



TAMIL NADU STATE JUDICIAL ACADEMY, HEAD QUARTERS,
CHENNAI

WEBINAR ON EXPEDITIOUS DISPOSAL OF COMMERCIAL
DISPUTES: AN OVERVIEW OF THE COMMERCIAL COURTS ACT,
2015

25.06.2022

The Webinar Session –I, was organized for District Judges and Senior Civil Judges through CISCO WEBEX platform on 25.06.2022 the resource person was Hon'ble Mr. Justice M. Sundar, Judge, High Court of Madras / Member, Board of Governors, TNSJA which focused on the Commercial Courts Act, 2015 and various procedural as well as substantial issues surrounding the statute.

The first part of the session mainly focused on the definition and understanding of the term-"Commercial Dispute". His Lordship, pointed out that previously the term was very wide in application and also gave an illustration of a franchise agreement dispute which could be resolved with the help of provisions of Indian Contract Act and Code of Civil Procedure. His Lordship then spoke about the Commercial Courts Act, 2015 in the section 2(viii), which is more feasible and faster in pace when compared to the Indian Contract Act and Code of Civil Procedure. His Lordship explained with an illustration of a Commercial Dispute

between two and how it was resolved in the conventional method of Code of Civil Procedure and the way in which Commercial Courts Act made it super-fast.

Further, the webinar concentrated on the specified value of the amount in dispute and jurisdiction of the courts to try cases under this statute. Whether a Principal District Judge can hear a case under the statute or should be redirected to the Commercial Court of that particular territory were discussed along with an interaction with the participants.

His Lordship then analyzed the amendments made in the Code of Civil Procedure, like omission of section 35-A (2), insertion of proviso to Section 26(2) and the scenario before and after the amendment regarding the discretion of the court to impose costs, order of costs, etc.... and the impact that the amendment has caused in procedure. The aspects of issue and service of summons and impacts of amendment were also discussed.

The Webinar also touched upon the issues like power of the courts to pass a summary judgment, to limit the witnesses examined, documents submitted and most importantly redaction (which counters the time-consuming effects of the Code of Civil Procedure) as a result of this act. It also dealt with arbitration under the provisions of the Arbitration and Conciliation Act, 1996 with respect to this particular statute, how appeal is made from Sub Judge to District Judge, District Judge to High Court for disputes like trademark infringement (Intellectual Property), patent and International Commercial Arbitration also. The Webinar concluded with a Question-and-Answer session, where the participating Judges asked several questions and all their doubts were clarified by His Lordship.
