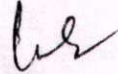


E-file No. 4298
Government of India
Ministry of Law & Justice
Department of Justice

Jaisalmer House,
26, Man Singh Road,
New Delhi-110011
Dated 01.09.2020

Subject: 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 28.08.2020 – Regarding.

Please find enclosed herewith Action Points of the Meeting held on 28.08.2020 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, NewDelhi.
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 SoumendraNath Das, Registrar, Commercial Appellate Division, High Court of Calcutta
6. Shri AtulKurhekar, Member, E-Committee
7. Shri S.B. Singh, DDG, NIC
8. Shri Ravi Shankar Jha, Invest India.

Copy to:

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

ACTION POINTS OF THE MEETING HELD ON 28.08.2020 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 28.08.2020 (Friday) at 4.30 P.M. 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**.

At the outset Secretary (J) welcomed the participants and mentioned about the meeting of the Committee of Secretaries held on 06.08.2020 chaired by Cabinet Secretary and the actionable points which require immediate attention. The actionable items were discussed and following decisions taken:

S.No	Point Discussed	Observations and Action Points
1.	Action Plan 2022	<p>DoJ-</p> <ul style="list-style-type: none"> • Detailed Action Plan for implementation of 20-21 Doing Business reforms to be recirculated to all Stakeholders including E-Committee of the Supreme Court for necessary follow-up. • Section 35A of CPC in the context of CC Act is no longer available. Hence reference to this section in future may not be made. • DPIIT is making a film on EoDB through NFDC. DoJ has vetted the script. As and when film is ready we may make it available to all stakeholders. • Action plan for 20-21 to be the agenda for discussion in the next review meeting.
2.	Time Taken for Disposal	<p>Action Points</p> <p>Delhi</p> <ul style="list-style-type: none"> • Delhi High Court may undertake <u>a study on how to reduce time taken between institution of case and judgment of Commercial Cases</u> in light of the disparity in time taken for case disposal by Commercial Courts in Delhi(Average 747 days) and Mumbai (Average 182 days). JS (DoJ) will share the data of Mumbai courts to Delhi High Court in respect of contested commercial cases. • It was deliberated that time can be effectively managed if cases can be electronically tracked. E-Committee was requested to look into the proposal for paperless and digital commercial courts. <p>Bengaluru</p> <ul style="list-style-type: none"> • Bengaluru pointed out that the old cases (legacy cases) which were hitherto dealt as regular cases in designated courts are showing a disposal time of 3000 to 4000 days before being transferred to dedicated commercial courts. It was suggested that for legacy cases a cut-off date for which these cases were

		<p>sent from designated courts to dedicated commercial courts could be taken as the date of institution for such cases.</p> <ul style="list-style-type: none"> • KHC to arrange to segregate the old cases and the new cases. • KHC to send the report of the legacy cases and those instituted in Commercial Courts as new Commercial Cases separately.
3.	Recovery of Attorney Fee from Unsuccessful Party	<p>Delhi</p> <ul style="list-style-type: none"> • Practice Directions have been prepared and are under review. • Delhi High Court Rules provide for recovery of Lawyers' Fee with Capping. The current capping is of Rs. 50000 according to Part B of High Court rules. • Delhi to explore if the rules related to capping could be upwardly revised. • Copies of decrees received earlier from Delhi High Court of recovery of Lawyers' Fees beyond Rs 50000 be shared with Shri Rathi to clear the confusion over capping limit. <p>Bengaluru and Kolkata</p> <ul style="list-style-type: none"> • KHC to send a report of the total decrees issued wherein recovery of advocate's fee has been decreed. • KHC will issue practice directions in this regard. <p>Mumbai</p> <ul style="list-style-type: none"> • There was zero disposal in June and July 2020. Earlier data has been sent on cost recovery to the Department. Practice directions have been issued already.
4.	Maximum 3 Adjournment Rule	<p>All Courts(Delhi,Mumbai,Kolkata,Bengaluru)</p> <ul style="list-style-type: none"> • Requested to consider issue of Practice Directions with respect to maximum 3 adjournment rule in at least 50 percent of the cases and ensure compliance. • Number of cases where maximum 3 adjournment Rules have been applied in closed commercial cases be provided.
5.	Decrease compliance burden - Simplification of Rules and Forms	<p>Delhi, Mumbai, Kolkata and Bengaluru</p> <ul style="list-style-type: none"> • <u>All the High Courts to form an internal committee for simplification of rules and forms and send a report by 15th September 2020.</u> • To explore the possibility of standardizing and emerging with common set of forms across the High Courts. Also to see whether these forms can be uploaded on the portal/ECMT services in English, Hindi and Vernacular languages. • E-Committee to consider uploading separate templates for all States.

10.	Media Plan	Invest India <ul style="list-style-type: none">• A broad contour of Media Outreach Programme to be prepared by Invest India. This plan could be discussed with Mr.Rathi of Delhi High Court for fine tuning outreach plan.
11.	Third Party Assessment	<ul style="list-style-type: none">• May be discussed in the next meeting on the modalities of carrying our third party assessment.

The Meeting ended with a vote of thanks to the chair.

List of Participants.

1. Shri BarunMitra, Secretary, Department of Justice
2. Shri G.R. Raghavender, Joint Secretary, Department of Justice
3. MsPremLata Kaushik, Deputy Secretary, Department of Justice
4. Mr. Ramesh Chand Ahuja, Under Secretary, Department of Justice
5. Shri AtulKurhekar, Member E-Committee of Supreme Court
6. Shri S SRathi, Delhi High Court
7. Shri D.P.Surana, Registrar (Inspection-I)-cum-nodal authority for Enforcing Contracts, High Court of Bombay, Fort,Mumbai
8. Shri Rajesh Pavaskar, CPC, High Court ofBombay
9. Shri SoumendraNath Das, Registrar (Commercial Courts Division), High Court of Calcutta
10. Shri T G Shivashankare Gowda, Registrar (Computers), High Court ofKarnataka
11. Shri S B Singh, DDG, NIC.
12. Shri Ravi Shankar Jha, Representative, Invest India