

File No. N-17/8/2022-NM (7253)
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House, 26-Mansingh Road,
New Delhi – 110 011.
Dated: the 10.10, 2022

OFFICE MEMORANDUM

**Subject: 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 23rd September, 2022 through video conference at 4:30 P.M. to review the progress of the action required to be taken by the stakeholders for improving the “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 undersigned at the earliest.



(Yashasvi Kumar)
Deputy Secretary to Government of India
Tel./Fax No. 011- 23072146
E-mail: yashasvikumar.dad@gov.in /
dir-nm-doj@gov.in

Encl: As above

To

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

MINUTES OF THE REVIEW MEETING ON “ENFORCEMENT OF CONTRACTS” PARAMETER OF EASE OF DOING BUSINESS HELD ON 23.09.2022 @ 4:30PM

Review meeting on Enforcement of Contracts indicator was conducted under the Chairmanship of Secretary (Justice) Shri S.K.G. Rahate on 23.09.2022 at 4:30pm. The list of the participants is placed at Annexure 1.

Joint Secretary, Shri G.R. Raghavender welcomed all the participants. Thereafter, Secretary (Justice) in his opening remarks said that mails received by him about monthly status of commercial cases do not give fair idea about number of days taken for disposal of cases. The ultimate goal, he said, should be to reduce the total time taken and achieve the global benchmarks. He emphasised on the need to undertake further reform measures to achieve the best global timelines. He said that Delhi has taken a lead in operationalising 22 courts but unfortunately the additionally notified 42 courts are yet to become functional for which Delhi needs to take expeditious action. He exhorted Mumbai to increase the number of commercial courts in tune with the rising pendency. Similarly, other two cities, Bengaluru & Kolkata should also assess their needs and take effective measures for operationalizing optimal number of courts.

DELHI:

- OCD, Delhi High Court informed that out of 42 notified additional commercial courts, 15 dedicated commercial courts and 2 Digital Courts have become functional just a few days back in the Saket District Courts. This development was applauded by DoJ.
- RG Delhi High Court to expedite digitisation of legacy documents.

- To share copy of formal orders on the constitution of 15 additional Dedicated Commercial Courts and the 2 digital courts that have become functional in the Saket District Courts.
- To share training schedule being organised by Delhi Judicial Academy for the newly appointed staff and officers of 15 newly functional Dedicated Commercial Courts.
- To compile data w.r.t court wise average number of cases disposed per month, segregating the data in terms of time taken at three stages, viz., filing, trial & judgement and enforcement and to send the report to Department of Justice every month.
- To share details of amendments to the schedules of the Civil Procedure Code under the aegis of Delhi High Court in terms of the directions given by Hon'ble Supreme Court in the case of *Rahul S. Shah vs Jinendra kumar Gandhi (2021)*.

MUMBAI:

- RG Mumbai High Court to look into reasons for fewer number of cases being filed in the Commercial Courts despite Mumbai being the commercial hub.
- To take up the issue of making e-filing mandatory in all Commercial Courts and to decide on a date from when e-filing shall become mandatory.
- To expedite the case clearance rate and have a roadmap to achieve the global benchmark of 165 days disposal time.

BENGALURU:

- RG Karnataka High Court to do in-depth analysis of the average monthly disposal rate of the commercial cases vis-a vis total cases instituted in a month with special focus on 3 stages, viz., filing, trial & judgement and enforcement and have a roadmap to achieve global benchmarks.

- RG Karnataka High Court to take necessary action to make e-filing mandatory in all the Dedicated Commercial Courts from a specific date which can be announced in advance.

KOLKATA:

- RG Calcutta High Court to expedite the opening of 2 additional Dedicated Commercial Courts.
- To take steps to make e-filing mandatory in all the Dedicated Commercial Courts from a specific date which can be announced in advance.

NM DIVISION:

- Design a template for seeking relevant monthly data w.r.t case clearance rate, time taken for disposal at the stage of filing, trial & judgement and enforcement, etc. from the Dedicated Commercial Courts of Delhi, Mumbai, Bengaluru and Kolkata.
- Draft letters on behalf of the Minister of Law and Justice to Hon'ble Chief Justices of Bombay and Calcutta High Courts highlighting the issues needing urgent attention of the ibid Courts for achieving the avowed objectives behind establishing these dedicated courts.

E-COURTS DIVISION:

- To look into the possibility of on-boarding the 10 Dedicated Commercial Courts of Bengaluru in the E-Courts Project Phase III to resolve fund related issues.

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ANNEXURE-I

List of participants

1. Shri S.K.G. Rahate, Secretary, Department of Justice.
2. Shri G.R. Raghavender, Joint Secretary, Department of Justice.
3. Shri PP Pandey, Joint Secretary, Department of Justice.
4. Shri Saurabh Kulshrestha, OCD, Delhi High Court.
5. Representative from Karnataka High Court.
6. Representative from, Bombay High Court.
7. Shri. A. Mukherjee, Registrar from Calcutta High Court.
8. Shri Atul Kurhekar, Member, E-Committee, SCI.
9. Shri Anmol K Avinash, NIC, Pune.
10. Shri Yashasvi Kumar, Deputy Secretary, Department of Justice.
11. Ms. Anandita Yadav, Consultant, Department of Justice.