

National Judicial Academy

P-1293: Refresher Course for Commercial Court Judges
16th – 17th April, 2021

Programme Coordinator : Dr. Amit Mehrotra and Mr. Yogesh Pratap Singh
No. of Participants : 28
No. of forms received : 19

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	94.74	5.26	-	-
b. The subject matter of the program is useful and relevant to my work	89.47	10.53	-	-
c. Overall, I got benefited from attending this program	94.74	5.26	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	100.00	-	-	-
e. Adequate time and opportunity was provided to participants to share experiences	89.47	5.26	5.27	17. Since the each topic is wide, time given for speakers are not enough.
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	94.44	5.56	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	84.21	15.79	-	-
c. Up to date	89.47	10.53	-	-

d. Related to Constitutional Vision of Justice	84.21	10.53	5.26	-
e. Related to International Legal Norms	78.95	21.05	-	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITION	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	84.21	15.79	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	78.95	21.05	-	-
(ii) Case studies were relevant	89.47	10.53	-	-
(iii) Interactive sessions were fruitful	94.74	5.26	-	-
(iv) Simulation Exercises were valuable	66.67	33.33	-	-
(v) Audio Visual Aids were beneficial	73.68	26.32	-	-
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	94.74	5.26	100.00	-
2	94.78	5.26	94.44	5.56
3	89.47	10.53	100.00	-
4	94.74	5.26	100.00	-
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	-	-
b. The content was updated. It reflected recent case laws/ current	100.00	-	-	-

thinking/ research/ policy in the discussed area				
c. The content was organized and easy to follow	100.00	-	-	11. Useful for all judges in deciding cases. 12. If hard copy is supplied to participants, it will be very helpful.

VIII. GENERAL SUGGESTIONS	
1. Three most important learning achievements of this Programme	<p>1. Valuable and upto date information with effective presentation.</p> <p>2. 1. I was able to learn more about arbitration in commercial courts; 2. I was able to learn IPR disputes; 3. Interactive session cleared many of my doubts.</p> <p>3. 1. Need to follow timeline strictly; 2. Many of the doubts in day to day work cleared; 3. Some of the doubts of Arbitration and Conciliation Act was cleared.</p> <p>4. 1. Discussion on timelines for effective disposal of a case; 2. Discussion on joint ventures which enhanced our knowledge to a great extent; 3. Discussion of Arbitration and Conciliation Act.</p> <p>5. 1. Mandatory compliances under the CC Act; 2. Impact of amendments in CC Act; 3. Impact on judges.</p> <p>6. 1. Just resolution of dispute is one of the most important aspect of justice delivery; 2. What is the effect of case management having early disposal of commercial case; 3. Knowledge about joint venture.</p> <p>7. 1. Section 29 of arbitration Act; 2. Costs of suit; 3. Joint Venture Agreements.</p> <p>8. Time management to ensure expeditious disposal of commercial dispute.</p> <p>9. How to achieve goal of speedy disposal of commercial suit; How to deal with mandate of Sec.12A Pre-Institution mediation; Case management hearing.</p> <p>10. Updated; Latest problems were discussed; Knowledgeable.</p> <p>11. 1. Acquired up to date knowledge on case laws relevant for decision making in cases under CCA; 2. Doubts regarding application of provisions of CCA clarified; 3. Could be able to decode cases under CCA speedily.</p> <p>12. The jurisdiction of the commercial court and commercial division; Law laid down by the Supreme Court which hold field now law on I.P. law.</p> <p>13. 1. Learn about main objectives behind commercial court act; 2. About important of time limit to dispose off the commercial suits; 3. About importance of awarding of costs.</p> <p>14. Informative.</p> <p>15. How to classify the suit of commercial nature and pre-mediation process.</p> <p>16. How to strictly follow the commercial court Act in daily working.</p>

