

File No. N - 17 / 15 / 2020 – NM, E-4298

Government of India  
Ministry of Law and Justice  
(Department of Justice)

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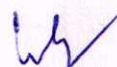
Jaisalmer House, 26 - Mansingh Road,  
New Delhi - 110 011.

Dated:- 06.10.2020

**Office Memorandum**

**Sub: Action Points of the Review Meeting held for improving India's ranking in World Bank Report on Doing Business for parameter of "Enforcing Contracts" on 25.09.2020 – Regarding.**

Please find enclosed herewith Action Points of the Meeting held on 25.09.2020 in New Delhi to discuss the progress on the action required to be taken by the concerned Departments for improving India's ranking in World Bank Report on Doing Business for "Enforcing Contracts" indicator for your kind information, record and necessary action.



(Prem Lata Kaushik)

Deputy Secretary

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Encl: as above

To:

1. The Registrar General, High Court of Delhi, New Delhi.
2. The Registrar General, High Court of Bombay, Mumbai
3. The Registrar General, High Court of Karnataka, Bengaluru
4. The Registrar General, High Court of Calcutta, Kolkata.
5. Shri Soumendra Nath Das, Registrar, Commercial Appellate Division, High Court of Calcutta
6. Shri Atul Kurhekar, Member, E-Committee
7. Shri P P Pandey, Joint Secretary(eCourts), Department of Justice
8. Shri S.B. Singh, DDG,NIC

Copy to:

1. PPS to Secretary(Justice), Department of Justice, Jaisalmer House, New Delhi
2. PPS to Joint Secretary (National Mission), Department of Justice, Jaisalmer House, New Delhi
3. PPS to Joint Secretary (eCourts), Department of Justice, Jaisalmer House, New Delhi



**Action points of the meeting held on 25.09.2020 at 4.30 P.M. in Department of Justice to discuss progress on various issues relating to "Ease of Doing Business" on Parameter of "Enforcing Contracts".**

A follow-up meeting was held on 25.09.2020 (Friday) at 4.30 P.M. under the Chairmanship of Secretary(J) through video conferencing, to discuss the progress on the reforms to be implemented in respect of "Enforcing Contracts" under "Ease of Doing Business". A list of participants is attached as **Annexure**. Since eCommittee had another meeting, Member (eCommittee) could not join.

2. At the outset Joint Secretary (NM) welcomed the participants and conducted the review by first introducing the agenda.
3. Secretary (Justice) interceded to mention about the letter from Department of Economic Affairs regarding a compilation of issues of Investors which the Hon'ble Prime Minister will take up in the Global Investor Roundtable to be held on 05.11.2020. He requested all **the four High Courts** to consider and place before the Hon'ble Chief Justices the following matters:
  - a. Setting up of **Fast Track Commercial Courts for all disputes with a value of Rs.100 Cr.**
  - b. Setting up of **Special Courts for infrastructure projects under Section-20 of the Specific Relief Act.** Delhi informed that they have already issued an Order in 2018. Karnataka mentioned that it has issued a notification in this regard. Secy (J) requested Karnataka to communicate about the notification by Tuesday) (**Timeline-29/09/2020**).
4. The actionable items were then discussed and following decisions taken.

**Action Points- Karnataka High Court**

- i. Regarding **Practice Directions** for efilling, eSummons, and PIMS, Karnataka High Court informed that the **Chief Justice has constituted a Sub-Committee** for devising guidelines. To complete this process within 30 days. (**Timeline 26.10.2020**)
- ii. To expedite issue of Practice Directions on maximum three adjournment rule, Mumbai and Delhi have already done it.
- iii. To completed civil works for new building acquired from BSNL, including the work pertaining to appointment of staff and the Commercial cases to be transferred, so as to operationalize Commercial Courts by month end. (**Timeline 30/09/2020**).
- iv. To send the training calendar for 2020-21.

**Action Points- Calcutta High Court**

- i. To finalize and issue Practice Directions on Maximum 3 Adjournment Rule, PIMS, Reduction of Court Fee in Commercial Disputes and Recovery of Advocate Fee by 02<sup>nd</sup> October 2020. (**Timeline 02.10.2020**)
- ii. To finish Civil Works for new Dedicated Commercial Courts and get the seepage repaired by first week of October 2020, so that 2 more commercial courts can become functional. (**Timeline 07.10.2020**)
- iii. To send copies of proposals sent by the High Court to the State Government for creation of posts for the commercial courts, and on Court Fee Amendment, on which the State is not responding, so that DoJ can take up the matter with the State Government.
- iv. It was informed that online training will be inaugurated on 28.09.2020.
- v. To send the training calendar by 15<sup>th</sup> October,2020.



