



**INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI**

F. No. GAC-21-54/2018-CDN

Dated the 28th May, 2019

To

**All Directors/Project Directors /
National Research Centres/ ATARIS (As per list attached)/
Legal Advisor, ICAR Hqrs.**

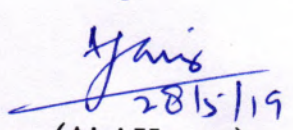
**Sub:- The Commercial Courts, Commercial Division and Commercial Appellate
Division of High Courts (Amendment) Ordinance, 2018 regarding.**

Sir/Madam,

Reference is invited to Council's letter of even number dated 4.1.2019 (copy enclosed) on the above mentioned subject. No reply in this regard has been received. You are again requested to furnish the desired information, immediately.

Note:- The required information may not be sent if earlier sent.

Encl:- As above


(Ajai Verma)
Under Secretary (GAC)



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-54/2018-CDN

Dated the 4th January, 2019

To

All Directors/Project Directors /
National Research Centres/ ATARIS
Director(P)/Director(A)/DS(TS), ICAR Hqrs.

Sub:-The Commercial Courts, Commercial Division and Commercial Appellate
Division of High Courts(Amendment Ordinance 2018 regarding.

Sir/Madam,

Reference is invited to Council's endorsement of even number dated 20.8.2018 (copy enclosed) on the above mentioned subject. In this connection it is stated that Joint Secretary , Ministry of Law & Justice has sought Action Taken on his earlier D.O. letter.dated 29.6.2018 which was sent to you with the above endorsement vide his D.O. letter No.17/145/2014-NMVol.III) dated 28.12.2018 (copy enclosed). You are again requested to furnish the Action Taken in this regard immediately.

Ajai Verma
1/2/19

(Ajai Verma)

Under Secretary (GAC)

Encl:- As above

O/c Hqrs
4/2/19



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-54/2018-CDN

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Sub:-The Commercial Courts, Commercial Division and Commercial Appellate
Division of High Courts(Amendment Ordinance 2018 regarding.

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Ajai Verma
11/1/19

(Ajai Verma)

Under Secretary (GAC)

Encl:- As above

O/C *Ajai Verma*
4/2/19

S No 21

10

भारतीय कृषि अनुसंधान परिषद
कृषि भवन नई दिल्ली

मि.स.61AC-21(54)/18 समन्वय

दिनांक 20 अगस्त, 2018

सेवा में,

भारतीय कृषि अनुसंधान परिषद
संस्थानों /राष्ट्रिय अनुसंधान केन्द्रों के
समस्त निदेशक /परियोजना निदेशक

महोदय,

कृपया इस पत्र के साथ सलग्न पत्र आवश्यक कार्यवाही हेतु देखे

धन्यवाद

भवदीय



(विन्सेंट टी)

अनुभाग अधिकारी (समन्वय)

o/c 20/8/18



**INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI**

F. No. GAC-21(54)/2018-CDN

Dated 20 August, 2018

ENDORSEMENT

Department of Justice, Ministry of Law & Justice, Government of India, New Delhi vide D.O. letter No. N-17/145/2015-NM (Vil.III) dated 29.6.2018 has enclosed the Gazette Notification regarding the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018. The DO letter alongwith the Gazette Notification have been uploaded on the ICAR website www.icar.org.in and e-office for information.

Ajais
20/8/18

(Ajai Verma)
Under Secretary (GAC)

Distribution:

1. Directors/Project Directors of all ICAR Institutes/National Research Centres
2. All Officers/Sections at ICAR, Krishi Bhawan/KAB-I&II/NASC
3. PD, DKMA for placing on the ICAR website
4. PSO to DG, ICAR/PPS to Secretary, ICAR/PPS to FA, DARE& ICAR
5. Guard File/ Spare copies

डॉ० आलोक श्रीवास्तव, भा.प्र.से.

