

National Judicial Academy
P-1232: Refresher Course for Commercial Courts
5th – 6th December, 2020

Programme Coordinator : Mr. Rajesh Suman and Mr. Shashwat Gupta, Faculty
No. of Participants : 36
No. of forms received : 32

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	87.10	12.90	-	-
b. The subject matter of the program is useful and relevant to my work	83.87	16.13	-	-
c. Overall, I got benefited from attending this program	93.55	6.45	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	87.10	12.90	-	-
e. Adequate time and opportunity was provided to participants to share experiences	67.74	29.03	3.23	-
II. KNOWLEDGE				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
The program provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	90.32	9.68	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	87.10	12.90	-	-
c. Up to date	79.31	20.69	-	-

d. Related to Constitutional Vision of Justice	66.67	30.00	3.33	-
e. Related to international legal norms	43.33	46.67	10.00	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITION	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	83.87	16.13	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Case studies were relevant	83.87	16.13	-	-
(ii) Interactive sessions were fruitful	77.42	22.58	-	-
(iii) Audio Visual Aids were beneficial	66.67	33.33	-	-
IV SESSIONS WISE VETTING				
Parameters				
Session	Discussions in individual sessions were effectively organized		The Session theme was adequately addressed by the Resource Persons	
	Effective and Useful	Satisfactory	Effective and Useful	Satisfactory
1	80.65	19.35	85.19	14.81
2	80.65	19.35	92.59	7.41
3	80.00	20.00	92.31	7.69
4	82.76	17.24	96.00	4.00
V. PROGRAM MATERIALS				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	90.00	10.00	-	29. Very Useful.
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	83.33	16.67	-	-

c. The content was organized and easy to follow	93.10	6.90	-	-
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VIII. GENERAL SUGGESTIONS	
1. Three most important learning achievements of this Programme	<p>1. About dealing with pre-mediation proceedings under Section 12-A of Commercial Courts Act; Scope of infrastructure and construction contracts; About the dealing of applications under Section 34 of the Arbitration & Conciliation Act.</p> <p>2. Provisions of commercial act; New provisions in arbitration act 1996; Construction contract.</p> <p>3. Knowledge gain about amendments of commercial court act and also amendments of arbitration and conciliation act 1996.</p> <p>4. 1.Changes brought in respect of 2015 Act and 2018 Amendment Act; 2. If the Arbitration proceedings are not initiated within 90-days from the date of passing interim order under Sec.9 application, the main application has to be closed and the interim order passed automatically lapses; 3. What are the circumstances to be taken into consideration while deciding the suits and cases filed under interpretation of construction and infrastructure Contracts and IPR disputes in Commercial Courts.</p> <p>5. Many important provisions and latest legal position on the same were highlighted; All queries discussed and well explained; Has brought about more clarity qua the jurisdiction disputes especially regarding dynamic injunctions with relation to mirror websites as well as on account of online sales.</p> <p>6. 1. Presentation and Expressions of Resource person were to a great extent; 2. Current Judgment of Constitutional Courts were discussed, which is very useful; 3. Amended Provisions in Commercial Court act 2015 were discussed.</p> <p>7. The development of law on commercial disputes, through judicial interpretation; The overall view of the commercial dispute in international arena.</p> <p>8. Programme is useful and effective in daily working of courts and relevant to commercial disputes.</p> <p>9. Deep knowledge; Latest case law; Best practices.</p> <p>10. 1. Commercial courts vis-à-vis arbitration; 2. IPR disputes in commercial courts; 3. Commercial courts. The policy framework and operative challenges.</p> <p>11. 1. The different types of parties involved in infrastructure contracts; 2. Understanding of the roles of such various parties in such contracts for the purpose of interpretation of their contracts; 3. Concepts of Geo blocking and dynamic injunction.</p> <p>12. Participant did not comment.</p> <p>13. 1. This programme gave a new insight of the subject matter; 2. This programme has sensitized me to make a deep study; 3. Through this programme, my knowledge on the subject Commercial disputes and its important has been enhanced.</p> <p>14. 1. How to tackle challenges in disposal of commercial cases; 2. Disposal of petitions in many sub-sections.</p> <p>15. 1. Enhance knowledge of law on subject; 2. Enhance the interpretation skill of the problems coming before us; 3. Enhance skill to resolve them.</p>

	<p>16. 1. The perception and interpretation on the subject; 2. The issues that emerges during trial; 3. The concept of dynamic injunction.</p> <p>17. Participant did not comment.</p> <p>18. Got idea about the cases maintainable before the commercial courts; Programme was very informative and useful; Got idea about relevant case studies.</p> <p>19. Participant did not comment.</p> <p>20. Approach to relevant provisions of law, how to short cut the proceeding facilitating speedy disposal, settled law of Hon’ble Apex court on the matter for disposal of issue.</p> <p>21. The importance of updating the correct data relating to the commercial courts into the NJDG.</p> <p>22. 1. About latest developments; 2. Overall situation of commercial cases across India; 3. Latest case laws.</p> <p>23. I will be able to deal with the arb. Matters and commercial suit matter expeditiously.</p> <p>24. 1. The need to effectively implement the commercial courts act; 2. To ensure that the underlying object of the act is achieved; 3. The issues that may arise in arbitration matters and the current position of law.</p> <p>25. 1. Got experience in commercial courts act, which is a new legislation; 2. Importance of relegation for arbitration adopting’s of arbitration and conciliation act; 3. Matters to be considered while granting protection orders u/s. 9 of the arbitration and conciliation act.</p> <p>26. Participant did not comment.</p> <p>27. 1. Definition of commercial dispute; 2. Scope of amendments to CC act; 3. Arbitration and conciliation act.</p> <p>28. Time management in respect of hearing of suits; Summary judgement; Procedure in IPR cases.</p> <p>29. Participant did not comment.</p> <p>30. Participant did not comment.</p> <p>31. Time management in respect of hearing of suits; Summary judgement; Procedure in IPR cases.</p> <p>32. 1. Understanding of construction and infrastructure contracts; 2. Knowledge of IPR acts; 3. Arbitration disputes.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. The PPT presentation and lecture of Mr. Anil Xavier and Hon’ble Justice Smt. Prathibha Singh. Because, I learnt a lot about the manner in which an application under Section 34 of the Arbitration & Conciliation Act challenging the Arbitral award can be disposed of, and also about the IPR matters vis-à-vis commercial courts.</p> <p>2. Provisions of commercial act; New provisions in arbitration act 1996; Construction contract- for effective application in day to day proceedings.</p> <p>3. Program have useful, because update legal position about matter related commercial cases.</p> <p>4. The topic pertaining to IPR disputes in Commercial Courts is very useful as it is new subject, which I have not dealt with so far pertaining to IPR disputes.</p>

5. All the programmes were good. The last session on IPR disputes in Commercial Courts was the most useful as it dealt with the aspects and issues faced by the Commercial Courts often.
6. Each session was most useful.
7. Recent, amendment brought under the commercial Court Act, 2015; The object and the purpose of the amendment.
8. **Session 3: Interpretation of Construction and Infrastructure Contracts and Session 4: IPR Disputes in Commercial Courts.**
9. All especially **Session 4: IPR Disputes in Commercial Courts**- as there are several cases of IPR in my court.
10. IPR disputes in commercial courts.
11. The **Session 3: Interpretation of Construction and Infrastructure Contracts and Session 4: IPR Disputes in Commercial Courts**- were very informative and dealt with very interesting concepts.
12. Participant did not comment.
13. **Session 4: IPR Disputes in Commercial Courts**- by the Hon'ble Justice Manmohan Singh and Hon'ble Justice Prathiba M.Singh is very useful. The said session adequately addressed the current issues.
14. **Session 1: Commercial Courts: The Policy Framework and Operative Challenges; Session 4: IPR Disputes in Commercial Courts**- are most useful for early disposal of such type of cases.
15. IPR disputes in commercial courts.
16. All the sessions, more specifically **Session 3: Interpretation of Construction and Infrastructure Contracts and Session 4: IPR Disputes in Commercial Courts.**
17. Participant did not comment.
18. Overall useful.
19. Participant did not comment.
20. All the programme being beautifully designed and address to the topic by resource persons with up to date law.
21. The last part of the programme covered by Hon'ble Justice Manmohan Singh and Hon'ble Justice Prathibha Singh because the same is useful in day to day work and we were enlightened with relevant case laws.
22. **Session 2: Commercial Courts vis-à-vis Arbitration; Session 3: Interpretation of Construction and Infrastructure Contracts and Session 4: IPR Disputes in Commercial Courts**- are directly related to the nature of pending cases in our courts, hence most useful.
23. Since, I am anew appointee as a judge in commercial court, entire programme is/was useful for me.
24. The session on the interplay between the commercial courts act and the arbitration act was very useful as practical issues arising in the courts were discussed.
25. Programme on commercial courts act and arbitration and conciliation act.
26. Interactive session was most useful as we gathered knowledge through discussion.

