

**INVITING COMMENTS ON THE DRAFT COMMERCIAL COURTS  
(AMENDMENT) BILL, 2024**

The Government in its endeavour to ensure resolution of commercial cases expeditiously, efficaciously and at reasonable cost, had enacted the Commercial Courts Act, 2015, and the said Act was further amended in the year 2018. The Government of India has thereafter also taken various several steps, both legislatively and on the policy front, to strengthen the dispute resolution ecosystem in the country. The Department of Legal Affairs is presently in the process of considering further amendments in the Commercial Courts Act, 2015.

2. The aim and purpose of the proposed amendments is to provide further impetus to quicker and specialized adjudication of commercial disputes and simplification of the applicable procedure related to commercial dispute resolution in courts.

3. In view thereof, the Commercial Courts (Amendment) Bill, 2024 and a **tabular statement depicting existing provision and proposed amendment** have been prepared.

4. The Department invites comments/feedback from the public as a part of the public consultation exercise on the draft amendments. Comments on the draft Bill may be sent by email on **avnit.singh@gov.in** and **ndiac-dla@gov.in** latest by **22.11.2024**.

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|                              | THE COMMERCIAL COURTS (AMENDMENT) BILL,<br>2024   |  |
|                              | A<br><br>BILL   |  |
|                              | to provide for constitution of dedicated Commercial Courts exclusively for the purpose of exercising the jurisdiction and powers conferred under the Commercial Court Act, 2015 and Commercial Courts (Arbitration) and Commercial Divisions (Arbitration) exclusively for the purpose of exercising the jurisdiction and powers granted to the courts under the Arbitration and Conciliation Act, 2015 and to amend the timelines prescribed under the Commercial Courts Act, 2015 to ensure speedy disposal of commercial disputes and matters incidental thereto in the light of promoting ease of doing business.   |  |
|                              | Be it enacted in the Seventy-fifth Year of the Republic of India as follows: -  |  |
| Short title and commencement | 1. (1) The Commercial Courts Act (Amendment) Bill, 2024.<br><br>(2) It shall be deemed to have come into force on the date of publication in the Official Gazette.  |  |
| Insertion in section 2       | 2. In section 2 of the principal Act, in clause (1) :-<br><br>(a) sub-clause (a) be renumbered as (aa), clause (aa) be renumbered as (ab) and the following sub-clause (a) shall be inserted, namely: -<br><br>“audio-video electronic” means shall include use of any communication device for the purposes of video conferencing, recording of evidence, transmission of electronic communication and for such other purposes and by such other means as the respective High Courts, may notify.<br><br>(b) after sub-clause (f), following sub-clause (fa) shall be inserted, namely: -<br><br>“electronic communication” means the communication of any written, verbal, pictorial information or video content |  |

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|  | <p>transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be notified by the respective High Courts.</p>  |  |
| <p>Substitution and insertion in Section 3</p> | <p><b>3.</b> In section 3 of the principal Act,</p> <p>(a) for sub-section (1), the following sub-section shall be substituted, namely: -</p> <p>“(1) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at District level including dedicated Commercial Courts, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:”</p> <p>(b) after the second proviso to sub-section (1), the following explanation shall be inserted, namely:-</p> <p>“Explanation – In respect of arbitration matters to be decided by the commercial courts under section 10, one or more commercial courts constituted under this sub-section may be designated to exclusively deal with arbitration matters.”</p> |  |
| <p>Substitution in section 10</p>              | <p><b>4.</b> In section 10 of the principal Act, —</p> <p>(a) for clause (3), the following clause shall be substituted namely: -</p> <p>“(3) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by such dedicated Commercial Courts under section 3, exercising territorial jurisdiction over such arbitration, by the State Government in consultation with the High Court.”</p>   |  |

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| <p>Insertion in Section 12A</p> | <p><b>5.</b> In section 12A of the principal Act, after sub-section (1), the following proviso shall be inserted, namely: -</p> <p>“Provided that in case where an urgent interim relief was sought and has been granted by the court, it shall thereafter, refer the parties to mediation as referred in sub-section (1) and the procedure for pre-institution mediation, shall mutatis mutandis apply.”</p>   |  |
| <p>Insertion in section 13</p>  | <p><b>6.</b> In section 13 of the principal Act,</p> <p>(a) after sub-section (1), the following proviso shall be inserted, namely: -</p> <p>“Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from filing the appeal within the said period of sixty days, then notwithstanding section 5 of the Limitation Act, 1963, it may entertain the appeal within a further period of thirty days, but not thereafter.”</p> <p>(b) in sub-section (1A) before the first proviso, the following proviso shall be inserted, namely: -</p> <p>“Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from filing the appeal within the said period of sixty days, then notwithstanding section 5 of the Limitation Act, 1963, it may entertain the appeal within a further period of thirty days, but not thereafter.”</p> <p>(c) in the first proviso to sub-section (1A), in place of the word ‘provided’ the words ‘provided further’ shall be substituted and after the words ‘section 37’ the words ‘and section 50’ shall be inserted.</p> |  |
| <p>Insertion in Section 14</p>  | <p><b>7.</b> The provision under section 14 of the Principal Act shall be renumbered as clause (2) and the following clause (1) shall be inserted, namely: -</p> <p>“(1) An appeal under Section 13 shall be filed by a party only after issuing a prior notice to the other party and such appeal shall be accompanied by an affidavit by the party filing the appeal endorsing compliance with the said requirement.”</p>   |  |

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| <p>Insertion of new section 18A</p>                                   | <p><b>8.</b> After section 18 of the principal Act, the following section shall be inserted, namely: —</p> <p>“18A. Court to dispose of application for injunction within ninety days: An application for injunction shall be disposed of within ninety days from the date of filing of the said application and where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction or relief was granted; and where it is unable so to do, it shall record its reasons for such inability.”</p>   |  |
| <p>Insertion in section 19</p>  | <p><b>9.</b> In section 19 of the principal Act,</p> <p>(a) after the words ‘necessary infrastructure’ the words ‘including video conferencing facilities’ shall be inserted.</p> <p>(b) after section 19, the following section 19A shall be inserted, namely:-</p> <p>“19A. Proceedings to be held in electronic mode. —All proceedings under this Act, including—</p> <p>(i) issuance, service and execution of summons;</p> <p>(ii) examination of witnesses;</p> <p>(iii) recording of evidence; and</p> <p>(iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.”</p> |  |
| <p>Substitution in Section 26 of CPC, 1908 (the Code hereinafter)</p> | <p><b>10.</b> In section 26 of the Code, for clause (1), the following shall be substituted, namely: -</p> <p>“(1) Every suit shall be instituted by the presentation of a plaint or in such other manner including e-filing, as may be prescribed by the concerned High Courts.”</p>  |  |
| <p>Insertion and substitution in Order V, Rule (1) of the Code</p>    | <p><b>11.</b> In the First Schedule to the Code, in Order V, in Rule (1),</p> <p>(a) after the words ‘a summons’ the words ‘including through electronic communication’ may be inserted.</p> <p>(b) for the second proviso, the following proviso shall be substituted, namely: -</p>  |  |

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|   | <p>“Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than sixty days from the date of service of summons and on expiry of sixty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.”</p> |  |
| <p>Insertion in Order V, Rule 20, sub-rule (1) of the Code.</p> | <p><b>12.</b> In the First Schedule to the Code, in Order V, in Rule (20), sub-rule (1), after the words ‘or personally worked for gain,’ the words ‘or posted on the Court’s official website’ shall be inserted.</p>   |  |
| <p>Insertion in Order VIII, Rule 1, of the Code</p>             | <p><b>13.</b> In the First Schedule to the Code, in Order VIII, in Rule (1), after the words ‘a written statement of his defence’ the words ‘including e-filing, as may be prescribed by the concerned High Court’ shall be inserted.</p>  |  |
| <p>Insertion in Order IX, Rule 7 of the Code</p>                | <p><b>14.</b> In the First Schedule to the Code, in Order IX, in Rule 7, the following rule (7A) shall be inserted, namely: —</p> <p>“7A. In case the defendant does not appear at or before hearing referred in Rule 7, the Court shall pronounce judgment against him or make such order in relation to the suit as it thinks fit and on pronouncement of the judgment a decree shall be drawn up”.</p>  |  |
| <p>Insertion in Rule 1 of Order XVI of the Code.</p>            | <p><b>15.</b> In the First Schedule to the Code, in Order XVI, in Rule 1, sub-rule (1):-</p> <p>(a) after the words ‘a list of witnesses’ the words ‘including expert witness’ shall be inserted.</p> <p>(b) after the words ‘such persons’ the words ‘, including through electronic communication’ shall be inserted.</p> <p>(c) after sub-rule (1), the following sub-rule (1A) shall be inserted, namely:-</p>   |  |