Dr. Alok Srivastava, IAS



सचिव
न्याय विभाग
विधि और न्याय मंत्रालय
भारत सरकार

SECRETARY
DEPARTMENT OF JUSTICE
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

D.O. No. N-17/145/2015-NM (VII.III)

Dated the 29th June, 2018

Dear Dr. Mohapatra,

As you are aware, the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 has been promulgated by the Government on 3rd May, 2018. It amends the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015. The Act enables the creation of commercial divisions in High Courts, and commercial courts at the district level, to adjudicate commercial disputes (which include disputes related to construction contracts and contracts for provision of goods and services). A copy of the amendment Ordinance is enclosed for information.

One of the significant features of this amendment is a provision for pre-institution mediation, which has been made mandatory in those cases where no urgent relief (such as an injunction) is being sought by the parties to the dispute. The mediation may be conducted by authorities constituted under the Legal Services Authorities Act, 1987, such as the National and District Legal Services Authorities. The mediation process is required to be completed within a period of three months (which may be extended by another two months as per requirement). A signed settlement between the parties will have the same effect as an arbitral award under the Arbitration and Conciliation Act, 1996. This step has been taken under the initiative relating to Ease of Doing Business and to remove delays in disposal of commercial disputes pending in the courts. The experience world-wide has shown that pre-institution mediation in commercial disputes is a useful method of avoiding litigation, which helps immensely in better project management.

I shall be grateful if you could take necessary action to adopt pre-institution mediation in accordance with the above-mentioned amendments in commercial disputes that are in the purview of your Ministry / Department and statutory and autonomous bodies and attached offices under your Ministry / Department. In case of any clarification on the subject you may either get in touch with me or Shri G. R. Raghavender, Joint Secretary, Department of Justice (email:raghavender.gr@nic.in, phone: 011-2338 1496).

With regards,

Yours sincerely,

Encls: As above

Dr. Trilochan Mohapatra,
Secretary,
Department of Agriculture Research and Education,
Krishi Bhawan,
New Delhi.

Secy (D) - in r/o

SS (D)

(Alok Srivastava)



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० २४] नई दिल्ली, बृहस्पतिवार, मई ३, २०१८/वैशाख १३, १९४० (शक)

No. 24] NEW DELHI, THURSDAY, MAY 3, 2018/VAISAKHA 13, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 3rd May, 2018/Vaisakha 13, 1940 (Saka)

THE COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS (AMENDMENT) ORDINANCE, 2018

No 3 of 2018

Promulgated by the President in the Sixty-ninth Year of
the Republic of India.

An Ordinance to amend the Commercial Courts, Commercial
Division and Commercial Appellate Division of High
Courts Act, 2015.

WHEREAS Parliament is not in session and the President is
satisfied that circumstances exist which render it necessary for
him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by
clause (1) of article 123 of the Constitution, the President is
pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Commercial Courts,
Commercial Division and Commercial Appellate Division of
High Courts (Amendment) Ordinance, 2018. Short title and
commencement.

(2) Save as otherwise provided, it shall come into force at
once.

- (4)
- Amendment of long title. 2. In the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter referred to as the principal Act), in the long title, after the words "Commercial Courts", the words ", Commercial Appellate Courts" shall be inserted. 4 of 2016.
- Amendment of section 1. 3. In section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—
“(1) This Act may be called the Commercial Courts Act, 2015.”.
- Amendment of section 2. 4. In section 2 of the principal Act, in sub-section (1),—
(I) clause (a) shall be renumbered as clause (aa) thereof, and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—
“(a) “Commercial Appellate Courts” means the Commercial Appellate Courts designated under section 3A;”;
(II) in clause (i), for the words “which shall not be less than one crore rupees”, the words “which shall not be less than three lakh rupees” shall be substituted.
- Substitution of Chapter heading. 5. In the principal Act, in Chapter II, for the Chapter heading, the following Chapter heading shall be substituted, namely:—
“COMMERCIAL COURTS, COMMERCIAL APPELLATE COURTS, COMMERCIAL DIVISIONS AND COMMERCIAL APPELLATE DIVISIONS”.
- Amendment of section 3. 6. In section 3 of the principal Act,—
(a) in sub-section (1), for the proviso, the following provisos shall be substituted, namely:—
“Provided that with respect to the High Courts having ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, constitute Commercial Courts at the District Judge level:
Provided further that with respect to a territory over which the High Courts have ordinary original civil jurisdiction, the State Government may, by notification, specify such pecuniary value which shall not be less than three lakh rupees and not more than the pecuniary jurisdiction exercisable by the District Courts, as it may consider necessary.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in this Act, the State Government may, after consultation with concerned High Court, by notification, specify such pecuniary value which shall not be less than three lakh rupees or such higher value, for whole or part of the State, as it may consider necessary.”;

(c) in sub-section(3),—

(i) for the words “State Government shall”, the words “State Government may” shall be substituted;

(ii) for the words “Commercial Court, from amongst the cadre of Higher Judicial Service in the State”, the following words shall be substituted, namely:—

“Commercial Court either at the level of District Judge or a court below the level of a District Judge.”.

7. After section 3 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 3A.

“3A. Except the territories over which the High Courts have ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, designate such number of Commercial Appellate Courts at District Judge level, as it may deem necessary, for the purposes of exercising the jurisdiction and powers conferred on those Courts under this Act.”.

Designation of Commercial Appellate Courts.

8. In section 4 of the principal Act, in sub-section (1), for the words “ordinary civil jurisdiction”, the words “ordinary original civil jurisdiction” shall be substituted.

Amendment of section 4.

9. Section 9 of the principal Act shall be omitted.

Omission of section 9.

10. In section 12 of the principal Act, in sub-section (1),—

Amendment of section 12.

(i) in clause (c), after the words “Specified Value;”, the word “and” shall be inserted;

(ii) in clause (d), the word “and”, occurring at the end, shall be omitted;

16

(iii) clause (e) shall be omitted.

Insertion of new Chapter IIIA. 11. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IIIA

PRE-INSTITUTION MEDIATION AND SETTLEMENT

Pre-Institution
Mediation and
Settlement.

12A. (1) A suit, which does not contemplate any urgent interim relief under this Act, shall not be instituted unless the plaintiff exhausts the remedy of pre-institution mediation in accordance with such manner and procedure as may be prescribed by rules made by the Central Government.

(2) The Central Government may, by notification, authorise the Authorities constituted under the Legal Services Authorities Act, 1987, for the purposes of pre-institution mediation. 39 of 1987.

(3) Notwithstanding anything contained in the Legal Services Authorities Act, 1987, the Authority authorised by the Central Government under sub-section (2) shall complete the process of mediation within a period of three months from the date of application made by the plaintiff under sub-section (1): 39 of 1987.

Provided that the period of mediation may be extended for a further period of two months with the consent of the parties:

Provided further that, the period during which the parties remained occupied with the pre-institution mediation, such period shall not be computed for the purpose of limitation under the Limitation Act, 1963. 36 of 1963.

(4) If the parties to the commercial dispute arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties to the dispute and the mediator.

(5) The settlement arrived at under this section shall have the same status and effect as if it is an arbitral award on agreed terms under sub-section (4) of section 30 of the Arbitration and Conciliation Act, 1996.”. 26 of 1996.

Amendment of section 13. 12. In section 13 of the principal Act, for sub-section (1), the following shall be substituted, namely:—

“(1) Any person aggrieved by the judgment or order of a Commercial Court below the level of a District Judge

may appeal to the Commercial Appellate Court within a period of sixty days from the date of judgment or order.

(1A) Any person aggrieved by the judgment or order of a Commercial Court at the level of District Judge exercising original civil jurisdiction or, as the case may be, Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of the judgment or order.

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 as amended by this Act and section 37 of the Arbitration and Conciliation Act, 1996."

5 of 1908.
26 of 1996.

13. In section 14 of the principal Act, for the words "Commercial Appellate Division", the words "Commercial Appellate Court and the Commercial Appellate Division" shall be substituted. Amendment of section 14.

