

REFRESHER COURSE FOR COMMERCIAL COURTS [P-1249]

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

Tentative Program Schedule

DAY & TIMING	SESSION(S)	Proposed Resource Person(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	Representative e-Committee SCI
10:00AM - 11:30AM	<p style="text-align: center;">SESSION 1</p> <p style="text-align: center;">Commercial Courts: The Policy Framework and Operative Challenges</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 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> 	<ul style="list-style-type: none"> i. Jus. Rajiv S. Endlaw ii. Sr. Adv. Jaideep Gupta
11:30AM - 12:00PM	Break	
12:00PM - 01:30PM	<p style="text-align: center;">SESSION 2</p> <p style="text-align: center;">Evolution through Case Law Jurisprudence: Capsule for Judges' Best Practice</p> <p style="text-align: center;"><u><i>Proposed Area of Discussion include</i></u></p> <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> 	<ul style="list-style-type: none"> i. Adv. Mr. Sujit Ghosh ii. Adv. Dr. Amit George

Sunday	Day-2: 18.04.2021	
10:00AM - 11:30AM	SESSION 3 Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act <u><i>Proposed Area of Discussion include</i></u> <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> 	<ul style="list-style-type: none"> i. Jus. Moushumi Bhattacharya ii. Sr. Adv. Tejas Karia
11:30AM – 12:00PM	Break	
12:00PM - 1:30PM	SESSION 4 IPR Disputes Under Commercial Courts <u><i>Proposed Area of Discussion include</i></u> <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> 	<ul style="list-style-type: none"> i. Jus. Senthilkumar Ramamoorthy ii. Mr. Somasekhar Sunderasan
Audit of the Course by Participant Judges		

Coordinators: Mr. Sumit Bhattacharya & Dr. Sonam Jain, Faculty, NJA
E-mail: sumit.nja@gmail.com; sonam.jain22@nja.gov.in