



COURSE MANUAL

Name of the Elective Course: Commercial Litigation

Course Code: L-EL-1220

Name of the responsible Faculty Instructor:
Prof. Suparna Jain

FALL 2026
(AY2026-27)

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far the elective course, *Commercial Litigation*, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **Commercial Litigation**

Course Code: **L-EL-1220**

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **UG**

Medium of Instruction: **English**

Pre-requisites (if applicable): **Company Law I and II**

Equivalent Courses: N/A

Part II

1. Course Ideator: Prof. Suparna Jain

2. Course Description

This course provides a broad and practical introduction to commercial litigation, focusing on how business-related disputes are identified, managed, and resolved through specialized legal forums. It familiarizes learners with the functioning of Commercial Courts, the evolution of commercial dispute resolution in India, and the overall litigation process from filing to disposal. The course also explores how commercial litigation overlaps with other key areas such as arbitration, insolvency, and company law, offering a general understanding of how disputes in these fields arise and are addressed. With an emphasis on both concepts and practical skills, the course aims to equip learners with a foundational grasp of the commercial dispute-resolution landscape and the essential approaches used by practitioners in real-world matters.

3. Course Aims

- To provide learners with a foundational understanding of commercial litigation
- To familiarize students with the structure, role, and functioning of Commercial Courts in India.
- To introduce the historical development and policy rationale behind specialized commercial dispute-resolution mechanisms.
- To explain the procedural journey of a commercial suit under the Commercial Courts framework.
- To highlight the interaction between commercial litigation and related fields such as arbitration, insolvency (IBC), and company law.
- To develop practical skills in legal drafting relevant to commercial disputes, including pleadings under the Commercial Courts Act, Arbitration Act, IBC, and Companies Act.
- To encourage analytical thinking by applying legal principles to hypothetical commercial disputes.

4. Teaching Methodology

Teaching will be a mix of theory and practical exercises designed to build core skills essential for commercial litigation. The methodology will include lectures on the legal framework governing commercial disputes, the functioning of Commercial Courts, and the procedural steps involved in commercial suits, arbitration-related matters, IBC proceedings, and company-law disputes. Alongside doctrinal learning, students will engage in practical drafting activities, case-study discussions, and simulated exercises based on real-world litigation scenarios. Students will be expected to complete readings before class and apply their understanding to hypothetical commercial disputes, where

they will practice drafting pleadings, identifying procedural strategies, and analysing litigation choices to develop strong, practice-ready commercial litigation skills.

5. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %
Have a sound understanding of commercial courts, their functioning and the process followed in commercial litigation in India	50
Analyze how commercial litigation intersects with arbitration, insolvency (IBC), and company law disputes.	30
Apply: (i) the principles learnt in drafting commercial litigation drafts and develop effective litigation approaches	20

6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

Internal Assessment Criteria:

MARKS DIVISION	ASSESSMENT DESCRIPTION
35 Marks	Moot Court Activity
20 Marks	Research Paper
15 Marks	Class Test/Mid-Semester Test

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

Part III

Course/Class Policies

Office Hours timings

Each course instructor will inform their classes about the weekly office hours. Each course instructor will hold a minimum of 2 hours of office hours every week.

Cell Phones, Laptops and Similar Gadgets

Students may be permitted to use their laptops in class for the purposes of reviewing reading materials and taking notes. Under no circumstances should laptops be used in class to access email, social or other networking websites or use instant messaging software. A violation of this policy will result disciplinary action which may include the entire forfeiting this permission for the remainder of the semester. The instructors may withdraw this permission at any time. Students must keep their cellphones on switched off/ flight mode. Any student found using a cellphone while class is ongoing will be liable to face disciplinary action.

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs,

films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers.

This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part IV

Course Design and Overview (Weekly Plan)

Week	Topics
1	Introduction to Commercial Litigation
2	The Commercial Courts Act
3	Ease of Doing Business under Commercial Courts Act
4-5	Commercial Litigation and IBC
6-7	Commercial Litigation and Arbitration
8-9	Procedure before the Arbitral Tribunal
10-11	Challenging an Arbitral Award
12-13	Commercial Litigation under Companies Act
14	REVISION WEEK

Part V Weekly/Module Wise Readings

MODULES	WEEK(S)	READINGS
MODULE 1:	1	Readings:

<ul style="list-style-type: none"> • Introduction to Commercial Litigation <ul style="list-style-type: none"> - What qualifies as a commercial dispute - What are Commercial Courts - Historical Development of Commercial Courts 		<p>1. https://vidhilegalpolicy.in/research/commercial-courts-act-2015-an-empirical-impact-evaluation/</p> <p>2. <u>Commercial Litigation or Litigation Commercial: Specialised Commercial Courts in India</u></p> <p>3. <u>The Commercial Courts Act, 2015 in India: A thorough Examination of its Role in Enhancing the Efficiency of Commercial Dispute Resolution</u></p>
<p style="text-align: center;">MODULE 2:</p> <ul style="list-style-type: none"> • The Commercial Courts Act: Who can file a dispute <ul style="list-style-type: none"> • Definition of Commercial Disputes • Where the dispute has to be filed <ul style="list-style-type: none"> • Jurisdiction • Hierarchy of Courts and Tribunals 	2	<p>Relevant Sections of The Commercial Courts Act, 2015</p> <p>Readings: <u>The Commercial Courts Act, 2015 in India: A thorough Examination of its Role in Enhancing the Efficiency of Commercial Dispute Resolution</u></p>
<p style="text-align: center;">MODULE 3:</p> <ul style="list-style-type: none"> • Ease of Doing Business under Commercial Courts Act: <ul style="list-style-type: none"> - Procedural Journey under the Act - Pre-Institution Mediation in Litigation - Summary Judgment - Drafting of a Commercial Suit 	3	<p>Section 12 A of The Commercial Courts Act, 2015 along with relevant sections of Mediation Act 2023</p> <p>Readings: <u>Mediating Commercial Disputes in India</u>, Pages 4-1 <u>Why Commercial Mediation should be Voluntary</u>, Sanjeev Sanyal and Apurv Kumar Mishra</p>

<p>MODULE 4:</p> <ul style="list-style-type: none"> • Commercial Litigation and IBC <ul style="list-style-type: none"> - Brief overview of Section 7,8, 9, 10, 12, 14, 52,53 - Understanding drafting under Section 9 	<p>4-5</p>	<p>Sections 7,8,9,10,12,14,52,53 of IBC along with Relevant Forms and drafts</p>
<p>MODULE 5:</p> <ul style="list-style-type: none"> • Commercial Litigation and Arbitration <ul style="list-style-type: none"> - Jurisdiction for filing arbitral proceedings - How to appoint an arbitrator along with drafting to file application for appointment of arbitrator 	<p>6-7</p>	<p>Arbitration and Conciliation Act</p> <ol style="list-style-type: none"> 1. Vikash Kumar Jha & Namrata Sadhnani, Decoding Supreme Court’s Landmark Decision on ‘Seat’ vs. ‘Venue’ in Arbitration, https://disputeresolution.cyrilamarchandblogs.com/2024/11/decoding-supreme-courts-landmark-decision-on-seat-vs-venue-in-arbitration/ 2. Yogendra Aldak, Rashi Srivastava and Bhavya Shukla, Seat versus Venue: A Damsel Distressing Domestic Arbitration, https://www.sconline.com/blog/post/2024/05/27/seat-versus-venue-a-damsel-distressing-domestic-arbitrations/ 3. Supreme Court Clarifies the Scope of Section 11 of the Arbitration and Conciliation Act, 1996, https://indiacorplaw.in/2024/11/26/supreme-court-clarifies-the-scope-of-section-11-of-the-arbitration-and-conciliation-act-1996/ 4. Claims Cannot Be Bisected into Arbitrable and Non-Arbitrable at Arbitrator Appointment Stage: Supreme Court, https://www.sconline.com/blog/post/2025/05/17/claims-cannot-be-bisected-into-arbitrable-and-non-arbitrable-at-arbitrator-appointment-stage-supreme-court/ 5. Arbitrability of Disputes: Indian Jurisprudence (Part II), https://disputeresolution.cyrilamarc

		<p>handblogs.com/2024/06/arbitrability-of-disputes-indian-jurisprudence/</p> <p>6. Arbitrability of Disputes: Indian Jurisprudence (Part I), https://disputeresolution.cyrilamarchandblogs.com/2024/06/arbitrability-of-disputes-indian-jurisprudence-part-i/</p>
<p>MODULE 6:</p> <ul style="list-style-type: none"> • Procedure before the Arbitral Tribunal • Recourse in case the party requires interim relief • Important elements to be kept in mind while drafting pleadings to be presented before arbitral tribunal 	8-9	<ol style="list-style-type: none"> 1. Timeline to Follow under Section 9(2) of the Arbitration and Conciliation Act, 1996, https://disputeresolution.cyrilamarchandblogs.com/2024/11/timeline-to-follow-under-section-92-of-the-arbitration-and-conciliation-act-1996/ 2. Raghav Kumar Singh & Utkarsh Pandit, <i>The Evolving Jurisprudence of Enforceability of Interim Arbitral Awards</i>, https://www.livelaw.in/columns/arbitration-and-conciliation-act-arbitral-awards-section-17-arbitral-tribunal-commercial-arbitration-201319?fromIpLogin=49538.607744135224 3. Ashutosh Nagar & Rajat Dasgupta, <i>A Temporary Sigh of Relief: Section 17 of the Arbitration & Conciliation Act, 1996</i>, https://www.mondaq.com/india/arbitration-dispute-resolution/1029922/a-temporary-sigh-of-relief-section-17-of-the-arbitration-conciliation-act-1996 4. Understanding the Kompetenz-Kompetenz Principle, https://www.mondaq.com/india/arbitration-dispute-resolution/1162214/understanding-the-kompetenz-kompetenz-principle
<p>MODULE 7:</p> <p>Challenging an Arbitral Award:</p> <ul style="list-style-type: none"> • Drafting applications for challenging an arbitral award 	10-11	<ol style="list-style-type: none"> 1. The Supreme Court reaffirms the scope of patent illegality, https://corporate.cyrilamarchandblogs.com/2020/05/supreme-court-reaffirms-the-scope-of-patent-illegality/ 2. Court's power to partially set aside arbitral awards: An Indian

<ul style="list-style-type: none"> Filing aspects in cases of Arbitration and Commercial Litigation 		<p>perspective, https://disputeresolution.cyrilamarchandblogs.com/2024/12/courts-power-to-partially-set-aside-arbitral-awards-an-indian-perspective</p> <p>3. To modify or not – Supreme Court resolves quandary faced by 34 courts, https://disputeresolution.cyrilamarchandblogs.com/2025/05/to-modify-or-not-supreme-court-resolves-quandary-faced-by-34-courts/</p>
<p>MODULE 8:</p> <ul style="list-style-type: none"> Commercial Litigation under Companies Act <ul style="list-style-type: none"> How do you file a winding up petition/Oppression and Mismanagement petition before NCLT 	12-13	Relevant Sections of Companies Act and drafting aspects
REVISION WEEK	Week 14	

BARE ACTS:

- Commercial Courts Act, 2015
- Arbitration and Conciliation Act, 1996
- Insolvency and Bankruptcy Code, 2016