14. In section 15 of the principal Act, in sub-section (4), for the words, figures and letter "with Order XIV-A", the words, figures and letters "with Order XV-A" shall be substituted. Amendment of section 15.

15. In section 17 of the principal Act, for the words "Commercial Courts" and "Commercial Court", wherever they occur, the words "Commercial Courts, Commercial Appellate Courts" shall be substituted. Amendment of section 17.

16. In section 20 of the principal Act, for the words "Commercial Court", the words "Commercial Courts, Commercial Appellate Courts" shall be substituted. Amendment of section 20.

17. After section 21 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 21A.

"21A. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act. Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or any of the following matters, namely:—

(a) the manner and procedure of pre-institution mediation under sub-section (1) of section 12A;

(b) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules made by the Central Government.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment of
Schedule.

18. In the Schedule to the principal Act,—

(i) in Paragraph 4, in sub-paragraph (D), in item (iv),—

(a) in the opening portion, the words “after the first proviso,” shall be omitted;

(b) for the words “Provided further that”, the words “Provided that” shall be substituted;

(ii) in paragraph 11, for the words “Commercial Court”, the words “Commercial Court, Commercial Appellate Court” shall be substituted;

(iii) after paragraph 11, the following shall be inserted and shall be deemed to have been inserted with effect from the 23rd October, 2015, namely:—

“12. After Appendix H, the following Appendix shall be inserted, namely:—

‘APPENDIX-I

STATEMENT OF TRUTH

(Under First Schedule, Order VI- Rule 15A and
Order XI- Rule 3)

I----- the deponent do hereby solemnly affirm and declare as under:

1. I am the party in the above suit and competent to swear this affidavit.

2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.

3. I say that the statements made in ----paragraphs are true to my knowledge and statements made in ----paragraphs are based on information received which I believe to be correct and statements made in ---paragraphs are based on legal advice.

4. I say that there is no false statement or concealment of any material fact, document or record and I have included information that is according to me, relevant for the present suit.

5. I say that all documents in my power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by me have been disclosed and copies thereof annexed with the plaint, and that I do not have any other documents in my power, possession, control or custody.

6. I say that the above-mentioned pleading comprises of a total of --pages, each of which has been duly signed by me.

7. I state that the Annexures hereto are true copies of the documents referred to and relied upon by me.

8. I say that I am aware that for any false statement or concealment, I shall be liable for action taken against me under the law for the time being in force.

Place:

Date:

DEPONENT

VERIFICATION

I, do hereby declare that the statements made above are true to my knowledge.

Verified at [place] on this [date]

DEPONENT".

19. Save as otherwise provided, the provisions of this Ordinance shall apply only to cases relating to commercial disputes filed on or after the date of commencement of this Ordinance.

Application of
Ordinance to
cases filed on or
after its
commencement.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



G.R. Raghavender,
Joint Secretary,
Tel./Fax No. 23072142

F.N. GAC-21-54/2018-CDN

भारत सरकार
विधि और न्याय मंत्रालय
न्याय विभाग

जैसलमेर हाऊस, 26, मानसिंह रोड, नई दिल्ली-110011
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE
Jaisalmer House, 26, Mansingh Road, New Delhi-110011

D.O.No.N-17/145/2014-NM (Vol.III)

Dated: 28th December, 2018

सचिव (डायरेक्ट) एवं न.न. (भा.प्र.अनु.प.) का कार्यालय
Office of Secy (DARE) & DG (ICAR)
eOffice Dy. No. 273072
Date..... 03/1/2019

Dear Sir,

Please refer to the D.O letter of even no. dated 29.06.2018 from Secretary (Justice) (copy enclosed for your ready reference) requesting you to adopt pre-institution mediation mechanism in accordance with the amended provisions in Commercial Courts Act, 2015. The said Commercial Courts (Amendment) Ordinance, 2018 has since been replaced by the Commercial Courts Act, 2018. A copy of the Amendment Act is enclosed for your kind perusal please.

