

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	Speakers
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)	Justice G. S. Kulkarni Justice Senthilkumar Ramamoorthy
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	Mr. Atul Sharma Mr. Anand Desai Chair: Justice G. S. Kulkarni
01:30 PM - 02:30 PM	Lunch Break	
Session 3 02:30 PM - 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.	Justice Senthilkumar Ramamoorthy Mr. Pravin Anand

Session/ Timing	Theme	Speakers
Day 2 24th September 2023 (Sunday)		
Session 4 10:00AM -11:30AM	Pre- Institution Mediation and Settlement <u><i>Proposed Scope of Discussion</i></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 	Justice M. Sundar Dr. Justice Sudhir Kumar Jain
11:30 AM - 12:00 PM	Tea Break	
Session 5 12:00 PM - 01:30 PM	Arbitration and Conciliation Act: Towards a Model Dispute Resolution <u><i>Proposed Scope of Discussion</i></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 	Justice M. Sundar Mr. Percival Billimoria
01:30 PM - 01:45 PM	Audit of the Course by Participant Judges	
01:45 PM	Lunch Break & Departure	

Academic Coordinators

1. Dr. Amit Mehrotra, (amit.nja@gmail.com; +91 9425601209)
2. Ms. Jaya Rishi, (jaya.rishi1362@nja.gov.in; +918817314488)

Administrative Assistance:

1. Mr. Chetan Nehete (9425601233) (Email: nchetan@nja.gov.in), Event Manager, NJA.
2. Mr. Vivek Jain (9425601220) (Email: liaisonoffice@nja.gov.in), Assistant Protocol Officer, NJA.
3. Mr. Ranjan Verma (9425648964) (Email: ranjan.verma@nja.gov.in), Manager (Hospitality), NJA