

ITEM NO.7 Court 1 (Video Conferencing) SECTION PIL-W

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

SMW(Cr1.) No(s). 2/2020

IN RE EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138 OF N.I. ACT
1881Petitioner(s)

VERSUS

Respondent(s)

(IA No. 5070/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 121371/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 125606/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 108282/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 105142/2020 - EXEMPTION FROM FILING O.T.
IA No. 121370/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 03-03-2021 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the parties:

By Courts Motion

Mr. Sidharth Luthra, Sr. Adv. (AC)
Mr. K. Parameshwar, Adv. (AC)
Mr. M.V. Mukunda, Adv.
Ms. A. Sregurupriya, Adv.
Mr. Rajat Mathur, Adv.
Mr. Anmol Khera, Adv.
Mr. Sheezan Hashmi, Adv.
Mr. Akshat Kumar, Adv.

For UOI

Mr. Vikramjit Banerjee, ASG
Mrs. Neela Kedar Gokhle, Adv.
Mr. P.V. Yogeshwaran, Adv.
Mr. Divyansh H. Rathi, Adv.
Mr. B.V. Balaram Das, AOR

Mr. M. Yogesh Kanna, AOR
Mr. Raja Rajeshwaran S., Adv.
Mr. Aditya Chadha, Adv.
Ms. Uma Prasuna Bachu, Adv.

Ms. Jaspreet Gogia, AOR
Mr. Karanvir Gogia, Adv.
Ms. Shivangi Singhal, Adv.

Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, AOR
Ms. Smita Kant, Adv.
Ms. Ishita Farsaiya, Adv.
Ms. Prabhleen Kaur, Adv.

Ms. Garima Prashad, AOR

Mr. Amit Kumar, Adv. Gen.
Mr. Avijit Mani Tripathi, AOR
Mr. Shaurya Sahay, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Anupama Ng., Adv.
Mr. Karun Sharma, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Ms. Sweena Nair, Adv.

Mr. Keshav Mohan, Adv.
Mr. R.K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Piyush Vatsa, Adv.
Ms. Ritu Arora, Adv.
Mr. Santosh Kumar - I, AOR

Mr. S. Udaya Kumar Sagar, Adv.
Ms. Sweena Nair, Adv.

Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Dr. Rajesh Pandey, Adv.
Ms. Aswathi. M.K. AOR.

Ms. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.
Mr. G. Prakash, AOR

Mr. Sandeep Jha Advocate

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Amitabh Sinha, Adv.
Mr. Shrey Sharma, Adv.

Dr. Rajesh Pandey, Adv.
Ms. Aswathi M.K. AOR

Ms. Eliza Bar, Adv.
Mr. Pai Amit, AOR

Ms. Aruna Mathur, AOR
Ms. Anuradha Arputham, Adv.
Mr. Avneesh Arputham, Adv.
For M/S. Arputham Aruna And Co, AOR

Mr. Shuvodeep Roy, AOR
Mr. Rahul Raj Mishra, Adv.
Mr. Kabir Shankar Bose, Adv.

Mr. Kumar Anurag Singh, Adv.
Mr. Anando Mukherjee, AOR
Ms. Tulika Mukherjee, Adv.

Mr. Upendra Mishra, Adv.
Mr. Vinay Garg, AOR
Ms. Deepam Garg, Adv.
Mr. Uday Singh, Adv.
Ms. Neetu Rawat, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Pravar Veer Misra, Adv.

Mr. Gopal Jha, AOR

Applicant-in-person

Mr. Romy Chacko, AOR
Mr. Varun Mudgal, Adv.

Ms. Shashi Juneja, Adv.
Mr. Satish Pandey, AOR

Mr. Sameer Parekh, AOR

Mr. R. Nedumaran, AOR

Mr. Sharan Thakur, Adv.
Mr. Mahesh Thakur, AOR
Mr. Siddhartha Thakur, Adv.

Mr. Soumya Chakraborty, Sr. Adv.
Mr. Sanjai Kumar Pathak, AOR
Mr. Arvind Kumar Tripathi, Adv.
Ms. Shashi Pathak, Adv.

Mr. Sunil Kumar, Sr. Adv.
Mr. Himanshu Shekhar, AOR

Mr. Jamnesh Kumar, Adv.

Mr. P. H. Parekh, Sr. Adv.

Mr. Sameer Parekh, Adv.

Mr. Kshatrashal Raj, Adv.

Ms. Tanya Chaudhry, Adv.

Ms. Pratyusha Priyadarshini, Adv.

Ms. Nitika Pandey, Adv.

For M/S. Parekh & Co., AOR

Mr. Siddhesh Kotwal, Adv.

Mr. Divyansh Tiwari, Adv.

Ms. Ana Upadhyay, Adv.

