:—

(a) file such documentary evidence; and

(b) serve copies of such documentary evidence on every other party to the application at least fifteen days prior to the date of the hearing.

Evidence for hearing of summary judgment.

(2) Notwithstanding anything in this Order, if the applicant for summary judgment wishes to rely on documentary evidence in reply to the defendant's documentary evidence, the applicant must:—

(a) file such documentary evidence in reply; and

(b) serve a copy of such documentary evidence on the respondent at least five days prior to the date of the hearing.

(3) Notwithstanding anything to the contrary, sub-rules (1) and (2) shall not require documentary evidence to be:—

(a) filed if such documentary evidence has already been filed; or

(b) served on a party on whom it has already been served.

6. (1) On an application made under this Order, the Court may make such orders that it may deem fit in its discretion including the following:—

(a) judgment on the claim;

(b) conditional order in accordance with Rule 7 mentioned hereunder;

(c) dismissing the application;

(d) dismissing part of the claim and a judgment on part of the claim that is not dismissed;

(e) striking out the pleadings (whether in whole or in part); or

(f) further directions to proceed for case management under Order XV-A.

(2) Where the Court makes any of the orders as set forth in sub-rule (1) (a) to (f), the Court shall record its reasons for making such order.

7. (1) Where it appears to the Court that it is possible that a claim or defence may succeed but it is improbable that it shall do so, the Court may make a conditional order as set forth in Rule 6 (1) (b).

(2) Where the Court makes a conditional order, it may:—

(a) make it subject to all or any of the following conditions:—

(i) require a party to deposit a sum of money in the Court;

(ii) require a party to take a specified step in relation to the claim or defence, as the case may be;

(iii) require a party, as the case may be, to give such security or provide such surety for restitution of costs as the Court deems fit and proper;

(iv) impose such other conditions, including providing security for restitution of losses that any party is likely to suffer during the pendency of the suit, as the Court may deem fit in its discretion; and

(b) specify the consequences of the failure to comply with the conditional order, including passing a judgment against the party that have not complied with the conditional order.

8. The Court may make an order for payment of costs in an application for summary judgment in accordance with the provisions of sections 35 and 35A of the Code.

6. Order XV of the Code shall be omitted.

Orders that may be made by Court.

Conditional order.

Power to impose costs.

Omission of Order XV.

7. After Order XV of the Code, the following Order shall be inserted, namely:—

“ORDER XV-A

CASE MANAGEMENT HEARING

1. The Court shall hold the first Case Management Hearing, not later than four weeks from the date of filing of affidavit of admission or denial of documents by all parties to the suit.

2. In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the Court may pass an order—

(a) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 after examining pleadings, documents and documents produced before it, and on examination conducted by the Court under Rule 2 of Order X, if required;

(b) listing witnesses to be examined by the parties;

(c) fixing the date by which affidavit of evidence to be filed by parties;

(d) fixing the date on which evidence of the witnesses of the parties to be recorded;

(e) fixing the date by which written arguments are to be filed before the Court by the parties;

(f) fixing the date on which oral arguments are to be heard by the Court; and

(g) setting time limits for parties and their advocates to address oral arguments.

3. In fixing dates or setting time limits for the purposes of Rule 2 of this Order, the Court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing.

4. The Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis until the cross-examination of all the witnesses is complete.

5. The Court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.

6. (1) In any Case Management Hearing held under this Order, the Court shall have the power to—

(a) prior to the framing of issues, hear and decide any pending application filed by the parties under Order XIII-A;

(b) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues;

(c) extend or shorten the time for compliance with any practice, direction or Court order if it finds sufficient reason to do so;

(d) adjourn or bring forward a hearing if it finds sufficient reason to do so;

(e) direct a party to attend the Court for the purposes of examination under Rule 2 of Order X;

(f) consolidate proceedings;

Insertion of Order XV-A.

First Case Management Hearing.

Orders to be passed in a Case Management Hearing.

5 of 1908.

Time limit for the completion of a trial.

Recording of oral evidence on a day-to-day basis.

Case Management Hearings during a trial.

Powers of the Court in a Case Management Hearing.

(g) strike off the name of any witness or evidence that it deems irrelevant to the issues framed;

(h) direct a separate trial of any issue;

(i) decide the order in which issues are to be tried;

(j) exclude an issue from consideration;

(k) dismiss or give judgment on a claim after a decision on a preliminary issue;

(l) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI;

(m) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material;

(n) strike off any parts of the affidavit of evidence filed by the parties containing irrelevant, inadmissible or argumentative material;

(o) delegate the recording of evidence to such authority appointed by the Court for this purpose;

(p) pass any order relating to the monitoring of recording the evidence by a commission or any other authority;

(q) order any party to file and exchange a costs budget;

(r) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(2) When the Court passes an order in exercise of its powers under this Order, it may—

(a) make it subject to conditions, including a condition to pay a sum of money into Court; and

(b) specify the consequence of failure to comply with the order or a condition.

(3) While fixing the date for a Case Management Hearing, the Court may direct that the parties also be present for such Case Management Hearing, if it is of the view that there is a possibility of settlement between the parties.

7. (1) The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present:

Provided that an adjournment of the hearing is sought in advance by moving an application, the Court may adjourn the hearing to another date upon the payment of such costs as the Court deems fit, by the party moving such application.

(2) Notwithstanding anything contained in this Rule, if the Court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

8. Where any party fails to comply with the order of the Court passed in a Case Management Hearing, the Court shall have the power to—

(a) condone such non-compliance by payment of costs to the Court;

(b) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file written submissions, address oral arguments or make further arguments in the trial, as the case may be, or

Adjournment
of Case
Management
Hearing.

Consequen-
ces of non-
compliance
with orders.

(c) dismiss the plaint or allow the suit where such non-compliance is wilful, repeated and the imposition of costs is not adequate to ensure compliance.”.

8. In Order XVIII of the Code, in Rule 2, for sub-rules (3A), (3B), (3C), (3D), (3E) and (3F), the following shall be substituted, namely:—

Amendment
of Order
XVIII.

“(3A) A party shall, within four weeks prior to commencing the oral arguments, submit concisely and under distinct headings written arguments in support of his case to the Court and such written arguments shall form part of the record.

(3B) The written arguments shall clearly indicate the provisions of the laws being cited in support of the arguments and the citations of judgments being relied upon by the party and include copies of such judgments being relied upon by the party.

(3C) A copy of such written arguments shall be furnished simultaneously to the opposite party.

(3D) The Court may, if it deems fit, after the conclusion of arguments, permit the parties to file revised written arguments within a period of not more than one week after the date of conclusion of arguments.

(3E) No adjournment shall be granted for the purpose of filing the written arguments unless the Court, for reasons to be recorded in writing, considers it necessary to grant such adjournment.

(3F) It shall be open for the Court to limit the time for oral submissions having regard to the nature and complexity of the matter.”.

9. In Order XVIII of the Code, in Rule 4, after sub-rule (I), the following sub-rules shall be inserted, namely:—

Amendment
of Order
XVIII.

“(IA) The affidavits of evidence of all witnesses whose evidence is proposed to be led by a party shall be filed simultaneously by that party at the time directed in the first Case Management Hearing.

(IB) A party shall not lead additional evidence by the affidavit of any witness (including of a witness who has already filed an affidavit) unless sufficient cause is made out in an application for that purpose and an order, giving reasons, permitting such additional affidavit is passed by the Court.

(IC) A party shall however have the right to withdraw any of the affidavits so filed at any time prior to commencement of cross-examination of that witness, without any adverse inference being drawn based on such withdrawal:

Provided that any other party shall be entitled to tender as evidence and rely upon any admission made in such withdrawn affidavit.”.

10. In Order XIX of the Code, after Rule 3, the following Rules shall be inserted, namely:—

Amendment
to Order
XIX.

“4. (1) The Court may, by directions, regulate the evidence as to issues on which it requires evidence and the manner in which such evidence may be placed before the Court.

Court may
control
evidence.

(2) The Court may, in its discretion and for reasons to be recorded in writing, exclude evidence that would otherwise be produced by the parties.”.

5. A Court may, in its discretion, for reasons to be recorded in writing—

Redacting or
rejecting
evidence.

(i) redact or order the redaction of such portions of the affidavit of examination-in-chief as do not, in its view, constitute evidence; or

(ii) return or reject an affidavit of examination-in-chief as not constituting admissible evidence.

Format and guidelines of affidavit of evidence.

6. An affidavit must comply with the form and requirements set forth below:—

(a) such affidavit should be confined to, and should follow the chronological sequence of, the dates and events that are relevant for proving any fact or any other matter dealt with;

(b) where the Court is of the view that an affidavit is a mere reproduction of the pleadings, or contains the legal grounds of any party's case, the Court may, by order, strike out the affidavit or such parts of the affidavit, as it deems fit and proper;

(c) each paragraph of an affidavit should, as far as possible, be confined to a distinct portion of the subject;

(d) an affidavit shall state—

(i) which of the statements in it are made from the deponent's own knowledge and which are matters of information or belief; and

(ii) the source for any matters of information or belief;

(e) an affidavit should—

(i) have the pages numbered consecutively as a separate document (or as one of several documents contained in a file);

(ii) be divided into numbered paragraphs;

(iii) have all numbers, including dates, expressed in figures; and

(iv) if any of the documents referred to in the body of the affidavit are annexed to the affidavit or any other pleadings, give the annexures and page numbers of such documents that are relied upon.”.

Amendment of Order XX.

11. In Order XX of the Code, for Rule 1, the following Rule shall be substituted, namely:—

“(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within ninety days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the parties to the dispute through electronic mail or otherwise.”.

DR. G. NARAYANARAJU
Secretary to the Govt. of India.