

National Workshop for High Court Justices on Commercial Law [P-1362]

23rd & 24th September 2023

At National Judicial Academy (NJA), Bhopal

PROGRAMME SCHEDULE

Session/ Timing	Theme
Day 1 23rd September 2023 (Saturday)	
Session 1 10:00AM - 11:30AM	Framework of Commercial Law: A Brief Overview <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none">• Nature & Scope of Commercial Disputes• Commercial Courts Act: Genesis, Benefits, and Challenges• The Role of Commercial Division & Appellate Division in Handling Commercial Disputes• Bottleneck/ Overlapping Jurisdictions with other parallel redressal systems and the issue of Forum Shopping• Impact on Courts (Caseload & Docket Explosion)
11:30 AM - 12:00 PM	Tea Break
Session 2 12:00 PM - 01:30 PM	Disputes in Construction and Infrastructure Contracts: A Detailed Analysis <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none">• Prominent dispute causative factors, prevalent in the Indian project landscape (Change in Scope & Access Issues)• Disputes Arising out of Construction Contract<ul style="list-style-type: none">➤ Complexity of Documents➤ Long lifespan of the Project➤ Existence of a valid contract➤ Contractual Interpretation➤ Disputes related to Bank Guarantees➤ Fraud in Tenders➤ Delays, Variation & Extension of time• Remedies Available to non-recalcitrant parties in a Construction Litigation
01:30 PM - 02:30 PM	Lunch Break
Session 3 02:30PM - 04:00 PM	Intellectual Property Rights: Infringement & Enforcement <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none">• IP Infringement: Civil and Criminal Remedy• Arbitrability of Intellectual Property disputes: Emerging Perspectives• Culture of "Interim Relief": Scope & Impact Assessment• Role of the Judiciary in the Effective Protection of Intellectual Property Rights• Ramification of Courts' Discretionary powers in Light of major IP Treaties and their Enforcement

Day 2 24th September 2023 (Sunday)	
Session 4 10:00AM -11:30AM	Pre- Institution Mediation and Settlement <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> • Section 12 - A: Mandatory or Directory? • Implication of Section 12 A in Pre- Instituted Commercial mediation. • Process in Pre-Institution mediation • Role and Responsibility of Referral Judge • Settlement in Pre Institution Mediation: Issues and Precautions • Execution and Ramification of Mediation Settlement in Commercial Disputes
11:30 AM - 12:00 PM	Tea Break
Session 5 12:00 PM - 01:30PM	Arbitration and Conciliation Act: Towards a Model Dispute Resolution <u>Proposed Scope of Discussion</u> <ul style="list-style-type: none"> • Limiting Judicial Intervention • Relaxation of time limits & completion of written submissions • Confidentiality of Proceedings • Recognition & Enforcement of Arbitral Awards <ul style="list-style-type: none"> ➤ New York Convention ➤ Foreign Judgements from non-reciprocating countries ➤ Public Policy and enforcement of international arbitration awards • Challenges in executing foreign arbitral awards in India
01:30 PM - 01:45 PM	Audit of the Course by Participant Judges
01:45 PM	Lunch Break & Departure

Academic Coordinators

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