Ms. Manya Hasija, Adv.

Mr. Nirnimesh Dube, AOR

Mr. V. N. Raghupathy, AOR

Ms. Rachana Srivastava, AOR

Mr. Suhaan Mukerji, Adv.

Mr. Vishal Prasad, Adv.

Mr. Nikhil Parikshith, Adv.

Mr. Abhishek Manchanda, Adv.

Mr. Sayandeep Pahari, Adv.

For M/S. Plr Chambers And Co., AOR

Mr. Shree Pal Singh, AOR

Mr. Abhimanyu Jhamba, Adv.

Mr. Ashish Jhamb, Adv.

Ms. R.A. Thonpinao Thangal, Adv.

Mr. Samir Ali Khan, AOR

Ms. Pragati Neekhara, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Apoorv Kurup, AOR

Ms. Nidhi Mittal, Adv.

Ms. Uttara Babbar, AOR

Mr. Sibbo Sankar Mishra, AOR

Mr. Thomas P. Joseph, Sr. Adv.

Mr. V. K. Biju, AOR

Mr. Amlendu Kumar Akhilesh Kumar Jha, Adv.

Mr. Shaji George, Adv.

Mr. Abhay Pratap Singh, Adv.

Mr. Puneet Jain, Adv.

Mr. Harshit Khanduja, Adv.
Mr. Harsh Jain, Adv.
Mr. Akshat Maheshwari, Adv.
Ms. Christi Jain, AOR

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Mr. Arjun Garg, AOR
Ms. Shrutika Garg, Adv.

Ms. Radhika Gautam, AOR

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR

Mr. Ramesh Babu M. R., AOR
Ms. Manisha Singh, Adv.
Ms. Nisha Sharma, Adv.

Mr. Ravindra A. Lokhande, Adv.
Mr. Abhishek Atrey, AOR
Ms. Ambika Atrey, Adv.

Ms. Manisha Ambwani, AOR

Mr. Neeraj, AAG
Mr. Piyush Beriwal, Adv.
Mr. Ankit Raj, Adv.
Dr. Monika Gusain, AOR

Mr. Vishwa Pal Singh, AOR
Mr. Ronak Karanpuria, Adv.
Mr. Prateek Rai, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.
Mr. Vishal Banshal, Adv.

Mr. Manish Kumar, AOR
Mr. Harpreet Singh Gupta, Adv.

Mr. Gaurav Agrawal, AOR

Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Narendra Kumar, AOR

Mr. Anupam Raina, AOR
Mr. Sunando Raha, Adv.

Mr. Abhimanyu Tewari, AOR

Mr. V. G. Pragasam, AOR
Mr. S. Prabhu Ramasubramanian, Adv.

Mr. Naresh K. Sharma, AOR

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

At the hearing of this matter, we have suggested that the Union of India may provide for establishment of additional courts for the better administration of laws i.e. the Negotiable Instruments Act, 1881 (for short, the 'N.I. Act') under Article 247 of the Constitution of India which reads as follows :

"247. Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made Parliament or of any existing laws with respect to a matter enumerated in the Union List."

Prima facie we are of the view that the aforesaid Article confers a power coupled with duty on the Union of India to establish additional courts, for better administration of laws made by Parliament. There is no doubt or dispute about the fact that matters under the N.I. Act have posed what by now has become an intractable problem/accounting for close to 30 to 40 per cent of the pendency in the trial courts and a very high percentage in the High Courts also.

Mr. Vikramjit Banerjee, learned Additional Solicitor General appearing for the Union of India, however, submits that the Ministry of Finance has suggested that instead of setting up of additional courts, certain measures specified in para 6(a) of the

Office Memorandum dated 02.03.2021 produced in the Court today, be implemented. It is not necessary to reproduce and analyse the impact of the measures suggested by the Union of India. Suffice it to say that having gone through the measures and heard learned counsel on the said measures, we find that the measures are, to say the least, inadequate for the purpose.

The next suggestion by Mr. Banerjee, learned Additional Solicitor General, is that the matter requires wide ranging discussion of various stakeholders and officers and the secretaries of various Ministries who will be able to suggest a solution to the problems of pendency of the cases under N.I. Act. This suggestion is completely acceptable to us.

We might add that it would be necessary to have a former Judge who has had wide ranging experience as a trial judge, on the Committee.

List the matter tomorrow i.e. 04.03.2021 to enable Mr. Banerjee, learned Additional Solicitor General to suggest the names of the members, secretaries or officers from various departments for the purpose of framing a Committee.

We would request Mr. Tushar Mehta, learned Solicitor General, to appear in the matter along with Mr. Banerjee, learned Additional Solicitor General appearing on behalf of the Union of India.

(MADHU BALA)
AR-CUM-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR