

Money Suit (Commercial) 10 of 2023

Order No.24

Date:11-06-2025

Today is fixed for hearing in terms of order no.23 dated 22.05.2025.

Both parties take steps and are further duly represented by their respective Ld. Counsels.

Case record is taken up for the purpose it is fixed today.

Heard both d. Counsels.

Perused the case record once again to ascertain the facts.

It clearly transpires from such hearing and perusal that instant Commercial Suit was initially preferred before Ld. Civil Judge (Sr. Divn.) Siliguri, District-Darjeeling on 18.11.2013. Subsequently, in the year 2023 instant suit was regarded as a Commercial Suit by the Ld. Civil Judge (Sr. Divn.) Siliguri and the same got transferred to the present forum accordingly. Ever since its receipt possibilities of settlement through the conduit of Mediation was not explored. Thus, at no stage, did the present dispute pass by the conduit of Mediation or Pre-Institution Mediation.

Ld. Counsel for the plaintiff admits the aforesaid facts.

Hence, it is ordered in tune with the directions of the Hon'ble Supreme Court in in **M/S. Patil Automation Pvt. Ltd. And others Vs. Rakheja Engineers Pvt. Ltd.; Yamini Manohar Vs. TKD Keerthi; M/S. Dhanbad Fuels Pvt. Ltd Vs. Union of India and another** let instant Money Suit be kept in abeyance and the dispute be referred to Mediation to explore possibilities of settlement in the ADR platform.

Ld. Advocate of Siliguri Bar and empanelled Mediator Smt. Pinki Mitra is hereby appointed as the Mediator in this suit. Let a copy of this order be sent to the Ld. Mediator both in physical form and via electronic means. Let a copy of this order be sent to Ld. Chairman, SDLSC, Siliguri for information.

Fees of the L d. Mediator is fixed at Rs.3000/-.

Both parties are directed to appear before the Ld. Mediator on 30.06.2025 at such time and venue as may be selected by the Ld. Mediator in consultation with both parties keeping in reckoning their convenience. Mode of mediation shall also be decided by the Ld. Mediator in consultation with both parties.

Ld. Mediator is directed to complete the process of Mediation within the time frame mentioned in section 12A of the CCA, 2015 and as per direction of the Hon'ble Supreme Court in M/S. Dhanbad Fuels Pvt. Ltd Vs. Union of India and another.

Both parties to the present litigation are hereby directed to file all the formalities in writing at once. They are further directed to co-operate & co-ordinate with Ld. Mediator.

Fix **11.07.2025** for report of Ld. