

ITEM NO.10

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).900/2020

INDIAN COMMERCIAL AND ARBITRATION BAR ASSOCIATION (ICABA)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 29-04-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Ms. Anannya Ghosh, AOR
Ms. Payal Chawla, Adv.
Ms. Mrinalini Mishra, Adv.

For Respondent(s) Ms. Vanshaja Shukla, Adv.
Mr. K. Parameshwaran, Adv.
Ms. Ruchi Gour Narula, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, AOR
Ms. Prabhleen A. Shukla, Adv.

Mr. P.I. Jose, AOR

Ms. Enakshi Mukhopadhyay Siddhanta, AOR
Mr. Ravi Kumar S., Adv.

Mr. Ankolekar Gurudatta, AOR

Mr. Sanjai Kumar Pathak, AOR
Mrs. Shashi Pathak, Adv.
Mr. Arvind Kumar Tripathi, Adv.

Mr. Anuj Bhandari, AOR

Mr. Sanand Ramakrishnan, AOR
Mr. Rajeev Mishra, Adv.
Mr. Sunil Narayanan, Adv.

Mr. Abhay Kumar, AOR
 Mr. Shagun Ruhil, Adv.
 Mr. Karan Chopra, Adv.
 Ms. Kusum Pandey, Adv.

Mr. Sourav Roy, AOR
 Mr. Pranav Bafna, Adv.
 Mr. Anshu Deshpande, Adv.

Mr. H. S. Parihar, AOR
 Mr. Kuldeep S. Parihar, Adv.
 Ms. Ikshita Parihar, Adv.

Mr. Shishir Pinaki, Adv.
 Mr. D. Mahesh Babu, AOR
 Mr. Dhanaeswar Gudapalli, Adv.
 Mr. Amber Jain, Adv.

Ms. Asmita Singh, AOR
 Mr. Abheet Mangleek, Adv.
 Mr. Tushar Nair, Adv.
 Mr. Anirudh Anand, Adv.
 Mr. Punishk Handa, Adv.
 Ms. Disha Joshi, Adv.
 Ms. Gunita Tandon, Adv.

Mr. Sahil Tagotra, AOR
 Mr. Sujay Jain, Adv.

Mr. Pai Amit, AOR
 Ms. Pankhuri Bhardwaj, Adv.
 Mr. Abhiyudaya Vats, Adv.

Mr. Prashant Shrikant Kenjale, AOR

Mr. Arjun Garg, AOR
 Ms. Kriti Gupta, Adv.
 Mr. Saaranish Shukla, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

1. The Indian Commercial and Arbitration Bar Association has approached this Court through the instant Writ Petition seeking a direction for effective implementation of the Commercial Courts Act, 2015 (for short, 'the 2015 Act') in a time-bound manner. The issue raised is the lack of infrastructure in and inadequacy of Commercial Courts, Commercial Appellate Benches, and Commercial

Division Benches (in the High Court having original jurisdiction) to resolve commercial disputes within the stipulated timeline, as is discernible from the legislative policy of the Act. We find that most of the High Courts have furnished information with respect to establishment of Courts and Benches in their respective jurisdictions. The total pendency has also been indicated.

2. In our considered view, three more aspects need to be explained by the High Courts: (i) the average life of the pending commercial disputes, whether in the Commercial Courts or before the Appellate Benches (or similar Benches of the High Court); (ii) the effective mechanism, if any, introduced for imparting compulsory training to the Presiding Officers of the Commercial Courts before they are routinely posted in such courts during the annual transfers; and (iii) the requirement of additional Commercial Courts and Appellate Benches (or similar Benches of the High Court) to ensure the disposal of pending cases within the time framework prescribed in the 2015 Act.

3. With respect to point (ii) in the previous paragraph, we expect that the Presiding Officers of the Commercial Courts should be imparted some training, orientation, or refresher course to apprise them about the nature of commercial disputes pending in a particular State or region, and the importance of adjudication of such disputes within a reasonable time, for the prolonged pendency of disputes has a catastrophic effect on the nation's economy.

4. The Registry of this Court is, accordingly, directed to communicate this order to all the Registrar General of the High Courts to furnish the above-mentioned information. Learned counsel(s) representing the High Courts shall also additionally ensure that the requisite information is placed on record within four weeks.

5. Post the matter for hearing on 12.08.2025(NMD).

6. The needful shall be done, meanwhile.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

