MINUTES OF THE MEETING OF HON'BLE THE STATE COURT MANAGEMENT SYSTEMS COMMITTEE (SCMSC) HELD ON 04.02.2020 AT 04.45 P.M. IN THE CHAMBER OF HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW.

CORAM: **HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**
HON'BLE MR. JUSTICE YOGESH KHANNA

In attendance: Mr. Reetesh Singh, OSD (Exam.)/ Member Secretary (SCMSC)
Mr. Krishan Kumar Sharma, Joint Registrar (Gazette-IA)
Mr. Raj Kumar Rawat, Deputy Registrar (SCMS)

Item no.	Agenda	Minutes
1.	To consider the following letters received with regard to improvement of ranking in indicator "Enforcing Contracts" in Ease of Doing Business by World Bank:-	Considered and discussed. Recommendations of the Committee in respect of the issues raised in the letters are as follows:-
	I. Letter dated 20.12.2019 of Dr. Alok Srivastav, IAS, Secretary, Department of Justice Ministry of Law & Justice, Govt. of India suggesting certain steps to be taken to reduce the time taken for resolution of a commercial dispute (including filing, service, trial, judgment and enforcement) from 1445 days to 1200 days	Presiding Officers of Courts of District Judge (Commercial Court) to take immediate measures to achieve the target as suggested.
	II. Letter dated nil of Mr. Vijay Kumar, IAS, Chief Secretary, Govt. of NCT of Delhi seeking information as to more number of Commercial Courts are required at the district level to achieve targets to reduce time taken to resolve commercial disputes	As dedicated Commercial Courts have started functioning only from December 2019 / January 2020, assessment for need of additional Commercial Courts can be made after watching the disposal rate of these courts for at least six months. In order to assess the performance of the newly established dedicated Commercial Courts, data regarding time taken for disposal of commercial disputes by these courts be put up before this Committee on monthly basis in terms of the Standard Formats for Reports on EoDB - Enforcing Contracts already circulated to the office of the District Judge (HQs). This matter be put up before this Committee after six months for deliberation.
	III. Letter dated 16.01.2020 of Mr. Sanjay Kumar Aggarwal,	All the nine reforms suggested are already in place. However, the

		Principal Secretary (Law, Justice & LA), Government of NCT of Delhi forwarding letter dated 07.01.2020 of Secretary, Department of Justice, Government of India requesting for implementation of certain reforms.	Committee is informed that 21 out of 22 courts of District Judge (Commercial Courts) have been filled and one remains vacant. The Gazette Branch to take immediate steps to post a Judicial Officer to the vacant court as the entire objective of sanction of 22 additional posts in DHJS would stand frustrated if any of such courts is left vacant. As regards e-filing of commercial cases, we are informed that the same has been introduced as a pilot project in Central District only for arbitration jurisdiction. We are further informed that about 140 arbitration cases have been e-filed online real time from remote locations. We direct the Centralized District Court Computer Committee, Tis Hazari to implement e-filing across all Commercial Courts in all the judicial districts for all case types for Commercial Courts i.e. arbitration, civil suits and other matters of commercial nature w.e.f. 01.03.2020. The said Computer. Committee shall draft a manual of instructions for litigants / lawyers to enable them to easily access the said facility and such manual of instructions be put up on the website of each district court.
	IV.	Letter dated 22.01.2020 of Sh. Alok Srivastava, IAS, Secretary, Department of Justice Ministry of Law & Justice, Government of India requesting for preparation of lists of Judicial Officers and lawyers engaged in commercial cases with their names / office address, email id and mobile phone numbers	Considered. The District Judge (HQ) shall prepare a list of all 21 Judicial officers currently posted as District Judge (Commercial Court) with their names and email id. Another list of lawyers engaged in commercial cases with their names/office address, email id and mobile phone numbers be also prepared. Both the lists shall be sent to this Court for onward transmission to the Secretary, Department of Justice, Ministry of Law & Justice, Government of India with a request that lawyers should not be encouraged to contact Judicial Officers directly.
	V.	Letter dated 23.01.2020 of Mr. Sanjay Kumar Aggarwal, Principal Secretary (Law, Justice & LA), Government of India	The Committee has been informed that steps have already been taken to transfer all commercial cases to the dedicated Commercial Courts.

