

ITEM NO.17

COURT NO.11
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XI

Petition(s) for Special Leave to Appeal (C) No(s). 4654/2022

(Arising out of impugned final judgment and order dated 10-12-2021 in MUA227 No. 7330/2021 passed by the High Court Of Judicature At Allahabad)

M/S CHOPRA FABRICATORS AND MANUFACTURERS PVT. LTD. Petitioner(s)

VERSUS

BHARAT PUMPS AND COMPRESSORS LTD. & ANR. Respondent(s)

Date : 19-05-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Rakesh U. Upadhyay, Adv.
Mr. Rishabh Kumar Pandey, Adv.
Ms. Aarti Upadhyay Mishra, AOR

Mr. Pawanshree Agrawal, AOR
Mr. Aneesh Mittal, Adv.
Ms. Soumya Dhankani, Adv.
Mr. Shaunik Gupta, Adv.

For Respondent(s) Mr. Nikhil Goel, Adv.
Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, AOR
Ms. Smita Kant, Adv.
Prabhleen Kana, Adv.
Ms. Kritika Nagpal, Adv.
Mr. Nitin Mishra, AOR

Ms. Madhavi Divan, ASG
Ms. Garima Prashad, Sr. Adv.

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

Vide our order dated 28.04.2022, this Court directed the Chief Justice of the High Court of Judicature at Allahabad to constitute a Special Arrears Committee of the Judges of the High Court to tackle with the problem of arrears insofar as the commercial matters are concerned. It is reported that now the Special Arrears Committee has been constituted only yesterday.

Our earlier order dated 28.04.2022 was very clear and there was no ambiguity at all. Despite the above, for whatever reason, the Special Arrears Committee has not been constituted till yesterday and the same has been constituted only after yesterday's hearing.

We were not satisfied at all with the report submitted by the High Court yesterday (18.05.2022) and the road-map and the action proposed in tackling the arrears so far as the commercial matters are concerned.

A further affidavit is filed on behalf of the High Court of Judicature at Allahabad today. It is suggested as under:-

"b. Once fully implemented, a judicial officer would have an average of 47 such cases before himself/herself, apart from other judicial work.

c. The incentive scheme submitted under affidavit of 18.05.2022 for disposal of these cases will be correspondingly supplemented by an appropriate mechanism of entries in the ACR.

d. In terms of Section 20 of Commercial Courts Act 2015, the High Court of Judicature at Allahabad has been carrying out training of judicial officers at regular interval. Better emphasis will be given in such training to sensitize the officer towards the mandate of expeditious disposal. This training shall also be conducted through virtual mode additionally, so as to increase its frequency and efficacy.

e. The Special Arrears Committee will have a periodic review by calling monthly data of disposal from each of the 74 district. The District Judge In-charge shall be the nodal officer who shall send this data by the 7th of each month. The Special Arrears Committee shall meet at least once a month and shall concentrate on dealing with such Districts where disposal is less. Based on the data received, a virtual or physical meeting shall be conducted by the Special Arrears Committee to ensure speedy disposal of this category of cases.

f. As already submitted, the State Government shall be requested to create additional Commercial Courts in the four Districts of Gautam Budh Nagar, Meerut, Agra and Lucknow where the pendency of such cases is comparatively larger.

g. A one-time exercise shall be done under the aegis of each District Judge who would give a report as to how many and for what reasons, cases have become infructuous but are shown as pending. An endeavor shall be made to complete this exercise within a period of two months so these identified cases can be listed in one go for appropriate orders to be passed on the judicial side. For this purpose, all the concerned District Judges shall put a list of all pending cases (Execution Petition and section 34 of the Arbitration Act) on their respective websites. This will enable the lawyers appearing in those cases to inform the court if their matters have become infructuous.

h. It is submitted that the Advocates dealing with the pending petition shall be encouraged to file written note of argument by way of notice published on the website."

From the constitution of the Special Arrears Committee to make suggestions and formulate a mechanism to tackle with the problem of arrears, it appears that all the Judges from the Allahabad Bench are in the Committee. None of the Judges from the Lucknow Bench is part of the Committee.

We request the Chief Justice to reconstitute the Committee so that they may have further suggestions from the Lucknow Bench also as there are large number of pending commercial matters within the jurisdiction of the Lucknow Bench also. The learned Chief Justice ought to have taken the senior-most Judge at Lucknow Bench into confidence and invite suggestions from him also. Be that as it may, the learned Chief Justice would look into the aforesaid and

reconstitute the Special Arrears Committee.

One of the suggestions is that the State Government shall be requested to create additional commercial courts in the four districts of Gautam Budh Nagar, Meerut, Agra and Lucknow where the pendency of such cases is comparatively larger. In fact, the aforesaid ought to have been done earlier.

Mr. Nikhil Goel, learned counsel, appearing on behalf of the High Court has stated at the Bar that now the proposal to create the additional commercial courts in the aforesaid four Districts is made to the State Government yesterday. This is as per the statement made by the counsel on behalf of the High Court which is made under the instruction from the Registrar General who is present in the Court.

We direct the State Government to look into the same to consider the proposal made by the High Court to create additional commercial courts in the aforesaid four districts and take a final decision within a period of four weeks from today.

Put up on 12.07.2022 so as to enable the High Court to file the further status report on the suggestions made on behalf of the High Court, reproduced hereinabove.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR