

National Judicial Academy
P-1249: Refresher Course for Commercial Courts
17th – 18th April, 2021

Programme Coordinator : Mr. Sumit Bhattacharya and Dr. Sonam Jain, Faculty
No. of Participants : 37
No. of forms received : 20

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	89.47	10.53	-	9. Excellent. 11. Clearly understood.
b. The subject matter of the program is useful and relevant to my work	89.47	10.53	-	9. Excellent. 11. Very useful and relevant.
c. Overall, I got benefited from attending this program	100.00	-	-	9. Excellent. 11. Benefited a lot.
d. I will use the new learning, skills, ideas and knowledge in my work	89.47	10.53	-	9. Excellent. 11. Useful in day to day work.
e. Adequate time and opportunity was provided to participants to share experiences	63.16	36.84	-	9. Excellent. 11. Everyone got opportunity.
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	89.47	10.53	-	9. To great Excellent.
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	89.47	10.53	-	9. Excellent.

c. Up to date	94.74	5.26	-	9. Excellent.
d. Related to Constitutional Vision of Justice	63.16	36.84	-	9. Excellent.
e. Related to international legal norms	52.63	47.37	-	9. Excellent.
III. STRUCTURE OF THE PROGRAM				
PROPOSITION	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	73.68	26.32	-	9. Excellent.
b. The program was an adequate combination of the following methodologies viz.				
(i) Case studies were relevant	89.47	10.53	-	9. Excellent.
(ii) Interactive sessions were fruitful	63.16	36.84	-	9. Excellent.
(iii) Audio Visual Aids were beneficial	73.68	21.05	5.26	9. Excellent.
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	78.95	21.05	81.25	18.75
2	85.00	15.00	85.71	14.29
3	88.89	11.11	92.86	7.14
4	88.24	11.76	92.31	7.69
V. PROGRAM MATERIALS				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	94.74	5.26	-	9. Excellent.
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy	89.47	10.53	-	9. Excellent.

in the discussed area				
c. The content was organized and easy to follow	78.95	21.05	-	-

VIII. GENERAL SUGGESTIONS	
1. Three most important learning achievements of this Programme	<p>1. 1. The way Senior Advocate Gupta dwelled upon the object of the law by citing law commission reports; 2. Ld. Advocate Ghose with latest updates and interpretation of law; 3. Justice Senthil kumar and Justice Bhattacharya dwelled upon handling with practical problems facing in day to day affairs.</p> <p>2. 1. Very much useful to update our knowledge in view of latest amendments; 2. Complex questions are clarified; 3. Latest authorities on the topic well explained.</p> <p>3. 1. Pre conciliation to minimize the case load; 2. Distinction between the arbitration act and commercial courts act so far as appeal provisions are concern; 3. To adhere the time limit fixed in the statue for different purpose at appropriate stage strictly, so that parties to the proceeding cannot linger the proceeding.</p> <p>4. 1. Public policy in arbitration; 2. Limitation in arbitration dispute; 3. Commercial suit; 4. Specified value for commercial suit.</p> <p>5. Extension of the time of an arbitrator.</p> <p>6. None.</p> <p>7. Some important recent case laws on the topic was shared; Case management system was well explained; <i>Session 3: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act and Session 4: IPR Disputes Under Commercial Courts-</i> were well discussed and explained.</p> <p>8. 1. Case laws discussed were very useful and relevant; 2. The law being relatively new, the programme helped remove a lot of confusion; 3. The underlying international protocol of the concerned laws was very important of learn.</p> <p>9. It was useful in practical sense. Being new enactment, concepts becomes clearer. Knowledgeable.</p> <p>10. None.</p> <p>11. The very object of commercial dispute act; Tact's of achieving speed and Efficiency; Relevant provisions of specific relief act and arbitration act.</p> <p>12. Programme has cleared many doubts and problems which were faced while implementing different provisions of commercial court act and allied acts.</p> <p>13. 1. Latest knowledge of case law; 2. Application to the commercial cases.</p> <p>14. Programme has cleared many doubts and problems which were faced while implementing different provisions of commercial court act and allied acts.</p> <p>15. 1. Effective use of amended CPC in commercial cases; 2. Adoption of summary procedure for early disposal of cases; 3. Development of acumen for effective adjudication of commercial disputes.</p> <p>16. Extensive study on commercial courts Act, 2015, with reference to the functions and objects; Study on inter play between the commercial courts act, 2015 and the</p>