I shall be grateful if you could kindly share any action taken under the said Act, for pre-institution mediation and settlement of commercial disputes concerning your Ministry / Department and statutory and autonomous bodies and attached offices under your Ministry / Department.

With regards,

Yours sincerely,

G. R. Raghavender
(G. R. Raghavender)

Enclosure: As above.

Dr. Trilochan Mohapatra,
Secretary,
Department of Agriculture Research and Education,
Krishi Bhawan,
New Delhi – 110001.

Secy (D) - in mtr

Secy, ICAR - not yet joined

L.A. / 02/1/2019

BS (PAC)

8/1/19

तीव्र एवं गुणवत्ता से परिपूर्ण न्याय प्रदान करने वाली कुशल विधिक एवं न्यायिक प्रणाली
कानून के शासन में लोगों का विश्वास सुदृढ़ करती है।

An efficient legal and judicial system that delivers quick and quality justice
reinforces the confidence of the people in the rule of law.

लोक श्रीवास्तव, भा.प्र.स.
Alok Srivastava, IAS



सचिव (15)
न्याय विभाग
विधि और न्याय मंत्रालय
भारत सरकार
SECRETARY
DEPARTMENT OF JUSTICE
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA
Dated the 29th June, 2018

D.O. No. N-17/145/2015-NM (VII/III)

Dear

As you are aware, the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 has been promulgated by the Government on 3rd May, 2018. It amends the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015. The Act enables the creation of commercial divisions in High Courts, and commercial courts at the district level, to adjudicate commercial disputes (which include disputes related to construction contracts and contracts for provision of goods and services). A copy of the amendment Ordinance is enclosed for information.

One of the significant features of this amendment is a provision for pre-institution mediation, which has been made mandatory in those cases where no urgent relief (such as an injunction) is being sought by the parties to the dispute. The mediation may be conducted by authorities constituted under the Legal Services Authorities Act, 1987, such as the National and District Legal Services Authorities. The mediation process is required to be completed within a period of three months (which may be extended by another two months as per requirement). A signed settlement between the parties will have the same effect as an arbitral award under the Arbitration and Conciliation Act, 1996. This step has been taken under the initiative relating to Ease of Doing Business and to remove delays in disposal of commercial disputes pending in the courts. The experience world-wide has shown that pre-institution mediation in commercial disputes is a useful method of avoiding litigation, which helps immensely in better project management.

I shall be grateful if you could take necessary action to adopt pre-institution mediation in accordance with the above-mentioned amendments in commercial disputes that are in the purview of your Ministry / Department and statutory and autonomous bodies and attached offices under your Ministry / Department. In case of any clarification on the subject you may either get in touch with me or Shri G. R. Raghavender, Joint Secretary, Department of Justice (email raghavender.gr@nic.in, phone: 011-2338 1496).

Yours sincerely,

Encls: As above

(Alok Srivastava)

As per list of Secretaries enclosed



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 41] नई दिल्ली, मंगलवार, अगस्त 21, 2018/श्रावण 30, 1940 (शक)
No. 41] NEW DELHI, TUESDAY, AUGUST 21, 2018/SHRAVANA 30, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 21st August, 2018/Shravana 30, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 20th August, 2018, and is hereby published for general information:—

THE COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS (AMENDMENT) ACT, 2018

No. 28 of 2018

[20th August, 2018.]

An Act to amend the Commercial Courts, Commercial Division and
Commercial Appellate Division of High Courts Act, 2015.

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Commercial Courts, Commercial Division and
Commercial Appellate Division of High Courts (Amendment) Act, 2018.

(2) Save as otherwise provided, it shall be deemed to have come into force on the
3rd day of May, 2018.

Short title
and
commence-
ment.

Amendment
of long title.

2. In the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter referred to as the principal Act), in the long title, after the words "Commercial Courts", the words "Commercial Appellate Courts," shall be inserted.

4 of 2016.

Amendment
of section 1.

