

Sl.No. 35
CNR NO. DLWT01- 0001742010
Civ DJ/611346/2016
M/s Arora Associates Reality Ltd. Vs. Ms. Bina Minz

22.08.2022

Present: Sh.Anil Sethi, learned counsel for plaintiff
None for defendant

Learned counsel for plaintiff has drawn the attention of the Court to the judgment of Division Bench of Hon'ble High Court in Titled as (TR.P.(C.) 47/2021 & C.M. No. 19833/2022), SATYANARAIN KHANDELWAL Vs. PREM ARORA, (TR.P.(C.) 49/2021 & C.M. No. 19846/2022) ISHWAR SINGH Vs. PREM ARORA , (TR.P.(C.) 52/2021 & C.M. No. 19842/2022) PRAKASH CHAND MODI Vs. PREM ARORA, (TR.P.(C.) 54/2021) MAHAVEER BANSAL Vs. PREMARORA, (TR.P.(C.) 55/2021 & C.M. No.19840/2022 RADHEY SHYAM Vs. PREM ARORA, (TR.P.(C.) 58/2021 & C.M. No. 19883/2022) MANOJ KUMAR BANSAL Vs. PREM ARORA decided by Hon'ble Chief Justice Satish Chandra Sharma and Justice Subramonium Prasad on 18.7.2022 where in, it is held in para 27 as under:

“ it can not be said that there is any lack of clarity or ambiguity in the phrasing of Section 19 of the Amending Act which categorically states that the provisions of the Amending Act will apply to cases relating to commercial disputes filed on or after the date of commencement of the Act, i.e. 03.05.2018. Furthermore, interpreting the Amending Act to be retrospective in nature will affect the substantive rights of the parties who have already filed their suits in ordinary Civil Courts before the Amending Act was enforced. Holding it otherwise will and also lead to administrative and practical difficulties which can not be said to be intention of the Legislature while promulgating the said Amending Act. Had the Legislature intended for the Amending Act to be retrospective in nature, there is nothing that could have prevented the Legislature from explicitly specifying the same.”

It is further submitted that on the basis of the observation of the

Hon'ble High Court, commercial matters filed prior to 3.5.2018 can not be transferred. It is requested by learned counsel that the matter be sent back to the Concerned Court.

In view of the submissions, let the present case file be put up before Learned Principal District and Sessions Judge (W)/THC/Delhi on 25.8.2022 at 2.00 pm for appropriate order.

Parties are directed to appear before Learned Principal Judge/W/Delhi at 2.00 pm on 25.8.2022.

Ahlmad to send the complete file accordingly.

(HEMANI MALHOTRA)
DJ-(Comm-02)/West/THC
22.08.2022 /@