

ITEM NO.1

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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 : 12-07-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNAFor Petitioner(s) Mr. Rakesh U. Upadhyay, Adv.
Ms. Aarti Upadhyay Mishra, AOR
Mr. Rishabh Kumar Pandey, Adv.Mr. Pawanshree Agrawal, AOR
Ms. Soumya Dhankani, Adv.
Mr. Shaubhik Gupta, Adv.

For Respondent(s) Mr. Nitin Mishra, AOR

Mr. K.K. Venugopal, Attorney General for India
Mr. Tushar Mehta, SG
Mr. Nikhil Goel, Adv.
Mr. Yashvardhan, Adv.
Mr. Apoorv Shukla, AORMs. Garima Prasad, AAG
Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

An additional affidavit is filed on behalf of the High Court pointing out the steps taken in furtherance of our earlier order to tackle the problem with respect to delay in deciding the matters related to commercial disputes in the State of U.P.

It is reported that approximately 40,000 Execution Petitions are pending in the State of U.P. It is further reported that now the execution petitions are distributed among the Judicial Officers and a judicial officer would have an average of 47 such cases before himself or herself, apart from judicial work. It is further reported that between 01.05.2022 and 04.07.2022, 9678 Execution Petitions and 1373 Petitions under Section 34 of the Arbitration Act have been disposed of. It is also reported that the cases are transferred to the Additional District Judges in terms of Civil Laws (U.P. Amendment Act) 2019 and the distribution of the work has taken place in the month of May, 2022 itself.

Let the High Court submit a further status report and the progress in disposal of the matters relating to the commercial disputes. In our earlier order, we have already emphasized on early disposal of the commercial matters which ultimately would help in economic growth as well as ease of doing business.

At this stage, Mr. K.K. Venugopal, learned Attorney General, has very emphatically argued that this Court has no jurisdiction to issue directions on administrative side to the High Courts. We may remind that this is not an adversarial litigation at all. The High Court ought not to have and should not have taken the same as a prestige or ego issue. Only in a case where the High Court has failed to perform its duty and/or monitoring/supervision and even it can be seen that before this Court intervened, as such, no serious efforts were made by the High Court on administrative side to see that commercial cases are disposed of at the earliest, that is why this Court was required to intervene. Be that as it may,

the aforesaid larger issue will be dealt with and considered hereinafter.

At present, the matter is adjourned by four weeks.

Put up on 16.08.2022.

The High Court to file the fresh status report on the pendency of the matters relating to commercial disputes in the State and/or further progress before the next date of hearing.

The High Court is also requested to place on record the number of posts of Judicial Officers vacant and whether regularly the appointments are made as per the directions issued by this Court in the case of Malik Mazhar Sultan (3) and Another vs. Uttar Pradesh Public Service Commission and Others, (2008) 17 SCC 703 or not before the next date of hearing.

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

(NISHA TRIPATHI)
ASSISTANT REGISTRAR