	<p>27. All parts.</p> <p>28. That relating to IPR. The inflow of cases in IPR is going to increase significantly in the time to come.</p> <p>29. Participant did not comment.</p> <p>30. Participant did not comment.</p> <p>31. That relating to IPR. The inflow of cases in IPR is going to increase significantly in the time to come.</p> <p>32. <i>Session 4: IPR Disputes in Commercial Courts-</i> because it cleared certain doubts of the IPR disputes.</p>
<p>3. Which part of the Programme did you find least useful and why</p>	<p>1. All Sessions are well arranged and very useful to me. Hence, none of the sessions can be considered as least useful.</p> <p>2. No.</p> <p>3. This program is related to sensitive matter.</p> <p>4. Participant did not comment.</p> <p>5. They were all useful.</p> <p>6. Nil.</p> <p>7. None.</p> <p>8. Participant did not comment.</p> <p>9. None.</p> <p>10. Participant did not comment.</p> <p>11. All sessions had their own significance.</p> <p>12. Participant did not comment.</p> <p>13. Participant did not comment.</p> <p>14. No one.</p> <p>15. None.</p> <p>16. Participant did not comment.</p> <p>17. Participant did not comment.</p> <p>18. Nil.</p> <p>19. Participant did not comment.</p> <p>20. Nothing; Every part was useful.</p> <p>21. None of the programme.</p> <p>22. None.</p> <p>23. Participant did not comment.</p> <p>24. The session relating to the modalities adopted by the arbitrator in the arbitration proceedings was not very useful as the courts do not have any practical role in it.</p> <p>25. Nil.</p> <p>26. Participant did not comment.</p> <p>27. No.</p>

	<p>28. None.</p> <p>29. Participant did not comment.</p> <p>30. Participant did not comment.</p> <p>31. None.</p> <p>32. I didn't find any part of the programme less useful.</p>
<p>4. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. About By inviting the problems faced by the judges in their day to day performance of the duty well in advance through Email and solve the same in one session especially meant for the same; Giving more time to ask questions to participant judges.</p> <p>2. It is good in virtual mode.</p> <p>3. No.</p> <p>4. It is more useful to conduct this type of programmes by the NJA, as and when there was an amendment in any of the subject matters falling within the scope and jurisdiction of Commercial Courts in order to equip and develop knowledge.</p> <p>5. Participant did not comment.</p> <p>6. Commercial Court Act came into force in year of 2018 and consequently commercial courts were created and Programme scheduled for only two days was not adequate, there is at least seven or ten days Programme is required, so that elaborate discussions can be conducted and participants can present instant and future problems.</p> <p>7. If the each willing participant, are allotted time for discussion; The reading material are very bulky, as such , if hard copy can supplied to the participant, for reading and sharing with other officers in the State Academy.</p> <p>8. Participant did not comment.</p> <p>9. A little longer duration.</p> <p>10. No suggestion.</p> <p>11. Participant did not comment.</p> <p>12. Participant did not comment.</p> <p>13. I hereby submit that, since the laws relating to IPR are special laws, many of the participants may not have deep knowledge. Hence, I request the NJA to devote separate session for each act through the experts like Hon'ble Justice Prathiba M. Singh and Hon'ble Justice Manmohan Singh.</p> <p>14. This type of programme is needed more in future.</p> <p>15. Participant did not comment.</p> <p>16. Participant did not comment.</p> <p>17. Participant did not comment.</p> <p>18. Having my first experience in National Judicial Academy I enjoy the training and it was very useful and beneficial.</p> <p>19. Participant did not comment.</p> <p>20. Another programmes in this topic be organized for providing better scope to learn in new topic.</p>

	<p>21. These kind of programme may be organized frequently to update our knowledge.</p> <p>22. By continuing the refresher courses.</p> <p>23. To organize such programme in regular interval.</p> <p>24. I humbly suggest that the session be made more interactive and the practical issues arising in the chosen field be discussed so that it may clear the issues and also ensure that best practices are shared with the other states for effective implementation.</p> <p>25. Nil.</p> <p>26. More interactive session can be addressed to make the programme more fruitful and interesting.</p> <p>27. Good programmes; Good discussions.</p> <p>28. None. It was already very useful and well planned.</p> <p>29. Participant did not comment.</p> <p>30. Participant did not comment.</p> <p>31. None. It was already very useful and well planned.</p> <p>32. Participant did not comment.</p>
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