

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**MISCELLANEOUS APPLICATION NOS. 1889-1891 OF 2025**  
**IN**  
**CIVIL APPEAL NOS. 3640-3642 OF 2025**

**PERIYAMMAL (DEAD THR. LRS.) & ORS.**

**APPELLANT(S)**

**VERSUS**

**V. RAJAMANI & ANR.**

**RESPONDENT(S)**

**O R D E R**

1. It has come to our notice that there are draft Commercial Courts Rules, 2021. These Rules have not been notified till this date. The **“Task Force of the Ministry of Law and Justice, Government of India”** on **“Ease of Doing Business”** led to the drafting of the **“Commercial Courts Rules, 2021”**. The draft Commercial Courts Rules, 2021 (hereinafter referred to as “the draft Rules, 2021”) is the initiative of the Ministry of Law and Justice, Government of India. The Department of Justice has formed a Committee for simplification of the Rules and Forms under the Commercial Courts Act.

2. It also appears that the task to draft the Rules referred to above was outsourced to the Delhi High Court. **Chapter XII** titled **“Execution of Decree and Establishment of District Execution Cells”** is something significant for our purpose. Chapter XII of the draft Rules, 2021 was introduced with a particular purpose. Chapter XII of the draft Rules, 2021 reads thus:-

## **“Chapter XII**

### **Execution of Decree and Establishment of District Execution Cells”**

**47. Preparation of Execution Memorandum:** Court Researcher shall prepare an execution memorandum as per Schedule XIV as soon as decree is passed and shall place the same before the Court on the expiry of limitation period provided for appeal.

**48. Immediate Execution of Decree:** On expiry of period of limitation provided for appeal, the Court shall proceed to execute the decree suo moto or on an application moved in this regard and shall consider the execution memorandum submitted in this regard.

**49. Transfer of Decree:** The Court may, in terms of execution memorandum or additional information shared by the Decree Holder, issue Transfer Certificate.

**50. Method of Execution:** While initiating the execution proceedings, the Court shall direct the Judgment Debtor to furnish the details of assets and liabilities on affidavit as per Schedule XV within fifteen days of issuance of direction. Upon receipt of detailed affidavit, in case the Judgment Debtor does not comply with the decree and the information shared is found sufficient for issuance of warrants of attachment of movable/immovable properties, the Execution Court may proceed to issue such processes/directions as deemed fit as per the Code for the satisfaction of the decree.

However, the Court can take assistance of the District Execution Cell in the execution by sending an attested copy of judgment and decree along with copy of Statement of Identity & Income (Schedule V), Execution Memorandum (Schedule XIV) and Affidavit of Assets and Liabilities of Judgment Debtor (Schedule XV) if available.

**51. District Execution Cell:** High Court shall constitute a dedicated District Execution Cell in all Judicial Districts. This Cell shall function under the Nyaya Mitra Scheme of Department of Justice, Ministry of Law and Justice, GOI under the administrative control of Principal District Judge and shall comprise of:

**a. Member Secretary** – Retired Judicial Officer or any retired Class – I Government Officer with legal background for guiding the Decree Holders in timely execution of decrees and overseeing the execution of attachment and other warrants issued by Execution Court under Order XXI of the Code.

**b. Member (Banking)** – Serving Officer of a nationalized Bank of the rank not below the Manager for assisting the Member Secretary in locating for attachment the Bank Account and other liquidated assets of the Judgment Debtor available with nationalized/private banks and other financial institutions.

**c. Member (Revenue)** – Officer drawn from Revenue Services not below the rank of Tehsildar for assisting the Member Secretary for locating for attachment the immovable properties belonging to the Judgment Debtor within the District, State or any other State.

**d. Member (Police)** – Officer drawn from State Police not below the rank of Inspector to assist the Member Secretary/Execution Court in assessing the requirement and procuring Police assistance in attachment, possession, sale etc. of tangible movable and immovable properties during the execution of decree.

District Court Administration shall provide sitting space, on need basis, within the Court complex and requisite support staff like Section Officer, Stenographer, Multi-Tasking Staff for the Cell.

**52. Role of District Execution Cell:** Upon receipt of orders of the Executing Court along with annexures, the District Execution Cell shall verify and process the information received and prepare an Execution Plan as per Schedule XVI within 15 days, which may be extended by the Court by another 15 days on showing sufficient cause, for timely execution of decree.

**53. Access to Information:** On written request made by the Member Secretary or Member of the DEC, the recipient Department/Institution/Organization would be obliged in law to share the complete information about the tangible and intangible assets belonging to the Judgment Debtor as also details about their current address/whereabouts.

**54. Savings:** *The provisions of these Rules shall be in addition to, and not in derogation of the provisions of the Code as applicable to Commercial Disputes or any other Rules framed under the Act.”*

3. Rule 51 of Chapter XII provides that the High Court shall constitute a dedicated District Execution Cell in all Judicial Districts. This Cell shall function under the Nyaya Mitra Scheme of the Department of Justice, Ministry of Law and Justice, Government of India under the administrative control of the Principal District Judge and shall comprise of (i) Member Secretary – a retired Judicial Officer or any retired officer Class – I Government Officer with legal background for guiding the Decree Holders in timely execution of decrees, etc; (ii) Member (Banking) – a serving Officer of a nationalised Bank of the rank not below the Manager for assisting the Member Secretary; (iii) Member (Revenue) – an Officer drawn from Revenue Services not below the rank of Tehsildar for assisting the Member Secretary; and (iv) Member (Police) – an officer drawn from the State Police not below the rank of Inspector to assist the Member Secretary.