3. In section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) This Act may be called the Commercial Courts Act, 2015."

Amendment
of section 2.

4. In section 2 of the principal Act, in sub-section (1),—

(1) clause (a) shall be renumbered as clause (aa) thereof, and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

'(a) "Commercial Appellate Courts" means the Commercial Appellate Courts designated under section 3A;';

(11) in clause (i), for the words "which shall not be less than one crore rupees", the words "which shall not be less than three lakh rupees" shall be substituted.

Substitution
of Chapter
heading.

5. In the principal Act, in Chapter II, for the Chapter heading, the following Chapter heading shall be substituted, namely:—

"COMMERCIAL COURTS, COMMERCIAL APPELLATE COURTS,
COMMERCIAL DIVISIONS AND COMMERCIAL APPELLATE DIVISIONS".

Amendment
of section 3.

6. In section 3 of the principal Act,—

(a) in sub-section (1), for the proviso, the following provisos shall be substituted, namely:—

"Provided that with respect to the High Courts having ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, constitute Commercial Courts at the District Judge level:

Provided further that with respect to a territory over which the High Courts have ordinary original civil jurisdiction, the State Government may, by notification, specify such pecuniary value which shall not be less than three lakh rupees and not more than the pecuniary jurisdiction exercisable by the District Courts, as it may consider necessary.";

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in this Act, the State Government may, after consultation with the concerned High Court, by notification, specify such pecuniary value which shall not be less than three lakh rupees or such higher value, for whole or part of the State, as it may consider necessary.";

(c) in sub-section (3),—

(i) for the words "State Government shall", the words "State Government may" shall be substituted;

(ii) for the words "Commercial Court, from amongst the cadre of Higher Judicial Service in the State", the following words shall be substituted, namely:—

"Commercial Court either at the level of District Judge or a court below the level of a District Judge".

7. After section 3 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 3A.

"3A. Except the territories over which the High Courts have ordinary original civil jurisdiction, the State Government may, after consultation with the concerned High Court, by notification, designate such number of Commercial Appellate Courts at District Judge level, as it may deem necessary, for the purposes of exercising the jurisdiction and powers conferred on those Courts under this Act."

Designation of Commercial Appellate Courts.

8. In section 4 of the principal Act, in sub-section (1), for the words "ordinary civil jurisdiction", the words "ordinary original civil jurisdiction" shall be substituted.

Amendment of section 4.

9. Section 9 of the principal Act shall be omitted.

Omission of section 9.

10. In section 12 of the principal Act, in sub-section (1).—

Amendment of section 12.

(i) in clause (c), after the words "Specified Value;", the word "and" shall be inserted;

(ii) in clause (d), the word "and", occurring at the end, shall be omitted;

(iii) clause (e) shall be omitted.

11. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter IIIA.

"CHAPTER IIIA

PRE-INSTITUTION MEDIATION AND SETTLEMENT

12A. (1) A suit, which does not contemplate any urgent interim relief under this Act, shall not be instituted unless the plaintiff exhausts the remedy of pre-institution mediation in accordance with such manner and procedure as may be prescribed by rules made by the Central Government.

Pre-Institution Mediation and Settlement.

39 of 1987.

(2) The Central Government may, by notification, authorise the Authorities constituted under the Legal Services Authorities Act, 1987, for the purposes of pre-institution mediation.

39 of 1987.

(3) Notwithstanding anything contained in the Legal Services Authorities Act, 1987, the Authority authorised by the Central Government under sub-section (2) shall complete the process of mediation within a period of three months from the date of application made by the plaintiff under sub-section (1):

Provided that the period of mediation may be extended for a further period of two months with the consent of the parties:

36 of 1963.

Provided further that, the period during which the parties remained occupied with the pre-institution mediation, such period shall not be computed for the purpose of limitation under the Limitation Act, 1963.

(4) If the parties to the commercial dispute arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties to the dispute and the mediator.

26 of 1996.