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|   | <p>“1A. The list of witnesses shall contain all relevant particulars of witnesses including full name, permanent address, address for correspondence, e-mail IDs and phone numbers, along with the facts, including relevant facts and facts in issue, sought to be proved by the witness and documents sought to be proved by the witness in such manner may be prescribed by the respective High Courts after considering the model at Appendix II.”</p>  |  |
| <p>Insertion in Order XVI, Rule (1) of the Code.</p>                | <p><b>16.</b> In the First Schedule to the Code, in Order XVI, Rule (1):-</p> <p>(a) in sub-rule (1), after the words ‘summons to such persons’ insert the words ‘including through electronic communication’.</p> <p>(b) after sub-rule (1), the following sub-rule (1A) shall be inserted, namely: -</p> <p>“1.A The list of witnesses shall contain all relevant particulars of witnesses including full name, permanent address, address for correspondence, e-mail IDs and phone numbers, along with the facts, including relevant facts and facts in issue, sought to be proved by the witness and documents sought to be proved by the witness in such manner may be prescribed by the respective High Courts after considering the model at Appendix II.”</p> |  |
| <p>Insertion in Order XVII, Rule (1), sub-rule (1) of the Code.</p> | <p><b>17.</b> In the First Schedule to the Code, in Order XVII, in Rule 1, sub-rule (1), after the first proviso, the following proviso shall be inserted, namely: —</p> <p>“Provided further that no adjournments may be granted on the behest of the party in whose favour any injunction has been granted, unless for reasons to be recorded in writing, the Court deems it appropriate to grant an adjournment in such cases.”</p>  |  |
| <p>Insertion in Order XVII, Rule (1), sub-rule (2) of the Code.</p> | <p><b>18.</b> In the First Schedule to the Code, in Order XVII, in Rule (1), sub-rule (2) after the words ‘or such higher costs’ the words ‘including progressively higher costs’ shall be inserted.</p>  |  |
| <p>Substitution in Order XX, Rule 1, sub-rule (1) of the Code</p>   | <p><b>19.</b> In the First Schedule to the Code, in Order XX, in Rule (1), for sub-rule (1) as applicable to the Commercial Courts, the following shall be substituted with the following, namely:-</p> <p>“(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within sixty days of the conclusion of arguments, pronounce</p>   |  |

|   | judgment and copies thereof shall be issued to all the parties to the dispute after appending digital signature on the judgment, through electronic mail or otherwise.”  |  |  |  |  |  |  |  |  |  |
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| Insertion in Order XX, Rule 6B of the Code.         | <b>20.</b> In the First Schedule to the Code, in Order XX, in Rule 6(B), after the words ‘copies’ the words ‘including electronic copy’ shall be inserted.   |  |  |  |  |  |  |  |  |  |
| Insertion of new rule 10A in Order XXI of the Code. | <b>21.</b> In the First Schedule to the Code, in Order XXI, after Rule 10, the following Rule 10A shall be inserted, namely: -<br><br>“10A. All proceedings, pursuant to the filing of an application for execution, shall be disposed of within twelve six months of the filing of the application.”  |  |  |  |  |  |  |  |  |  |
| Insertion of new Appendix the principal Act         | <p><b>23.</b> After Appendix I of the principal Act, the following Appendix II shall be inserted, namely: —</p> <p style="text-align: center;">“Appendix II</p> <p style="text-align: center;">Form of List of witnesses. – (i) The list of witnesses will be in the form below:</p> <p style="text-align: center;">IN THE__COURT AT ____</p> <p style="text-align: center;">Suit No.....of.....</p> <p style="text-align: center;">Plaintiff/Petitioner.....v.....Defendant/Respondent</p> <p style="text-align: center;">NEXT DATE OF HEARING</p> <p style="text-align: center;">List of witnesses filed by</p> <p style="text-align: center;">the.....</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Serial No.</th> <th style="width: 25%;">Full name and complete address</th> <th style="width: 25%;">Facts Sought to be proved by the evidence of the witness</th> <th style="width: 35%;">Documents sought to be proved by the evidence of the witness</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>Part—A Witnesses required to be examined on Commission and Video conferencing.</p> <p>Part—B Witnesses required to produce documents only and who are not required to give oral evidence.</p> <p>Part—C Witnesses required to give oral evidence and also to produce documents, including expert witnesses.</p> <p>Part—D Witnesses required to give oral evidence but from whom no documents are required to be proved.”</p> | Serial No.   | Full name and complete address                               | Facts Sought to be proved by the evidence of the witness | Documents sought to be proved by the evidence of the witness |  |  |  |  |  |
| Serial No.  | Full name and complete address   | Facts Sought to be proved by the evidence of the witness | Documents sought to be proved by the evidence of the witness |  |  |  |  |  |  |  |
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**TABULAR STATEMENT ON AMENDMENTS TO THE COMMERCIAL COURTS ACT, 2015**

| Section        | Existing Provision   | Proposed Amendments  |
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| New definition |  | <p>“audio-video electronic means” shall include use of any communication device for the purposes of video conferencing, recording of evidence, transmission of electronic communication and for such other purposes and by such other means as the respective High Courts, may notify.</p> <p>“electronic communication” means the communication of any written, verbal, pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be specified by notification, by the Central Government.</p> |
| Section 3      | <p>3. Constitution of Commercial Courts</p> <p>(1) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at <b>District level</b>, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:</p> | <p>3. Constitution of Commercial Courts</p> <p>(1) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at District level <b>including dedicated Commercial Courts</b>, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:</p>   |

| Section | Existing Provision   | Proposed Amendments  |
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|         | <p>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:</p> <p>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.</p> <p>(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.</p> <p>(2) The State Government shall, after consultation with the concerned High Court specify, by notification, the local limits of the area to which</p> | <p>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:</p> <p>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-</p> <p><b>Explanation – In respect of arbitration matters to be decided by the commercial courts under section 10, one or more commercial courts constituted under this sub-section may be designated to exclusively deal with arbitration matters.</b></p> <p>(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.</p> |

| Section    | Existing Provision   | Proposed Amendments   |
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|            | <p>the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.</p> <p>(3) The State Government may, with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a Commercial Court either at the level of District Judge or a court below the level of a District Judge.</p>  | <p>(2) The State Government shall, after consultation with the concerned High Court specify, by notification, the local limits of the area to which the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.</p> <p>(3) The State Government may, with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a Commercial Court either at the level of District Judge or a court below the level of a District Judge.</p>  |
| Section 10 | <p>Where the subject-matter of an arbitration is a commercial dispute of a Specified Value and –</p> <p>(1) If such arbitration is an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed in a High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court.</p> <p>(2) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions</p> | <p>Where the subject-matter of an arbitration is a commercial dispute of a Specified Value and--</p> <p>(1) If such arbitration is an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed in a High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court.</p> <p>(2) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed on the original side of the High Court, shall be heard and disposed of by the Commercial</p> |

| Section     | Existing Provision  | Proposed Amendments   |
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|             | <p>of the Arbitration and Conciliation Act, 1996 (26 of 1996) that have been filed on the original side of the High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court.</p> <p>(3) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by <b>the Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted.</b></p> | <p>Division where such Commercial Division has been constituted in such High Court.</p> <p>(3) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by <b>such dedicated Commercial Courts under Section 3, exercising territorial jurisdiction over such arbitration, by the State Government in consultation with the High Court.</b></p> |
| Section 12A | <p>12A. Pre-Institution Mediation and Settlement—(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.</p>  | <p>12A. Pre-Institution Mediation and Settlement—(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</p>   |

| Section    | Existing Provision  | Proposed Amendments  |
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|            |   | <p>Provided that in case where an urgent interim relief was sought and has been granted or denied by the court, it shall thereafter, refer the parties to mediation and the procedure for pre-institution mediation, shall <i>mutatis mutandis</i> apply.</p>  |
| Section 13 | <p><b>13. Appeals from decrees of Commercial Courts and Commercial Divisions.</b> —(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.</p> <p>(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:</p> <p>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 (5 of 1908) as amended by this Act and section 37 of the Arbitration and Conciliation Act, 1996 (26 of 1996).]</p> | <p><b>13. Appeals from decrees of Commercial Courts and Commercial Divisions.</b> —(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.</p> <p>Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from filing the appeal within the said period of sixty days, then notwithstanding section 5 of the Limitation Act, 1963, it may entertain the appeal within a further period of thirty days, but not thereafter.</p> <p>(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:</p> <p>Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from filing the appeal within the said period of sixty days, then notwithstanding section 5 of the</p> |

| Section     | Existing Provision   | Proposed Amendments  |
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|             |  | <p>Limitation Act, 1963, it may entertain the appeal within a further period of thirty days, but not thereafter.</p> <p>Provided further 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 (5 of 1908) as amended by this Act and section 37 and section 50 of the Arbitration and Conciliation Act, 1996 (26 of 1996).</p>  |
| Section 14  | <p>14. Expeditious disposal of appeals.—The Commercial Appellate Court and the Commercial Appellate Division shall endeavour to dispose of appeals filed before it within a period of six months from the date of filing of such appeal.</p> | <p>14. Expeditious disposal of appeals.—</p> <p>(1) An appeal under Section 13 shall be filed by a party only after issuing a prior notice to the other party and such appeal shall be accompanied by an affidavit by the party filing the appeal endorsing compliance with the said requirement.”</p> <p>(2) The Commercial Appellate Court and the Commercial Appellate Division shall endeavour to dispose of appeals filed before it within a period of six months from the date of filing of such appeal.</p> |
| New Section |  | <p><b>18A. Court to dispose of application for injunction within ninety days:</b> An application for injunction shall be disposed of within ninety days from the date of filing of the said application and where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which</p>  |

| Section                  | Existing Provision   | Proposed Amendments  |
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|                          |  | the injunction or relief was granted; and where it is unable so to do, it shall record its reasons for such inability.   |
| Section 19               | 19. Infrastructure facilities.—The State Government shall provide necessary infrastructure to facilitate the working of a Commercial Court or a Commercial Division of a High Court.   | <p>19. (1) The State Government shall provide necessary infrastructure including video conferencing facilities to facilitate the working of a Commercial Court or a Commercial Division of a High Court.</p> <p>19A. Proceedings may be held in electronic mode.—All proceedings under this Act, including—</p> <ul style="list-style-type: none"> <li>(i) issuance, service and execution of summons;</li> <li>(ii) examination of witnesses;</li> <li>(iii) recording of evidence; and</li> <li>(iv) all appellate proceedings or any other proceeding,</li> </ul> <p>may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.</p> |
| Section 26 of CPC, 1908. | 26. Institution of suits. — (1) Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed.<br>(2) In every plaint, facts shall be proved by affidavit.<br>Provided that such an affidavit shall be in the form and manner as prescribed under Order VI of Rule 15A.” | <p>26. Institution of suits. — (1) Every suit shall be instituted by the presentation of a plaint or in such other manner including e-filing, as may be prescribed by the concerned High Courts.</p> <p>(2) In every plaint, facts shall be proved by affidavit.</p> <p>Provided that such an affidavit shall be in the form and manner as prescribed under Order VI of Rule 15A.</p>  |

| Section                                | Existing Provision   | Proposed Amendments   |
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| Order V, Rule 1(1), proviso, CPC, 1908 | <p>1. Summons. — (1) When a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and to file the written statement of his defence, if any, within thirty days from the date of service of summons on that defendant:</p> <p>Provided that no such summons shall be issued when a defendant has appeared at the presentation of plaint and admitted the plaintiff's claim:</p> <p>*[Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than <b>one hundred twenty days</b> from the date of service of summons and on expiry of <b>one hundred twenty days</b> from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.]</p> <p>*Shall be applicable to commercial disputes of a specified value only by Act 4 of 2016, s. 16 and the Schedule (w.e.f. 23-10-2015).</p> | <p>(1) When a suit has been duly instituted, a summons, <b>including through electronic communication</b> may be issued to the defendant to appear and answer the claim and to file the written statement of his defence, if any, within thirty days from the date of service of summons on that defendant:</p> <p>Provided that no such summons shall be issued when a defendant has appeared at the presentation of plaint and admitted the plaintiff's claim:</p> <p>Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than <b>sixty days</b> from the date of service of summons and on expiry of <b>sixty days</b> from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.</p> |



| Section              | Existing Provision  | Proposed Amendments  |
|----------------------|---|--|
| Order V, Rule 20(1A) | <p>20. Substituted service.—(1) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided or carried on business or personally worked for gain, or in such other manner as the Court thinks fit.</p> <p>(1A) Where the Court acting under sub-rule (1) orders service by an advertisement in a newspaper, the newspaper shall be a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain.</p> | <p>20. Substituted service.—(1) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided or carried on business or personally worked for gain, <b>or posted on the Court’s official website</b> or in such other manner as the Court thinks fit.</p> <p>(1A) Where the Court acting under sub-rule (1) orders service by an advertisement in a newspaper, the newspaper shall be a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain.</p> |
| Order VIII Rule 1    | <p>1. Written Statement.—The Defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence:</p>  | <p>1. Written Statement. — The Defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence <b>including e-filing, as may be prescribed by the concerned High Court:</b></p>   |

| Section | Existing Provision   | Proposed Amendments  |
|---------|--|--|
|         | <p>Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.</p> <p>Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.</p> | <p>Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.</p> <p>Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.</p> |

| Section                      | Existing Provision   | Proposed Amendments  |
|------------------------------|--|--|
| Order IX, Rule 7, CPC, 1908  | 7. Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance. —Where the Court has adjourned the hearing of the suit, ex parte, and the defendant, at or before such hearing appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit as if he had appeared on the day fixed for his appearance. | 7.Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance - Where the Court has adjourned the hearing of the suit <i>ex parte</i> , and the defendant at or before such hearing appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit as if he had appeared on the day fixed for his appearance.<br><br>7A. In case the defendant does not appear at or before hearing referred to in Rule 7, the Court shall pronounce judgment against him or make such order in relation to the suit as it thinks fit and on pronouncement of the judgment a decree shall be drawn up. |
| Order XVI, Rule 1, CPC, 1908 | 1. List of witnesses and summons to witnesses.—(1) On or before such date as the Court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence or to produce documents and obtain summonses to such persons for their attendance in Court.   | 1. List of witnesses and summons to witnesses.—(1) On or before such date as the Court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses <b>including expert witness</b> whom they propose to call either to give evidence or to produce documents and obtain summonses to such persons for their attendance in Court.   |

| Section                      | Existing Provision  | Proposed Amendments  |
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| Order XVI, Rule 1, CPC, 1908 | <p>1. List of witnesses and summons to witnesses. —</p> <p>(1) On or before such date as the Court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence or to produce documents and obtain summonses to such persons for their attendance in Court.</p> <p>(2) A party desirous of obtaining any summons for the attendance of any person shall file in Court an application stating therein the purpose for which the witness is proposed to be summoned. (3) The Court may, for reasons to be recorded, permit a party to call, whether by summoning through Court or otherwise, any witness, other than those whose names appear in the list referred to in sub-rule (1), if such party shows sufficient cause for the omission to mention the name of such witness in the said list. (4) Subject to the provisions of sub-rule (2), summonses referred to in this rule may be obtained by the parties on an application to the Court or to such officer as may be appointed by the Court in this behalf within five days of presenting the list of witnesses under sub-rule (1).</p> | <p>1. On or before such date as the Court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence or to produce documents and obtain summonses to such persons <b>including through electronic communication</b> for their attendance in Court.</p> <p><b>1A. The list of witnesses shall contain all relevant particulars of witnesses including full name, permanent address, address for correspondence, e-mail IDs and phone numbers, along with the facts, including relevant facts and facts in issue, sought to be proved by the witness and documents sought to be proved by the witness in such manner may be prescribed by the respective High Courts after considering the model at <b>Appendix II.</b></b></p> |