### **Action Points - Delhi High Court**

- i. Regarding the study on improving the time taken to resolve commercial disputes, Delhi mentioned that since data sets of Delhi and Mumbai are too small and not similar, they could not be compared. So it has formulated **18 Actionable Points** which include requirement of more Courts, requirement of more Judicial Officers, etc., for improving the time taken between Trial and Judgment. This will be presented to the Chief Justice who will be holding a brainstorming session with Presiding Officers of all Commercial Courts of Delhi on 06.10.2020. **(Timeline – Within reasonable time after 06.10.2020).**
- ii. Delhi informed that the current time taken for disposal (747 days) might go upwards due to the closure/limited working of Courts due to the Covid 19 pandemic.
- iii. Regarding Practice Directions on PIMS, Delhi informed that it is not required as the Rules under the CC Act are self sufficient. Bombay reiterated this. NIC to work on a template in CIS/eFiling itself.
- iv. On upward revision of cap on Advocate fee for reimbursement to winner of the commercial dispute, it was informed that the High Court Committee is already looking into the issue.
- v. To send the training calendar by 15<sup>th</sup> October,2020.

### **Action Points - Bombay High Court**

- i. To procure the **Advocate Fee Chart** from Bar Council and share it with DoJ and Delhi. **(Timeline 29.09.2020)**

### **Action Points- eCommittee/NIC:**

- i. To go through the Global Best Practices document sent by DPIIT to suggest improvement in eFiling and eSummons in our context.

### **Action Points - NIC**

- i. NIC to create a template in CIS/eFiling on PIMS.

### **Action Points- All 4 High Courts**

- i. To communicate to DoJ the name of Registrar/Representative of Registrar from each High Court for **Internal Committee** formed for the Simplification of Rules and Forms, (the Committee to also include PIMS being made more user friendly and reduction/removal of mediation fee), by 28.09.2020. **(Timeline 28.09.2020)**
- ii. Training Calendar for Judges, Lawyers and Court Staff including the registry staff may be sent by 29.09.2020. **(Except Mumbai) (Timeline 29.09.2020)**

### **Action Points- DoJ**

- i. To examine Bombay High Court's reply, on why only 2 types of cases are being considered in Dedicated Commercial Courts in Mumbai.
- ii. To write to RGs of High Courts to put up advertisement about the Online Courses on Commercial Matters launched by NLU Delhi on their respective websites.
- iii. To write to eCommittee to place on its portal the details about the Online Courses on Commercial Matters launched by NLU Delhi.
- iv. To write to eCommittee regarding replicating the MACT Model in the PIMS module of the CIS Software where the user/litigant/lawyer will be prompted if Pre Institution Mediation and Settlement was gotten into.
- v. For eSummons, letters to be sent from MLJ to Ministry of Company Affairs for extracting data, through open APIs from Registrar of Companies.

- vi. To write to all the 25 High Courts about the Advocate Fee in commercial cases, capping if any, and the calculation for the same, so that a comparative chart is available.
  - vii. To incorporate Training Schedule of High Courts also in similar tabular statement prepared by DoJ for EoDB review meetings.
  - viii. To resend the DPIIT PPT to all concerned once more.
  - ix. The Committee already formed for Simplification of Forms to also look into PIMS being made more user friendly and reduction/removal of mediation fee. Revised order to be issued.
  - x. JS(PPP) to form a similar Committee on eCourts side.
5. JS(GRR) then summarized the document on Global Best Practices sent by DPIIT regarding eFiling and eSummons and mentioned about important practices like eNotary, defined size of document for eFiling etc which have been incorporated in countries like USA, Malaysia, and Singapore. On this NIC mentioned that eFiling version 3.0 has already incorporated certain features like eSign, ePayment, a bigger document size etc.

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**List of Participants.**

1. Shri Barun Mitra, Secretary, Department of Justice
2. Shri G.R. Raghavender, Joint Secretary, Department of Justice
3. Shri P P Pandey, Joint Secretary, Department of Justice
4. Ms Prem Lata Kaushik, Deputy Secretary, Department of Justice
5. Mr. Ramesh Chand Ahuja, Under Secretary, Department of Justice
6. Shri Surinder S Rathi, OSD cum Registrar to Chief Justice, Delhi High Court
7. Shri D P Surana, Registrar (Inspection), Bombay High Court
8. Shri Soumendra Nath Das, Registrar (Commercial Courts Division), High Court of Calcutta
9. Shri T G Shivashankare Gowda, Registrar (Computers), High Court of Karnataka
10. Shri Rakesh Singh, Delhi High Court.
11. Shri S B Singh, DDG, NIC.