

REFRESHER COURSE FOR COMMERCIAL COURTS [P-1249]

17th & 18th April, 2021
(Online Mode)

Tentative Program Schedule

DAY & TIMING	SESSION(S)
Saturday	Day-1: 17.04.2021
09:30AM - 10:00AM	SPECIAL SESSION Presentation by e-Committee, Supreme Court of India on e-Court Services
10:00AM - 11:30AM	SESSION 1 Commercial Courts: The Policy Framework and Operative Challenges <u><i>Proposed Area of Discussion include</i></u> <ul style="list-style-type: none">✓ <i>Impact on CPC, 1908</i>✓ <i>Impact on the executing stakeholders (judges, advocates etc.)</i>✓ <i>Impact of the recent amendment</i>✓ <i>Interaction with other parallel redressal systems viz. Consumer Courts; RERA etc.</i>✓ <i>Mandatory compliances under the Act: Processes & timelines</i>✓ <i>Impact on judges; existing courts (case load & docket explosion)</i>✓ <i>SWOT Analysis</i>
11:30AM - 12:00PM	Break
12:00PM - 01:30PM	SESSION 2 Evolution through Case Law Jurisprudence: Capsule for Judges' Best Practice <u><i>Proposed Area of Discussion include</i></u> <ul style="list-style-type: none">✓ <i>Conflict of law (international contracts)</i>✓ <i>Autonomy of choosing Lex fori, Lex loci & Lex cause</i>✓ <i>Law relating to and scope of appealable order</i>✓ <i>Jurisprudence on mandate of timelines</i>✓ <i>Examination of statutory mandates viz. S. 34 Arbitration & Conciliation Act, 1996 etc.</i>

Sunday	Day-2: 18.04.2021
10:00AM - 11:30AM	<p style="text-align: center;">SESSION 3</p> <p style="text-align: center;">Commercial Courts <i>vis-à-vis</i> Arbitration & Interpretation of Contracts under the Act</p> <p style="text-align: center;"><u><i>Proposed Area of Discussion include</i></u></p> <ul style="list-style-type: none"> ✓ <i>Impact on Cross border dispute resolution: Party autonomy for choice of forum; lex situs</i> ✓ <i>Impact on Infrastructure and Construction Contracts</i> ✓ <i>Impact of newly amended Section 20 of Specific Relief Act, 1963 (w.r.t 2018 Amendment)</i> ✓ <i>New York Convention on the Enforcement of Foreign Arbitral Awards, 1958</i> ✓ <i>Issues of costs and lack of sanctions during the arbitral process</i>
11:30AM – 12:00PM	Break
12:00PM - 1:30PM	<p style="text-align: center;">SESSION 4</p> <p style="text-align: center;">IPR Disputes Under Commercial Courts</p> <p style="text-align: center;"><u><i>Proposed Area of Discussion include</i></u></p> <ul style="list-style-type: none"> ✓ <i>Choice of jurisdiction by Parties: Original or Pecuniary</i> ✓ <i>Culture of “Interim Relief”: scope & impact assessment</i> ✓ <i>Procedural rigors and timeline compliance</i> ✓ <i>Impact of pre-trial mediation & scope of arbitration</i> ✓ <i>Transfer of suits u/s 7 of Comm. Courts Act.</i>
Audit of the Course by Participant Judges	

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