

File No: N-17/145/2014-NM-(part)

Government of India
Ministry of Law & Justice
Department of Justice

Jaisalmer House, 26 Mansingh Road,
New Delhi – 110011
Dated: 12.10.2021

Office Memorandum

Sub: Minutes of the Review Meeting on “Enforcement of Contracts” Parameter of the Ease of Doing Business

Please find enclosed herewith Minutes of the Review Meeting on “Enforcement of Contracts” parameter of the Ease of Doing Business held on 8th October, 2021 at 4:30 P.M. in New Delhi to discuss the progress on the action required to be taken by the concerned authorities for improving India’s ranking in World Bank Report on Doing Business for “*Enforcing Contracts*” indicator for your kind information. It is requested that the action taken report on all the issues pertaining to you may be submitted to the under signed before the next meeting.


(Narayan Prasad)

Deputy Secretary to the Government of India
Phone No. 011-23072146
Email:- n.prasad68@gov.in

Encl: As above

To:

1. The Registrar General/Representative, High Court of Delhi, New Delhi.
2. The Registrar General/Representative, High Court of Bombay, Mumbai.
3. The Registrar General/Representative, High Court of Karnataka, Bengaluru.
4. The Registrar General/Representative, High Court of Calcutta, Kolkata.
5. Shri Atul M. Kurhekar, Member(Process), e-Committee of Supreme Court of India.
6. Shri P. P. Pandey, Joint Secretary, e-Courts, Department of Justice.

Copy to:

1. PPS to Secretary, Department of Justice.
2. PPS to Joint Secretary (National Mission), Department of Justice.
3. PPS to Joint Secretary (e-Courts), Department of Justice.

REVIEW MEETING ON ENFORCEMENT OF CONTRACTS

The Review meeting on Enforcement of Contracts indicator was conducted under the Chairmanship of Secretary (J) on 8th October, 2021 at 4:30 pm. The list of participants is attached and placed herewith at Annexure. A brief summary of the proceedings followed by Action Points is as under:

1. At the outset, **Shri Barun Mitra, Secretary (Justice)** welcomed all the participants and appreciated all the efforts undertaken by the four High Courts w.r.t random automated allocation, setting up of dedicated Commercial courts, providing manpower & infrastructure, Case Management hearing, three adjournment rule, PIMS, JustIS app, raising awareness and training. He also appreciated the efforts undertaken by eCommittee in conducting intensive training sessions for both lawyers and Judicial Officers. He highlighted the need to reduce attorney fee in commercial litigation. He then requested Dr. Saurabh Kulshreshtha, OSD/ Registrar Delhi High Court to brief the Members about the oral presentation he had made in the Third Meeting of NITI Aayog Task Force on Enforcing Contracts.
2. **Dr. Saurabh Kulshreshtha, OSD/ Registrar Delhi High Court** provided the following information:
 1. Delhi HC has been taking all steps and is committed to taking steps for expeditious resolution of Commercial Disputes and in line with this commitment, a committee of Hon'ble judges of HC known as the EoDB Committee has been constituted which takes stock of all the issues related to EoDB.
 2. An 18 points action plan was submitted to the Committee wherein the first point was creation of additional dedicated commercial courts. It was informed that 22 dedicated commercial courts are functioning in Delhi and the average no. of cases pending in these courts is around 980. It was realized that the primary aspect affecting the expeditious resolution of commercial disputes is the no. of cases assigned to the particular court. With the pendency of 980, it is very difficult to expedite cases since the duration required for rotation of these cases is much more as compared to the targeted 250 cases per court. Once the cases are reduced to

250 cases per court, the next date available will automatically reduce and that would reduce the time frame for the entire case.

3. In line with this perspective, 42 more Commercial Courts have been notified which will be operationalized shortly and once that is done, the pendency will come down and it would reduce the time frame for Commercial disputes.
4. It was informed that of the remaining 17 points, many were implemented or being implemented with some under consideration by the EoDB Committee.
5. Delhi HC has also taken up the initiative of setting up 64 totally digital paperless NI Act Courts which are being examined to see whether the same can be replicated in Commercial Courts as well.
6. Commercial Cases could also be expedited through the appointment of Local Commissioners under CPC, ie if the recording of evidence can be outsourced to lawyers who can record the evidence at their office or their chambers saving a lot of time for the Commercial Courts Judges.
7. There are two aspects to Online Dispute Resolution ie Pre-Institution Mediation Settlement (PIMS) and ADR during the pendency of Commercial Disputes. Incentivizing the PIMS, if settled, can also be beneficial.

3. Secretary (Justice) then proceeded to discuss the status of the reforms implemented in the respective High Courts.

ACTION POINTS

ALL HIGH COURTS

- To share the data on implementation of maximum three adjournment rule and number of days between the final hearing and judgement of commercial dispute before the 5th of every month.
- To share your views/Comments on the Recommendations made by the Law Firms Sub-Committees constituted by DoJ.

- To share the training calendar for Lawyers and Judicial Officers along with the information on no. of people trained.
- To share views/Comments on how to reduce the time duration for Enforcement of Decree and accelerate it.
- To share the best practices pertaining to Pre-Institution Mediation and Settlement Mechanism in your respective High Courts.
- To share the data on the no. of cases pending in each Commercial Court.
- To share comments/ views on how to reduce the Attorney cost in a Commercial Dispute.
- To share the impact of the facility created by eCommittee w.r.t addition of 22 categories of Commercial Cases.

DELHI HIGH COURT

- To share the concept note on Pre-Institution Mediation and Settlement Mechanism in Delhi High Court.
- To share data on the no. of cases where e-filing has not been done in Government Litigation (where Delhi / Central Government is a party) and instead, the Government has resorted to physical filing of Cases. The total number of cases with the Government as party and where e-filing has not been done may be indicated.

BOMBAY HIGH COURT

- To share with DoJ official email/letter w.r.t the completion/inauguration of dedicated portal for Commercial Courts.
- To share screenshots of the implementation of the facility of 22 categories of Commercial disputes.
- To share with DoJ the implementation status of linking of land records.
- To share the views/Comments on the reasons for lack of e-filing.
- To share a formal note with DoJ on connectivity and other ancillary issues being faced by Bombay HC so that the same can be taken up with the concerned authorities.

KARNATAKA HIGH COURT

- To coordinate with Delhi HC regarding the issues being faced to facilitate sending online summons through emails and SMS alert by obtaining database of companies registered with the Ministry of Corporate Affairs (MCA).
- To share data on the no. of cases where e-filing has not been done in Government Litigation and instead, the Government has resorted to physical filing of Cases.

CALCUTTA HIGH COURT

- To accelerate the operationalisation of the two notified Commercial Courts in Kolkata at 6, church lane.
- To share updates on the implementation of e-filing and e-summons facility in Commercial Courts in Kolkata.
- To share updates on the setting up of eSewa Kendra in Rajahat.

ECOURTS

- To issue work order to BSNL for providing WAN connectivity to four commercial courts in West Bengal as against the recently cancelled 14 sites under eCourts Project Phase II.

DEPARTMENT OF JUSTICE

- To send an email to Karnataka with copy to Delhi HC regarding the issues with CIN no. for e-summons linkage with MCA.
- To send a reminder to West Bengal State Government to expedite the operationalisation of the two notified Commercial Courts in Kolkata.
- To resolve the issue of arbitration and mediation portal with Delhi HC in consultation with NIC.
- Enforcement of Decrees and Model PIMS be included as Agenda Items for the next EoDB Meeting. NALSA to be included in the next EoDB meeting.
- To circulate the 17 points Action Plan formulated by the Delhi HC with the other High Courts.

- To tweet and publicise the recently operationalised dedicated Commercial Courts in Mumbai.
- To tweet and publicise the creation of dedicated commercial courts portal in all the four High Courts, once the same has been officially shared by Bombay HC vide email/letter.
- To share the recommendations by Law Firms Sub-Committee with all four HCs to for their comments.

LIST OF PARTICIPANTS

1. Shri Barun Mitra, Secretary, Department of Justice
2. Shri G.R. Raghavender, Joint Secretary, National Mission, Department of Justice.
3. Shri P.P. Pandey, Joint Secretary, eCourts, Department of Justice.
4. Shri Atul Kurhekar, Member E-Committee Supreme Court
5. Shri Amol K.Avinashe, NIC Pune Team
6. Dr Saurabh Kulshreshtha, OSD/ Registrar Delhi High Court
7. Shri Yashwant Goswami, CPC, Mumbai
8. Shri Rohan Sinha Registrar Calcutta High Court,
9. Shri T.G. Shivashankare Gowda, Registrar Karnataka High Court
10. Shri Akshay Hariharan, Invest India
11. Shri Narayan Prasad, Deputy Secretary, Department of Justice.
12. Shri Ramesh Chand Ahuja, Under Secretary, Department of Justice.