	<p>arbitration and conciliation act, 1996; Study on inter play between the commercial courts act, 2015 and IPR legislation.</p> <p>17. 1. Up to date development; 2. Lucid presentation; 3. Enriched faculty.</p> <p>18. 1. Understood the object of amended specific relief act in a clear manner; 2. The importance of IPR dispute resolution and commercial courts act in the coming era is also understood well; 3. Conflict of jurisdiction is learned to be less significant, when arbitration is the prime mode of dispute resolution.</p> <p>19. 1. The pros and cons of the amended s.20 of the specific relief act in a better perspective; 2. The scope of IPR dispute resolution and the commercial courts Act. 3. Arbitrability and conflict of jurisdiction and the diminishing relevance of Lex fori and Lex loci.</p> <p>20. Learnt the procedure and effective ways to deal with commercial disputes.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. As it is newly emerging law and many times litigations we are facing as experimental surgery; I like all the parts of programme; Mostly I like the part- object of law which dealt with in almost all the sessions which made us sensitized.</p> <p>2. Session 4: IPR Disputes Under Commercial Courts- because participants have much time to raise queries.</p> <p>3. Case management and summary disposal of case, to avoid case load and for early dispute resolution as well.</p> <p>4. Session 2: Evolution through Case Law Jurisprudence: Capsule for Judges' Best Practice; Session 3: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act; Session 4: IPR Disputes Under Commercial Courts.</p> <p>5. 1. Jurisdiction regarding the commercial court; 2. Procedure of the commercial court.</p> <p>6. None.</p> <p>7. Entire programme was useful as because the law is still in the grooming stage and every day new judgements are delivered on the topic, so all were covered efficiently and deliberated nicely.</p> <p>8. The reference to actual case situations referred to by the resource persons because they shall be of practical help to the concerned courts.</p> <p>9. In first part most practical approach, Skill were elaborated & found to be very much useful.</p> <p>10. Session 2: Evolution through Case Law Jurisprudence: Capsule for Judges' Best Practice; Session 3: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act – as these are directly related to nature of cases in my court.</p> <p>11. Over all programme was informative.</p> <p>12. Session 3: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act –was most useful. I had several doubt which got cleared in this session.</p> <p>13. IPR disputes session because it would be very helpful in deciding the IPR cases.</p> <p>14. Session 3: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act –was most useful. I had several doubt which got cleared in this session.</p>

	<p>15. Session conducted by Justice Rajiv S. Endlaw was most effective as it detailed about effective use of procedural law for quick disposal of cases.</p> <p>16. All parts were useful because, the entire programme revolved around the commercial court act, 2015.</p> <p>17. Session 1: Commercial Courts: The Policy Framework and Operative Challenges and Session 3: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act –both the sessions are specially connected with day to day affairs of court proceedings.</p> <p>18. Scope and application of amended section 20 of specific relief act 1963 explained by Honorable Justice Maushumi Bhattacharya.</p> <p>19. The discussion on the impact of the newly amended s.20 of the specific relief act, 1963.</p> <p>20. All the sessions especially the sessions of Justice Enlaw and Justice Moushumi Bhattacharya was very impressive and worth learning.</p>
<p>3. Which part of the Programme did you find least useful and why</p>	<p>1. None of the part 1 find least useful.</p> <p>2. None.</p> <p>3. None.</p> <p>4. None</p> <p>5. International award.</p> <p>6. None.</p> <p>7. None.</p> <p>8. None.</p> <p>9. All sessions were useful.</p> <p>10. Nothing.</p> <p>11. Nil.</p> <p>12. None.</p> <p>13. Null.</p> <p>14. None.</p> <p>15. None.</p> <p>16. None.</p> <p>17. Session 2: Evolution through Case Law Jurisprudence: Capsule for Judges' Best Practice – conflict of law (international contract) requires more deliberation.</p> <p>18. All part of the programme found useful. Hence no comment.</p> <p>19. Almost all part of the programme was useful and accordingly no comments.</p> <p>20. No question arises.</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. We all missing the opportunity to come to NJA and interact personally; As it is not possible due to pandemic situation so no suggestions for now.</p> <p>2. I feel very great to be a part of this programme, since in pandemic also NJA has done great job for the benefit or officers and institution. Thanks to NJA.</p> <p>3. At this stage, No more suggestions.</p>

	<p>4. Nil.</p> <p>5. More topic regarding commercial court as jurisdiction and valuation regarding arbitration should be added.</p> <p>6. None.</p> <p>7. The study material given on the subject may continue to be supplied as it helps us immensely in dispensation of justice.</p> <p>8. None.</p> <p>9. Please give some more time to interactive sessions & facilitate to put the queries in advance. But overall programme was excellent.</p> <p>10. None.</p> <p>11. No.</p> <p>12. None.</p> <p>13. None.</p> <p>14. None.</p> <p>15. The programme should deal with more practical aspect instead of theoretical.</p> <p>16. During power point presentation- The window may be maximized so that the contents of the slide will become readable; The slides may be changed following the lectures of the speaker.</p> <p>17. Online classes has its own short comings, physical training is desirable & effective I would look forward to an offline training session in the time to come.</p> <p>18. Since CCA is a new legislation, there are many grey areas to be explained by Apex Courts. More training programmes to explain the provisions on the basis of decided case laws if arranged. It would be helpful to the trial judges.</p> <p>19. It is desirable to arrange yet another comprehensive training programme on commercial courts act with a view to discuss effectively on the impact of the legislation on the executing stakeholders.</p> <p>20. To provide more such training, irrespective of the mode of providing it.</p>
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