| Section  | Existing Provision  | Proposed Amendments   |
|--|---|---|
| Order XVII<br>Rule 1, CPC,<br>1908   | <p>[1. Court may grant time and adjourn hearing.—1<br/>(1) The court may, if sufficient cause is shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit for reasons to be recorded in writing:</p> <p>Provided that no such adjournment shall be granted more than three time to a party during hearing of the suit.]</p> <p>(2) Costs of adjournment.—In every such case the Court shall fix a day for the further hearing of the suit, and 2[shall make such orders as to costs occasioned by the adjournment or such higher costs as the court deems fit:]</p> | <p>[1. Court may grant time and adjourn hearing.—<br/>(1) The court may, if sufficient cause is shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit for reasons to be recorded in writing:</p> <p>Provided that no such adjournment shall be granted more than three time to a party during hearing of the suit</p> <p>Provided further that no adjournments may be granted on the behest of the party in whose favour any injunction has been granted, unless for reasons to be recorded in writing, the Court deems it appropriate to grant an adjournment in such cases.</p> <p>(2) Costs of adjournment. - In every such case the Court shall fix a day for the further hearing of the suit, and shall make such orders as to costs occasioned by the adjournment or such higher costs including progressively higher costs, as the court deems fit.</p> |
| Order XX,<br>Rule 1, sub-<br>rule (1), as<br>applicable to<br>Commercial<br>disputes | <p>(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within ninety days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the</p>  | <p>(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within sixty days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the parties to the dispute through electronic mail or otherwise.</p>  |

| Section                            | Existing Provision   | Proposed Amendments  |
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|                                    | parties to the dispute through electronic mail or otherwise.   |  |
| Order XX Rule 6B, CPC, 1908        | 6B. Copies of judgments when to be made available.—Where the judgment is pronounced, copies of the judgment shall be made available to the parties immediately after the pronouncement of the judgment for preferring an appeal on payment of such charges as may be specified in the rule made by the High Court. | 6B. Copies of judgments when to be made available.—Where the judgment is pronounced, copies <b>including electronic copy with digital signature</b> of the judgment shall be made available to the parties immediately after the pronouncement of the judgment for preferring an appeal on payment of such charges as may be specified in the rule made by the High Court. |
| Order XXI of CPC, 1908<br>New rule |  | <b>10A. All proceedings, pursuant to the filing of an application for execution, shall be disposed of within twelve months of the filing of the application.</b>   |

**Proposed Amendments**

**Appendix II**

**Form of List of witnesses. – (i) The list of witnesses will be in the form below:**

**IN THE \_\_\_ COURT AT \_\_\_**

**Suit No.....of.....**

**Plaintiff/Petitioner.....v.....Defendant/Respondent**

**NEXT DATE OF HEARING**

**List of witnesses filed by the.....**

| <b>Serial No.</b> | <b>Full name and complete address</b> | <b>Facts Sought to be proved by the evidence of the witness</b> | <b>Documents sought to be proved by the evidence of the witness</b> |
|-------------------|---------------------------------------|---|---|
|                   |                                       |   |   |

**Part—A Witnesses required to be examined on Commission, in person or by Video conferencing.**

**Part—B Witnesses required to produce documents only and who are not required to give oral evidence.**

**Part—C Witnesses required to give oral evidence and also to produce documents, including expert witnesses.**

**Part—D Witnesses required to give oral evidence but from whom no documents are required to be proved.**

**Filed by Advocate for  
the Plaintiff/Defendant/ Petitioner/Respondent Filed on.....**

\* The requisite amendment required in the Arbitration and Conciliation Act, 1996 or Commercial Courts Act, 2025, as the case may be, to clarify the competent court in the case of appeal from decision of the proposed appellate arbitral tribunal may also be required to avoid any ambiguity.