4. We are already encountering a huge challenge in so far as the effective and expeditious disposal of execution petitions across the country is concerned. We are of the view that the establishment of the District Execution Cell in all the Judicial Districts may help in effective and expeditious disposal of the execution petitions.

5. In the aforesaid context, we would like to know from the Union of India (Ministry of Law and Justice) as regards the status of the draft Commercial Courts Rules, 2021. We wish to know, why these Rules have

not been notified so far. The draft Rules, 2021 have been framed with a purpose or, to put it in other words, with a particular object. In this regard, we would request Ms. Aishwarya Bhati, the learned Additional Solicitor General to take appropriate instructions from the concerned Ministry and revert on the next date of hearing.

6. We are also of the view that for some reason if the Union of India is not inclined to notify the draft Rules, 2021 in the near future, then the High Courts in exercise of their supervisory jurisdiction under Article 227 of the Constitution may consider establishing the District Execution Cell in accordance with Rule 51 of Chapter XII of the draft Rules, 2021 referred to above. We would like to know the views of all the High Courts in this regard.

7. The Registry shall inform about this Order to Ms. Aishwarya Bhati, the learned Additional Solicitor General at the earliest. The Registry shall also forward one copy each of this Order to the Registrar General of all the High Courts who, in turn, shall place it before the Chief Justice of the respective High Courts.

8. List the matter for this limited purpose on 19.08.2026.

.....**J.**  
**(J.B. PARDIWALA)**

.....**J.**  
**(PANKAJ MITHAL)**

**NEW DELHI;**  
**MAY 25, 2026**

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

Miscellaneous Application No.1889-1891/2025 in  
C.A. No.3640-3642/2025

PERIYAMMAL (DEAD THR. LRS.) & ORS.

Petitioner(s)

VERSUS

V. RAJAMANI & ANR.

Respondent(s)

[TO BE TAKEN UP IN CHAMBER]

IA No. 107226/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 107225/2026 - INTERVENTION APPLICATION

Date : 25-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) : By Courts Motion, AOR

Ms. Mrinal Kanwar, AOR  
Mr. Vaibhav Rajsingh Rathore, Adv.  
Mr. Dinesh Kumar Chouhan, Adv.

For Respondent(s) :Mr. Rahul Jain, AOR  
Ms. Raji Gururaj, Adv.

Mr. Kunal Chatterji, AOR  
Ms. Maitrayee Banerjee, Adv.  
Mr. Rohit Bansal, Adv.  
Mr. Varij Nayan Mishra, Adv.

Mr. Vishnu Shankar Jain, AOR  
Mr. Gopal Jha, AOR

Mr. Ahanthem Henry, Adv.  
Mr. Ahanthem Rohen Singh, Adv.  
Mr. Mohan Singh, Adv.

Mr. Aniket Rajput, Adv.  
Ms. Khoisnam Nirmala Devi, Adv.  
Mr. Yeshu Mehta, Adv.  
Mr. Tanay Hegde, Adv.  
Mr. Ravi Kumar Bodhani, Adv.  
Mr. Kumar Mihir, AOR

Mr. Avneesh Arputham, AOR  
Mr. Ankit Sharma, Adv.

Mr. Sandeep Sudhakar Deshmukh, AOR  
Mr. Nishant Sharma, Adv.  
Mr. Ankur Savadikar, Adv.  
Mr. Kartik Sharma, Adv.

Mr. P. I. Jose, AOR

Mr. Arjun Garg, AOR  
Ms. Amruta Arjun Garg, Adv.  
Mr. Saaranish Shukla, Adv.  
Ms. Muskan Bensla, Adv.  
Ms. Mrinmoyee Das, Adv.

Mr. Sanjai Kumar Pathak, AOR  
Mrs. Shashi Pathak, Adv.  
Mr. Arvind Kumar Tripathi, Adv.  
Mr. Robin Kumar, Adv.  
Ms. Shweta Jayshankar Dwivedi, Adv.  
Mr. Ashish Kumar Sinha, Adv.  
Mrs. Binita Jaiswal, Adv.

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

1. This Court today passed certain directions as contained in the signed order of Miscellaneous Application Nos.1889-1891 of 2025 in Civil Appeal Nos.3640-3642 of 2025. The relevant part of the signed order is as under:-

“xxx

5. In the aforesaid context, we would like to know from the Union of India (Ministry of Law and Justice) as regards the status of the draft Commercial Courts Rules, 2021. We wish to know, why these Rules have not been notified so far. The draft

*Rules, 2021 have been framed with a purpose or, to put it in other words, with a particular object. In this regard, we would request Ms. Aishwarya Bhati, the learned Additional Solicitor General to take appropriate instructions from the concerned Ministry and revert on the next date of hearing.*

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*8. List the matter for this limited purpose on 19.08.2026.”*

**2. Registry to do the needful.**

**(HARPREET KAUR)  
COURT MASTER (SH)**

**(POOJA SHARMA)  
COURT MASTER (NSH)**

**(Signed order is placed on the file)**