

FININ2MIN PROFESSIONAL LAW CORPUS - BATCH 05

Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018

Application, notice, service, appearance/non-starter, mediator, procedure, time, fees, settlement and forms.

Commercial Courts Act, 2015

Reviewed through 2026-07-18

India-first professional reference

Source control: The official India Code Act PDF, current Rules, Gazette notifications, State/High Court instruments and event-date court orders prevail. This publication is an implementation guide and source map, not a substitute for signed official text or matter-specific legal advice.

Dedicated Finin2min Summary - Chapter in 2 Minutes

- Application, notice, service, appearance/non-starter, mediator, procedure, time, fees, settlement and forms.
- Use the 2018 base instrument together with the corrigendum and 2020 amendment where relevant.
- Verify the current local Authority/High Court implementation before filing.
- Retain the signed Gazette and all generated forms, service and outcome records.

Section-by-section provision map

Provision / gate	Subject	Status	Finin2min decode	Implementation	Evidence
Instrument identity	Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018	03 July 2018	Application, notice, service, appearance/non-starter, mediator, procedure, time,	Read with sections 12A, 17 and 21A and every later amendment/corrigendum.	Signed Gazette, India Code entry and source hash.

Provision / gate	Subject	Status	Finin2min decode	Implementation	Evidence
			fees, settlement and forms.		
Procedure owner	Legal Services Authority / court administration	Current instrument	Translate the Rules into forms, service, fee, time and data controls.	Application, notice, service, report, settlement or data return.	
Change control	Corrigendum and 2020 amendment	Mandatory	Use the consolidated current wording, not the 2018 base text in isolation.	Redline, instrument register and approved templates.	
Local implementation	State/District Authority and High Court	Jurisdiction-specific	Verify addresses, electronic channels, panel, fees and local forms.	Current authority/ High Court website and filing receipt.	

Finin2min clause-by-clause decode

Instrument identity - Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018

Application, notice, service, appearance/non-starter, mediator, procedure, time, fees, settlement and forms.

Status: 03 July 2018

Procedure owner - Legal Services Authority / court administration

Translate the Rules into forms, service, fee, time and data controls.

Status: Current instrument

Change control - Corrigendum and 2020 amendment

Use the consolidated current wording, not the 2018 base text in isolation.

Status: Mandatory

Local implementation - State/District Authority and High Court

Verify addresses, electronic channels, panel, fees and local forms.

Status: Jurisdiction-specific

Finin2min implementation explanation

Opening control

Freeze the transaction, relief, cause of action, limitation, specified value, territorial facts, current notified court, urgent-relief position and arbitration/special-statute interface.

Execution control

Assign legal, finance, records, business and authorised-signatory owners. Use one dated matter file and a court-calendar owner with exception escalation.

Practical examples and calculations

The applicant files the prescribed PIMS form with fee, proves electronic and physical service, records the non-appearance or mediation sessions, and preserves the non-starter report or signed settlement before suit filing.

Calculation	Method	Evidence
Specified value	Principal or market/intangible value plus interest computed only up to filing; arbitration uses claim plus counterclaim.	Invoices, contract, interest schedule, valuation and arbitration pleadings.
Interest	State legal/contract basis, rate, from/to dates, total to filing and daily accrual afterwards.	Contract clause, MSMED/statute analysis, ledger and bank records.
Litigation economics	Claim, defence/set-off, court fees, PIMS cost, legal/expert cost, interest, recovery probability and time value.	Approved claim model and settlement authority.

Practical transaction application

1. Classify the transaction and every relief.
2. Compute specified value and limitation using a reproducible working.
3. Identify the currently notified commercial forum and appeal route.
4. Complete PIMS or document genuine urgent interim relief.
5. Preserve pleadings, disclosure, electronic evidence, court calendar and settlement authority.

Authority, consent and execution controls

Authority

- Correct legal entity and counterparty.
- Board, partner, delegated authority or power of attorney.
- Named deponent acquainted with facts.
- Settlement and payment authority matrix.

Execution

- Statement of Truth and verification.
- PIMS application/appearance authority.
- Electronic signature and filing credentials.
- Execution, notarisation and court-specific requirements.

Stamp duty and registration alerts

The Act does not create one national stamp or registration rule for underlying contracts, powers, settlement deeds, property instruments or security documents. Apply the relevant State stamp law, Registration Act, court-fee law and settlement-enforcement route. Do not treat PIMS or court filing as curing an inadequately stamped or unregistered underlying instrument.

Evidence and document-retention checklist

- | | |
|-------------------------------------|--|
| • Executed contract and amendments | • Pleadings and Statement of Truth |
| • Invoices, delivery and acceptance | • Disclosure and adverse-document list |
| • Ledger, bank and tax records | • Email, cloud, metadata and logs |
| • Demand and settlement offers | • Admission/denial affidavit |
| • PIMS application and outcome | • Case-management and hearing orders |
| • Valuation and limitation working | • Costs budget and authority |
| • State/High Court notifications | • Appeal/stay and enforcement file |

Performance, delivery and payment controls

Performance

Map milestones, specifications, variation approvals, delivery, inspection, acceptance, defects, cure, termination and mitigation to contemporaneous records.

Payment

Reconcile principal, GST, TDS, retention, credits, debit notes, interest basis, payment appropriation and MSMED exposure before pleading.

Breach, loss, mitigation and remedy framework

Separate breach, causation, remoteness, proof, avoided cost, mitigation, liquidated sum, restitution, interest, specific relief, interim protection, set-off/counterclaim, costs and enforceability. A large invoice or contractual figure is not by itself proof of recoverable loss.

Limitation and forum controls

Limitation

Record accrual, invoice/due date, breach/refusal, acknowledgement, part payment, PIMS exclusion, arbitration commencement, certified-copy time and filing date.

Forum

Verify commercial category, specified value, territory, original side, court level, State notification, statutory bar, arbitration allocation and appealability.

Arbitration and mediation interface

Section 10 allocates qualifying Arbitration Act applications and appeals to the commercial forum. Section 12A PIMS applies to qualifying suits not contemplating urgent interim relief. Contractual mediation, MSMED conciliation, consumer mediation, arbitration and court-annexed settlement must be classified separately rather than blended into one procedure.

Company, partnership, GST and tax overlays

Entity overlay

Check company/LLP/partnership authority, related-party restrictions, insolvency moratorium, assignment, guarantees, insurance and officer admissions.

Finance and tax overlay

Reconcile GST supply/credit notes, TDS, interest accounting, provision/contingent liability, bad-debt/recovery treatment, stamp duty and settlement allocation.

Finin2min Q&A

Is the 2018 instrument enough by itself?

No. Read the base Rules with the corrigendum, 2020 amendments and current local implementation.

Where should the official current version be verified?

India Code, signed Gazette and the competent Legal Services Authority or High Court source.

What evidence should be retained?

Every form, notice, service proof, fee, authority, settlement/non-starter report or statistical return.

Chapter-specific decision flowchart

Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018 - Decision Flow



Verify current Act, Rules, State/High Court notifications, practice directions and event-date law before filing or advising.