	requesting that all commercial cases be transferred to the newly established Commercial Courts by January, 2020.	
2.	To consider the letter dated 17.12.2019 of the Joint Registrar (IT/Sty.) forwarding therein the extract of the Minutes of the meeting of Hon'ble Information Technology Committee held on 04.12.2019.	Considered. A lot of complaints are being received from the Members of the Bar having to travel long distances to reach the concerned Court only to find that the Judge is on leave without any advance intimation to the said effect being reflected on the website of the concerned District Court. The Information Technology Committee is requested to look into this aspect with urgency to ensure that a provision in this regard can be made on priority basis to facilitate prior notice on the website of the District Courts regarding the leave position of the concerned Judges.
3.	To consider email dated 09.01.2020 of Mr. Virag Kumar, Advocate regarding 'Inordinate Delay and Harassment faced by litigants in seeking refund of Court Fee despite Court orders'.	Considered. The Committee recommends that a possibility of the Registry of the High Court and office of the District Judge uploading the certificate of refund of Court Fee on the system/website accessible to the Collector of Stamps to expedite the verification of the order for refund of Court fee be explored. A meeting be held by the Member Secretary with the concerned officials of the Delhi Government and the Stock Holding Corporation of India Ltd. Report on the outcome be placed before this Committee within four weeks.
4.	To consider achievements of various Hon'ble High Courts and their State Court Management Systems Committee:- I. Letter dated 31.10.2019 of the Registrar General, High Court of Judicature at Allahabad regarding 'Achievement of High Court of Judicature at Allahabad on the basis of action plans developed under Vision Statement for the period of January-June, 2019. II. Letter dated 27.11.2019 of the OSD (F&I), Member Secretary (SCMSC) Rajasthan High Court, Jodhpur regarding 'Achievement	Seen and taken on record.

	of Rajasthan High Court and State Court management Systems (SCMS) Committee for the period of January-June, 2019. III. Letter dated 02.01.2020 of the Registrar General High Court of Gauhati at Guwahati regarding Achievement of State Court Management Systems Committee (SCMSC) for the period from January to June-2019.	
5.	To consider the letter dated 18.12.2019 of the Joint Registrar (Judicial-II), Punjab and Haryana High Court, Chandigarh regarding 'Consolidated Note on the Administration of Civil Justice pertaining to the State of Punjab for the year 2015'.	Seen and taken on record.
6.	To consider the consolidated chart showing the progress made in disposal of 5 and 10 years' old cases forwarded by the office of the District & Sessions Judge (HQs) for the Month of October, November and December 2019.	Seen and taken on record.
7.	To consider the letter dated 03.02.2020 of Sh. Dinesh Kumar Sharma, District & Sessions Judge, New Delhi District regarding: Jurisdiction of Commercial Courts	Mr. Dinesh Kumar Sharma, Ld. District & Sessions Judge, New Delhi has brought to our notice that during the course of transfer of commercial cases to the courts of District Judge (Commercial Court) in New Delhi District, some cases pertaining to trademarks are being returned by the Courts of District Judge (Commercial Court) on the ground that the valuation of the relief claimed in these suits is less than Rs.3,00,000/- which is lower than the pecuniary jurisdiction of these courts as well as lower than the "specified value" of Rs.3,00,000/- as prescribed in Section 2(1)(i) of the Commercial Courts Act, 2015. Considered and discussed. Section 134 of the Trademarks Act, 1999 states that no suit for the infringement or relating to any right in a registered trademark or for passing of regarding any trademark **"shall be instituted in any court inferior to a District Court having jurisdiction to**

		try the suit". The words "inferior to a District Court" have been interpreted and held to mean the court of a District Judge and not the Court of the Senior Civil Judge or the Civil Judge.[1] Therefore, matters pertaining to trademark in which the relief even if valued less than Rs.3,00,000/- can be entertained only by the courts of District Judge/Additional District Judge at the District Court level. The question whether a suit within the meaning of Section 134 of the Trademarks Act, 1999 can at all be permitted to be valued at less than Rs.3,00,000/- with court fees paid on valuation below Rs.3,00,000/- is maintainable or not may be left to be decided on the judicial side by the court of District Judge (Commercial Court) to whom such matter has been transferred upon constitution of dedicated courts of District Judge (Commercial Court). As regards the previous notification of this Court nominating all courts of District Judge / Additional District Judge as Commercial Courts, in view of establishment of dedicated courts of District Judge (Commercial Court), the Committee recommends that the order No. 58/DHC/Gaz/G-1/VI.E2(a)/2018 dated 7.7.2018 vide which all the District Judge/Additional District Judges were designated as Commercial Courts be withdrawn with immediate effect.
8.	Any other matter	(i) The Member Secretary has brought to the notice of the Committee that during the course of transfer of commercial cases to the dedicated courts of District Judge (Commercial Court), there is some confusion among the Judicial Officers regarding applicability of the Commercial Courts Act, 2015 to the commercial cases which have been instituted prior to 03.05.2018 i.e. the date on which the amended provisions of the Commercial Courts Act came into force.

