

HIGH COURT OF DELHI: NEW DELHI

No. 75/Rules/DHC

Dated : 21.06.2021

PRACTICE DIRECTIONS

In compliance of the order of Hon'ble Supreme Court of India dated 16.04.2021 passed in Suo Motu Writ Petition (Criminal) No. 2/2020 titled "*In Re: Expeditious Trial of Cases under Section 138 of Negotiable Instrument Act 1881*", the following directions are hereby issued: -

1. The Magistrates having jurisdiction to try offences under the Negotiable Instruments Act, 1881 (in short N.I. Act), shall record cogent and sufficient reasons before converting a complaint under Section 138 of the N.I. Act from summary trial to summons trial in exercise of power under the second proviso of section 143 of N.I. Act. Due care and caution shall be exercised in this regard and the conversion of summary trial to summons trial shall not be in a mechanical manner.
2. On receipt of any such complaint under Section 138 of N.I. Act, wherever it is found that any accused is resident of the area beyond the territorial jurisdiction of the Magistrate concerned, an inquiry shall be conducted by the Magistrate to arrive at sufficient grounds to proceed against the accused as prescribed under Section 202 Cr.P.C.
3. While conducting any such inquiry under Section 202 Cr.P.C., the evidence of witnesses on behalf of the complainant shall be permitted to be taken on affidavit. In suitable cases, the Magistrate may restrict the inquiry to examination of documents for satisfaction as to the sufficiency of grounds for proceeding under the said provision.
4. Trial Court shall treat service of summons in one complaint under Section 138 N.I. Act forming part of a transaction, as deemed service in respect of all complaints filed before the same Court relating to dishonor of cheques issued as part of the same transaction.
5. Trial Courts have no inherent power to review or recall the issue of summons in relation to complaint filed under Section 138 of N.I. Act. However, the same shall not affect the power of the Trial Court under Section 322 of Cr.P.C to revisit the order of issue of process in case it is brought to the court's notice that it lacks jurisdiction to try the complaint.
6. Section 258 of Cr.P.C. has no applicability to complaints under Section 138 of N.I. Act. The words "*as far as may be*" in Section 143 are used only in respect of applicability of Sections 262 to 265 of the Code and the summary procedure to be followed for trials under the said Code.

7. The Appellate Courts before which appeals against the judgments in complaint under Section 138 of N.I. Act are pending are directed to make an effort to settle the dispute through mediation.

These Practice Directions shall come into force with immediate effect.

By Order
Sd/-
(MANOJ JAIN)
REGISTRAR GENERAL

Mediation Cause List for 22.06.2021

Parties to Report at the reception counter of Mediation Centre 10 Minutes before the time fixed. Rooms for Mediation will be assigned on assembly of the parties.

S. No.	M&C File No.	Case Name	Parties	Mediator	Time	Mark Your Attendance at
1	149/21	CS(Comm) 404/2020	Bharat Bhushan Gupta Proprietor Bharat Light Machines Vs Nitin Mittal Proprietor M/s G. K. Trading co. & anr	Mr. Atul Batra, Adv/ Mr. Abhas mishra, CO	1.00pm	Through VC
2	27/21	Mediation Petition 27/2021	Shreyans Parakh Vs Sheena Jain	Ms. Veena Ralli, Adv	1.00pm	Through VC
3	160/21	Mediation Petition 160/2021	Ms. Shubhangi Bhatnagar Vs. Mr. Sumit Srivastava	Ms. Puja Anand, Adv./ Mr. Balvinder Singh Bagha Adv Co	1.00PM	Through VC
4	210/21	CS(Comm) 667/2018	South Delhi Municipal corporation Vs M/s Ranjeet Jha	Mr. Arun Aggarwal, adv/ Mr. Vinod Kumar, CO	10.00am	Through VC
5	385/21	W.P(C) 4960/2021	Harkesh Kumar Dang Vs The Union of India & ors.	Ms. Anjali Vohra, Adv	10.00am	Through VC
6	279/21	CS(Comm) 491/2020	T.O.M. BV Vs Eastman Industries Ltd	Ms. Veena Ralli, Adv / Ms. Swati Setia, adv	11.00am	Through VC
7	40/21	Mediation Petition 40/2021	PTC Vs Cadila Health Care	Mr. Sumit Chander, Adv	11.00am	Through VC
8	161/21	Mediation Petition 161/2021	Ms. Upasana Varma Chawla Vs. Mr. Gaurav Chawla	Ms. Anjali Vohra, Adv./ Mr. Vikas Sharma, Adv.	11.00AM	Through VC
9	479/20	CS (COMM) 722/2019	M/s Zydus Healthcare Ltd. Vs. M/s Redley Life Science Pvt. Ltd. & Ors.	Mr. Arun Aggarwal, Adv/ Mr. Vinod Kumar, Adv (Co)	12.00pm	Through VC
10	158/21	Mediation Petition 158/2021	Mr. Nilanjan Bhowal Proprietor The Design consortium Vs. Rebamboo Naturals Pvt. Ltd. & anr	Mr. Dilip Mehra, Adv./ Ms. Sonam Anand, Adv. Co	12.00PM	Through VC
11	206/20	CS(COMM) 446/2019	Societe Des Produits Nestle SA & ors. VS. GRV Confectionery & Food P. Ltd. & ors.	Mr. Arun Aggarwal, Adv	2.00pm	Through VC
12	114/21	CS(Comm) 454/2020	Dr Reddys Laboratories Ltd. Vs. Pro Bios Pharmaceuticals Pvt. Ltd. & Anr	Ms. Swati Setia, Adv.	2.00pm	Through VC
13	14/21	PIM No. 14/2021	T.V Today Network Limited Vs. Basic First Learning (OPC) Pvt. Ltd.	Mr. Atul Bhuchar, Adv.	2.00pm	Through VC
14	288/21	Arb. P. 564/2020	My Preferred Transformation And Hospitality Pvt Ltd Vs Burman Associates	Mr. Dalip Mehra, Adv/Ms. Monika Srivastava, CO	3.00pm	Through VC
15	426/21	Crl M.C 1433/2021	Niteen Subhash Yeola Vs. State of NCT Delhi	Mr. Rajiv Aggarwal, Av./ Ms. Lalit Mohini Bhat, Adv.	3.00pm	Through VC
16	824/20	CS(OS) 2092/2013	Captain Bhupinder Kumar Suri Vs Naresh Kumar Suri & ors	Ms. Zubeda Begum, Adv / Mr. Asim Naeem , (Co),	4.00pm	Through VC
17	400/21	W.P. (CRL) 1894/2020	Subhash Khandelwal Vs. Economic Offence Wing & Others	Mr. Vikas Pahwa, Sr. Adv./ Mr. Maninder Singh, Adv. Co	4.00pm	Through VC
18	413/21	CS(comm) 160/2021	Tata Sons Pvt. Ltd. Vs Kailash Devi Trading as M/s Mahabir Textiles	Mr. Abhimanyu Chopra, Adv	4.00pm	Through VC
19	414/21	OMP (I) Comm 165/2021	Anoop Sharma Vs Pukhraj Chugh & ors	Mr. Dalip Mehra, Adv/ Ms. Anupam K. Sanghi, CO	4.00pm	Through VC
20	363	Mediation Petition No 363/2019	Saurabh Diddi Vs. Ruchi Diddi	Mr. Sunil Mittal, Sr. Adv	4.00PM	Through VC
21	2/21	Mediation Petition 002/2021	Simran Bedi Vs jitin Madan	Ms. Amita Sehgal, Adv./ Ms. Shweta Kakkar, Adv. Co	4.00pm	Through VC
22	109/21	Mediation Petition 109/2021	Autodesk Inc Vs Silpi Architect	Ms. Monica Kapoor, Adv	4.00pm	Through VC
23	1/20	PIM NO. 01/2020	M/s Triveni Engineering & Industries Ltd. Vs. M/s Delhi Jal Board	Mr. J P Sengh, SR. Adv	4.00pm	Through VC
24	363/21	T P (c) 899/2021	Aparna Chauhan Katoch Vs. Dhanajai Katoch	Mr. Rajiv Aggarwal, Adv./ Ms. Sarita Kapur, Adv. Co	5.00pm	Through VC
25	402/21	O.M.P (EFA) (Comm) 4/2021	Indian Ocean Energy Pte Ltd & anr Vs. Bumi GEO Engineering Ltd & Anr	Mr. Sudhanshu Batra, Adv	5.00pm	Through VC
26	301/20	Mediation Petition 301/2020	Tarawati Gupta And Others Vs Anoop Kumar Gupta And Others	Mr. J. P. Sengh, Sr. Adv/ Ms. Nisha Bhambhani, CO	5.00pm	Through VC
27	13/21	PIM No. 13/2021	M/s Northern Consumables Private Limited Vs Mr. Krishan Mohan	Mr. Anil Airi, Adv/ Mr. Naginder Benipal, Co.	5.00pm	Through VC
28	370/21	CRL. M.C. 1875/2019	Sumana Bhasin Vs Neeraj Bhasin & Ors	Ms. Veena Ralli, Adv / Ms. Swati Setia, adv	7.00pm	Through VC