	<p>17. 1. The recent amendments to Commercial courts act and Arbitration and conciliation act; 2. Execution part of courts in achieving object of the act; 3. The new types of cases that would come to the commercial courts.</p> <p>18. From this refresher course, I got sufficient knowledge regarding: 1. Object of Commercial Course Act; 2. Consequences of not filling written statement within time and 3. Object of summary judgment.</p> <p>19. 1. The relevant provisions of amended Civil Procedure Code, 1908 and mandatory compliance/s under the Commercial Courts Act, 2015; 2. Law relating Arbitration and 3. Joint Venture Agreements.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. Entire program was great.</p> <p>2. All the sessions were very useful.</p> <p>3. Since all the programmes were excellent, it is very difficult to point out the most useful. All the programmes of day one session are most useful since cases relating to IPR are few in our state. It does not minimize its usefulness.</p> <p>4. Discussion on joint ventures. It was useful because in Delhi the litigation in respect of joint ventures is increasing.</p> <p>5. Session 1: Commercial Courts: The Policy Framework and Operative Challenges and Session 2: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act.</p> <p>6. Session 2: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act. and Session 3: Joint Venture Agreements: Definition, Disputes & Resolution – because the resource persons clears all the aspects of topic.</p> <p>7. Nil.</p> <p>8. Each and every part of programme was very useful in handling the commercial disputes and working in the court.</p> <p>9. Session 1: Commercial Courts: The Policy Framework and Operative Challenges and Session 4: IPR Disputes Under Commercial Courts– It deals with day to day practical problems in hearing of cases.</p> <p>10. Providing latest material on the topics which are useful in day to day work.</p> <p>11. Session 2: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act. – was most useful because it touched the issues from a practical perspective.</p> <p>12. None.</p> <p>13. The First session of first day.</p> <p>14. Updated sharing of concept in the emerging field of the subject matter.</p> <p>15. Session 3: Joint Venture Agreements: Definition, Disputes & Resolution and Session 4: IPR Disputes Under Commercial Courts.</p> <p>16. Session 1: Commercial Courts: The Policy Framework and Operative Challenges and Session 2: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act. – are most useful and another were somehow.</p> <p>17. Session 2: Commercial Courts vis-à-vis Arbitration & Interpretation of Contracts under the Act.</p>

	<p>18. <i>Session 3: Joint Venture Agreements: Definition, Disputes & Resolution</i> – Joint venture agreement is most useful to me. The reason is that as I’m posted at taluka level, no suit based on joint venture agreement, filed before me. From session no 3 I gained knowledge regarding meaning of joint venture, basic form of documents of joint venture and shareholder’s agreement.</p> <p>19. The total programme is useful for every Judge dealing with commercial disputes.</p>
<p>3. Does the programme need further modulations or change</p>	<p>1. So far good.</p> <p>2. No. Importance given for interactive sessions helped me to clear doubts.</p> <p>3. More sessions are required on section 9 of the Arbitration and Conciliation Act for the reason that many a time the party try to get benefit of it by buying the time or defeating the purpose of arbitration.</p> <p>4. No.</p> <p>5. Nil.</p> <p>6. No.</p> <p>7. Nil.</p> <p>8. Not at all.</p> <p>9. No. It was nicely framed and arranged.</p> <p>10. May effort.</p> <p>11. Programme needs to be focused on practical approach targeting the problems being faced and based on examples of cases settled in courts.</p> <p>12. More interactive sessions should be included in the programme.</p> <p>13. If, Possible extend the time period of training programme and also add the additional sessions on each day.</p> <p>14. Physical training instead of virtual mode of training will serve the purpose in a better way.</p> <p>15. More days required.</p> <p>16. A working Senior Commercial Judge explain how the new commercial judges follow the procedure practically and how to deal with day to day problems in the court because the work of commercial court is quite, different, which we never before deal with.</p> <p>17. For one topic one day may be allotted and giving more time for the speakers to speak on the topic.</p> <p>18. No.</p> <p>19. May not.</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. So far good and satisfactory.</p> <p>2. Programmes like this where practical aspects are given more importance may be conducted.</p> <p>3. More sessions are required on section 9 of the Arbitration and Conciliation Act for the reason that many a time the party try to get benefit of it by buying the time or defeating the purpose of arbitration.</p>

	<p>4. I recommend physical attendance in NJA. The workshop through VC does not give a feel of being present in academy.</p> <p>5. Offline programmes should be re-started.</p> <p>6. In my view the programme is very effective and useful for all the Judicial Officers. Thanks to NJA.</p> <p>7. Nil.</p> <p>8. Nil.</p> <p>9. No suggestions.</p> <p>10. Groups may create on every topics/courts- they should interact regularly- latest material may supply them regularly.</p> <p>11. Maximum focus on each training programme must be practical approach oriented instead of academic discussion must be addressed to suggest dealing in the real problems.</p> <p>12. The Judicial Officer should not be allowed to discuss any matter which is pending for decision.</p> <p>13. If, possible extend the time period of training programme and also add the additional sessions on each day.</p> <p>14. Suggestions may be sought for periodically regarding any query or problem from the judges holding commercial courts across the country which may be shared amongst all the participants.</p> <p>15. If the programme is physical than it would be more interactive.</p> <p>16. A working Senior Commercial Judge explain how the new commercial judges follow the procedure practically and how to deal with day to day problem in the court because the work of commercial court is quite, different, which we never before deal with.</p> <p>17. The NJA may conduct such classes at regional level. It would help more judges to participate.</p> <p>18. Nil.</p> <p>19. Please share the PPT slides and other materials including the case laws.</p>
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