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Government of India
Ministry of Law & Justice
Department of Justice

Jaisalmer House, 26-Mansingh Road,
New Delhi – 110011

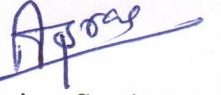
Dated: 26-10-2023

OFFICE MEMORANDUM

Subject: Minutes of the Review Meeting to Monitor Reforms being Undertaken by Commercial Courts held on 18th October, 2023 at 11:00 A.M.

The undersigned is directed to forward herewith the minutes of the Review Meeting to Monitor Reforms being undertaken by Commercial Courts held on 18th October, 2023 at 11:00 A.M. It is requested that the action taken report on all the issues pertaining to the concerned High Courts may be submitted to this Department within 3 weeks from issue of these minutes.

This has the approval of the competent authority.



(Amarjeet Sroa)

Under-Secretary

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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. The Registrar General/Representative, High Court of Madras, Chennai.

6. Mr. Kuntal Sharma Pathak, Member (Processes), e-Committee, Supreme Court of India.
7. Mr. Pravash Prashun Pandey, Joint Secretary, e-Courts, Department of Justice.
8. Mr. Manoj Kumar Mishra, DDG, NIC.

Copy to:

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

MINUTES OF THE FORTNIGHTLY REVIEW MEETING TO MONITOR REFORMS BEING UNDERTAKEN BY COMMERCIAL COURTS HELD ON 18-10-23 AT 11:00A.M.

A Review Meeting to Monitor the Reforms being undertaken by Commercial Courts was held under the Chairmanship of Joint Secretary, Mr. Gaurav Masaldan (National Mission), Department of Justice on 18-10-23 at 11:00 A.M. (The list of participants is placed at the Annexure). At the outset, the Joint Secretary welcomed all the participants and proceeded to review the action points pertaining to each High Court.

DELHI HIGH COURT

- It was informed by the representative from the Delhi High Court that a total of 46 Commercial Courts are now functioning in Delhi. The HC is in the process of operationalization of the remaining courts, which are currently under construction. Judicial officers are also currently undergoing training under the Delhi Judicial Academy and will be placed under the new courts, once they are operationalized. The HC has been requested by the Department of Justice (DoJ) to expedite the process and provide clear timelines in this regard.
- DoJ has requested the HC to share separate monthly statistical data pertaining to the functioning of the 2 dedicated paper-less commercial courts on key parameters such as disposal rate, e-filing, e-payment, random allocation, electronic service of process, PIMS and e-summons.
- The representative from the Delhi HC informed that the Delhi Judicial Academy is holding training programmes for judicial officers and staff on a regular basis. Since this is a need-based programme, the HC takes approval from the Judicial Education and Training Programmes Committee in the Delhi HC and programmes are designed keeping in view latest judgments/inputs received from commercial courts, etc. DoJ has requested the HC to share a comprehensive report on the training schedule, as being organized by the Delhi Judicial Academy for judicial officers and staff, on a regular basis.
- On the point of arranging for the visit of a team from DoJ to the two digital/paperless courts, the Delhi HC has asked DoJ to send a formal request for further action to be initiated at the end of the HC. It was further informed by the representative that the Delhi HC has initiated a fresh proposal for further revamping of the 2 courts and a budget of approximately 1 Crore per court has been given by the PWD.
- With respect to the digitization of legacy data, it was informed by the Delhi HC that it is being done in a speedy manner. Till now, approximately 1.40 crore records have been digitized. 15 crore records are yet to be digitized, for which approval has been granted and work is under progress.

- With respect to the court management strategy for successful compliance with the 3 adjournment rule, the Delhi HC stated reasons such as- Hearing cases on priority, encouraging examination of witnesses on the same day, exploring Pre-Institution Mediation and Settlement, etc. On the point of the PIMS mechanism, DoJ has requested the HC to share statistical data with proper analysis on the usage of PIMS mechanism and the reasons behind non-starter cases.

BOMBAY HIGH COURT

- With regard to establishing more dedicated commercial courts, it was informed by the representative from the Bombay High Court that there are 2 court complexes in Mumbai (one at the Principal seat at City Civil Court and the other at the Dindoshi Branch).
- Initially, 11 courts at the Main Branch and 5 courts at the Dindoshi Branch were notified. Out of these, 3 courts have commenced at the Main Branch and 3 courts have commenced at the Dindoshi Branch. The process of operationalization of 3 additional courts at the Main Branch is under progress.
- With regard to the matter of making e-filing mandatory in all commercial courts, it was informed that all cases are being e-filed at the Main Branch. It was further informed that jurisdiction of only up to Rs.1 Crore is with the City Civil Court and hence, a major percentage of the commercial cases go to the High Court. DoJ has requested the court to share the action taken for creating more awareness regarding e-filing.
- DoJ raised queries regarding the nature of cases being filed in the commercial courts of Mumbai. It was informed by the court that all 22 types of matters as provided under the Act are being filed before the courts. It was further informed that the judicial officers as well as the staff is sufficiently sensitized in this regard and they have been clearly instructed to give specific nomenclature for the 22 types of cases that are being filed in the courts.
- With regard to sharing of details of training requirement for the e-filing workshop in the light of the letter sent, DoJ was informed that 2 workshops for the staff and 2 workshops for the lawyers had already been conducted. It was further informed that the training programmes are held on a need basis every 2-3 months. e-Filing support counters have also been established by the Bar Council in all courts.
- On the point of issue of e-summons and notices, it was communicated that it is done through email. However, there is an issue in verifying whether they are delivered or not as no acknowledgement is received in this regard. Sometimes, email and contact details of the parties are not available. These matters are being addressed by the court. Moreover, on the issue of non-furnishing of statistical data on electronic service of process for the Dindoshi Branch, the court will look into the matter and share an update.
- On the issue of digitization of legacy data and records, it was informed by the court that it is under progress. The new digitization system has been in place for six months and the data for those months has already been digitized. The old data is being digitized