(5) The settlement arrived at under this section shall have the same status and effect as if it is an arbitral award on agreed terms under sub-section (4) of section 30 of the Arbitration and Conciliation Act, 1996."

12. In section 13 of the principal Act, for sub-section (1), the following shall be substituted, namely:—

Amendment of section 13.

"(1) Any person aggrieved by the judgment or order of a Commercial Court below the level of a District Judge may appeal to the Commercial Appellate Court within a period of sixty days from the date of judgment or order.

(1A) Any person aggrieved by the judgment or order of a Commercial Court at the level of District Judge exercising original civil jurisdiction or, as the case may be, Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of the judgment or order:

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 as amended by this Act and section 37 of the Arbitration and Conciliation Act, 1996."

5 of 1908.
26 of 1996.

Amendment
of section 14.

13. In section 14 of the principal Act, for the words "Commercial Appellate Division", the words "Commercial Appellate Court and the Commercial Appellate Division" shall be substituted.

Amendment
of section 15.

14. In section 15 of the principal Act, in sub-section (4), for the words, figures and letter "with Order XIV-A", the words, figures and letter "with Order XV-A" shall be substituted.

Amendment
of section 17.

15. In section 17 of the principal Act, for the words "Commercial Courts" and "Commercial Court", wherever they occur, the words "Commercial Courts, Commercial Appellate Courts" shall be substituted.

Amendment
of section 20.

16. In section 20 of the principal Act, for the words "Commercial Court", the words "Commercial Courts, Commercial Appellate Courts" shall be substituted.

Insertion of
new section
21A.

17. After section 21 of the principal Act, the following section shall be inserted, namely:—

Power of
Central
Government
to make rules.

"21A. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or any of the following matters, namely:—

(a) the manner and procedure of pre-institution mediation under sub-section (1) of section 12A;

(b) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules made by the Central Government.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Amendment
of Schedule.

18. In the Schedule to the principal Act,—

(i) in Paragraph 4, in sub-paragraph (D), in item (iv),—

(a) in the opening portion, the words "after the first proviso," shall be omitted;

(b) for the words "Provided further that", the words "Provided that" shall be substituted;

(ii) in Paragraph 11, for the words "Commercial Court", the words "Commercial Court, Commercial Appellate Court" shall be substituted;

(iii) after Paragraph 11, the following shall be inserted and shall be deemed to have been inserted with effect from the 23rd October, 2015, namely:—

‘12. After Appendix H, the following Appendix shall be inserted, namely:—

“APPENDIX-I

STATEMENT OF TRUTH

(Under First Schedule, Order VI- Rule 15A and Order XI- Rule 3)

I ---- the deponent do hereby solemnly affirm and declare as under:

1. I am the party in the above suit and competent to swear this affidavit.
2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.
3. I say that the statements made in ----paragraphs are true to my knowledge and statements made in ----paragraphs are based on information received which I believe to be correct and statements made in ---paragraphs are based on legal advice.
4. I say that there is no false statement or concealment of any material fact, document or record and I have included information that is according to me, relevant for the present suit.
5. I say that all documents in my power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by me have been disclosed and copies thereof annexed with the plaint, and that I do not have any other documents in my power, possession, control or custody.
6. I say that the above-mentioned pleading comprises of a total of ---- pages, each of which has been duly signed by me.
7. I state that the Annexures hereto are true copies of the documents referred to and relied upon by me.
8. I say that I am aware that for any false statement or concealment, I shall be liable for action taken against me under the law for the time being in force.

Place:

Date:

DEPONENT

VERIFICATION

I, do hereby declare that the statements made above are true to my knowledge.

Verified at [place] on this [date]

DEPONENT.".

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Application
of provisions
of this Act to
cases filed on
or after its
commence-
ment.

Repeal and
savings.

19. Save as otherwise provided, the provisions of this Act shall apply only to cases relating to commercial disputes filed on or after the date of commencement of this Act.

20. (1) The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Ordinance, 2018 is hereby repealed.

Ordinance 3
of 2018.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.