[1] Moolchand Kharaiti Ram Trust and Ors. Vs. Rajani Kothari and Ors. MANU/DE/3553/2017
Citicorp and Anr. Vs. Todi Investors and Anr. 2006 SCC ONLINE DEL 1238
Ganga Prasad Rawat Vs. M/s. Shivhare Pharmacy, Fatehpur & Ors. 2012 SCC ONLINE ALL 115
Reckitt Benckister Healthcare India Limited Vs. Emami Limited & Anr. 2015 SCC ONLINE CAL 121
Sanjay Kumar @ Mallu Vs. Manoj Kumar Sahu and Ors. 2008 SCC ONLINE ALL 50

		This issue has already been decided on the administrative side by this court to the effect that the amended provisions of the Commercial Courts Act apply only to those suits instituted on or after 03.05.2018. Therefore, those civil suits even if commercial in nature instituted prior to 03.05.2018 would not be governed by the Commercial Courts Act, 2015 (as amended on 03.05.2018). Only those cases instituted on or after 03.05.2018 which fall within the definition of "commercial dispute" as defined in Section 2(1)(c) of the Commercial Courts Act, 2015 shall be entertained by the Courts of District Judge (Commercial Court). (ii) In view of setting up of dedicated Courts of District Judge (Commercial Court) and transfer of cases of commercial disputes to these courts from the courts of District Judge / Additional District Judge of the district, the pendency of cases in the courts of Additional District Judge would be affected. District & Sessions Judges to send a report on the pendency of cases in the court of Additional District Judges as on 30.11.2019 and the total number of commercial cases that have been identified to be transferred from such courts to the courts of District Judge (Commercial Court) of the said district within one week from today.

Submitted for confirmation.

(Reetesh Singh)
Member Secretary (SCMSC)

HON'BLE MR. JUSTICE YOGESH KHANNA

HON'BLE MR. JUSTICE RAJI / SAHAI ENDLAW

HON'BLE THE CHIEF JUSTICE

Registrar General

T 5/12/20

MOST IMMEDIATE
OUT AT ONCE

HIGH COURT OF DELHI: NEW DELHI

No. 3741-53/SCMSC/DHC/2020
Dated 14.02.2020

From,

The Registrar General,
High Court of Delhi,
New Delhi.

To,

1. The District & Sessions Judge (HQs), Tis Hazari Courts, Delhi
2. The District & Sessions Judge, North-West District, Rohini Courts, Delhi.
3. The District & Sessions Judge, South District, Saket Courts, New Delhi.
4. The District & Sessions Judge, South-West District, Dwarka Courts, New Delhi.
5. The District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
6. The District & Sessions Judge, North District, Rohini Courts, Delhi.
7. The District & Sessions Judge, South-East District, Saket Courts, New Delhi.
8. The District & Sessions Judge, East District, Karkardooma Courts, Delhi.
9. The District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi.
10. The District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.
11. The District & Sessions Judge, North-East District, Karkardooma Courts, Delhi.
12. The District & Sessions Judge, Rouse Avenue Courts, Mandi House, Delhi

Sub: Minutes of the Meeting of Hon'ble State Court Management Systems Committee dated 4.2.2020.

Respected Sir/Madam,

I am directed to forward herewith a copy of the minutes of the meeting of Hon'ble State Court Management Systems Committee dated 4.2.2020 for information and compliance, if any, at your end.

I am further directed to request you to also forward the aforesaid Minutes to the Presiding Officers of Courts of District Judge (Commercial Court) of your district for information and necessary compliance.

Yours sincerely,

Deputy Registrar (SCMSC)
For Registrar General

DJ & SJ (W)
15/02/20

OIC Judl (West)

MOST IMMEDIATE/OUT AT ONCE

OFFICE OF THE DISTRICT & SESSESIONS JUDGE (WEST)
TIS HAZARI COURTS : DELHI

No. 4875-4891 SCMSC/Gaz./DJ West/2020 Dated Delhi the 18/2/2020

Copy forwarded for information and necessary action to:-

1. The District Judge (Commercial Court)-01 and 02, West District, Tis Hazari Courts, Delhi.
2. All the Additional District Judges, West District, Tis Hazari Courts, Delhi.
3. The Officer Incharge, Filling Section, West District, Tis Hazari Courts, Delhi.
4. Nodal Officer, Computer, West District, Tis Hazari Courts, Delhi.
5. Centralized Computer Committee, Tis Hazari Courts, Delhi.
6. The Website Committee, Tis Hazari Courts, Delhi with regard to POINT NO-2.
7. The Reader/Ahlmad to the Ld. District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
8. The PS to the Ld. District & Sessions Judge, West District, Tis Hazari Courts, Delhi.

(Dr. Archana Sinha)
Officer In-Charge, Judicial Branch/
ASJ-06, West District, THC, Delhi