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**A  
Bill**

*to amend the Khyber Pakhtunkhwa Resolution of  
Commercial Disputes Act, 2022.*

**WHEREAS** it is expedient to amend the Khyber Pakhtunkhwa Resolution of Commercial Disputes Act, 2022 (Khyber Pakhtunkhwa Act No. XXXVIII of 2022), to bring procedural reforms for smooth and swift dispensation of appeals and for matters incidental therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

**1. Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Resolution of Commercial Disputes (Amendment) Act, 2024.

(2) It shall come into force at once.

**2. Amendment in the preamble of the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the Khyber Pakhtunkhwa Resolution of Commercial Disputes Act, 2022 (Khyber Pakhtunkhwa Act No. XXXVIII of 2022), hereinafter referred to as the said Act, in the preamble, the words "and Appellate Tribunal" shall be deleted and for the word "are", occurring for the second time, the word "is" shall be substituted.

**3. General Amendment in the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the said Act, in sections 5, 7 and 14 for the words "Appellate Tribunal", wherever occurring, the words "High Court" shall be substituted.

**4. Amendment in section 2 of the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the said Act, in section 2, in sub-section (1), clauses (a) and (k) shall be deleted.

**5. Deletion of section 8 of the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the said Act, section 8 shall be deleted.

**6. Substitution of section 9 of the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the said Act, for section 9, the following shall be substituted, namely:

**"9. Appeals.**---(1) Any person aggrieved from the judgment, decree or an order of the Commercial Court may prefer an appeal to the High Court within a period of thirty days from the date of announcement of such judgment, decree or an order and the provisions of the Code of Civil Procedure, 1908 (Act No. V of 1908) shall mutatis mutandis apply to such appeals.

(2) The provisions of section 5 of the Limitation Act, 1908 (Act No. IX of 1908) shall apply to appeals under sub-section (1).

Assistant Drafting Officer-III  
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Law Department



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(3) Notwithstanding anything contained in sub-section (1) or in any other law for the time being in force, the period of limitation given in sub-section (1) for filing appeals against the judgment, decree or an order of the Commercial Court already passed before the commencement of this Act under the provisions of Khyber Pakhtunkhwa Resolution of Commercial Disputes Act, 2022 (Khyber Pakhtunkhwa Act No. XXXVIII of 2022), shall be deemed to begin from the date of commencement of this Act.”

7. **Amendment of section 11 of the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the said Act, in section 11, in sub-section (2), in clause (a), the words “and the Appellate Tribunal” shall be deleted.

8. **Deletion of section 12 of the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the said Act, section 12 shall be deleted.

9. **Deletion of section 13 of the Khyber Pakhtunkhwa Act No. XXXVIII of 2022.**---In the said Act, section 13 shall be deleted.

### STATEMENT OF OBJECT AND REASONS

The proposed amendment Bill aims to amend the Khyber Pakhtunkhwa resolution of Commercial Dispute Act, 2022 to expedite and further streamline the resolution of commercial disputes. The main objective of the Bill is to authorize the Peshawar High Court to entertain and dispose of appeals against the judgments and orders passed by the Commercial Courts. This will eliminate the need for creation of new posts, reduce the financial implications and ensure speedy resolution of commercial disputes.

Peshawar,  
dated the: \_\_\_/\_\_\_/2024.

  
MINISTER-IN-CHARGE