every month. A large scale digitization programme has also been proposed for all the courts.

KARNATAKA HIGH COURT

- It was informed by the representative from Karnataka High Court that there are 10 dedicated commercial courts in Bengaluru and 1 dedicated commercial court outside Bengaluru (i.e. in Bellary District). A pilot project for making e-filing mandatory has been successful in Bellary. Similar steps are being taken to scale up e-filing in dedicated commercial courts of Bengaluru. However, the Court highlighted the advocates' concerns regarding the subsequent requirement for paper-based documents which necessitate digital infrastructure for paper-less workflow. Measures are being taken for digitization for moving towards paper-less workflow.
- On the point of usage of e-summons facility, it was informed that it is already operational and summons are sent through mapped emails to litigating companies and other litigants as well. With respect to litigating companies, email addresses are taken from the RoC. The NSTEP mechanism is also in place for tracking summons sent through the physical mode.
- On the matter of digitization, it was informed that action will commence next month onwards.
- On the matter of sending a team from the Karnataka HC to Delhi to observe the functioning of digital commercial courts, it was informed that approval has to be taken from an independent committee of the HC. DoJ has requested the court to initiate the process.
- On the point of establishing dedicated benches for commercial arbitration, it was informed by the court that one division bench and one single bench are already established at Bengaluru (Principal Bench) and dedicated benches are also established at Dharwad and Kalaburagi to hear arbitration matters.
- The HC has informed that the monthly data regarding e-filing, e-payment of court fees, PIMS mechanism, time taken at different stages of a case (i.e. filing, trial and judgment, and execution) and compliance with the 3 adjournment rule will be updated on a regular basis on the court's website from the month of October, 2023.

CALCUTTA HIGH COURT

- On the matter of operationalizing two new dedicated commercial courts at Kolkata, the representative from the Calcutta High Court raised concerns regarding infrastructural inadequacies at the initially proposed site.

- It was informed by the Registrar General that a new site has been identified. The Calcutta HC has been requested by DoJ to share a detailed report with timelines on the matter.
- On the matter of e-filing, it was informed by the court that it has not yet started in the commercial courts although judicial officers are being trained by the Judicial Academy. Resistance from the members of the bar was one of the reasons cited for the non-adoption of e-filing till now.
- It was further informed by the court that w.e.f. 1st December 2023, e-filing would be made mandatory. The HC has been requested by DoJ to share the decision in this regard via mail.
- The Calcutta HC has been requested to expedite the adoption of e-filing, e-payment, random allocation, electronic service of process, and e-summons in all commercial courts and to furnish monthly reports on all these parameters in a timely manner on the court's website.

MADRAS HIGH COURT

- The representative of the Madras HC informed that the Court has constituted a separate committee to monitor the functioning of the dedicated and other commercial courts. The recommendation of setting up of an additional commercial court in Chennai is pending with the government.
- Regular training is being given by the Judicial Academy with regard to commercial courts.
- On the matter of e-filing, it was informed that in the Dedicated Commercial Courts of Chennai e-filing has been mandatory w.e.f. 16th August 2023.
- The Madras HC has been requested by DoJ to send the information communicated during the meeting in written format for record and necessary action.

DEPARTMENT OF JUSTICE

- NMJR division to prepare a revised, all-encompassing template for adequately capturing all the requisite details/data about significant parameters for trend analysis and performance indicators of the dedicated commercial courts.

ANNEXURE

List of Participants

1. Mr. Gaurav Masaldan, Joint Secretary (National Mission), Department of Justice
2. Mr. Ravinder Singh, Representative (Joint Registrar), Delhi High Court
3. Mr. M.S. Sharma, Representative (Registrar Inspection), Bombay High Court
4. Mr. Basvaraj Chengti, Representative (Registrar Review on Statistics), Karnataka High Court
5. Ms. Chatali Chatterjee, DAS, Representative from Calcutta High Court
6. Mr. Thiru P. Dhanabal, Registrar General, Representative from Madras High Court
7. Mr. Kuntal Sharma Pathak, Member Processes, e-Committee, Supreme Court of India
8. Mr. Yashasvi Kumar, Director (National Mission), Department of Justice
9. Ms. Amarjeet Sroa, Under-Secretary, Department of Justice
10. Ms. Anandita Yadav, Senior Consultant, Department of Justice
11. Ms. Nihar Sorot, Consultant, Department of Justice
12. Mr. Bhaskar Chhakara, Consultant, Department of Justice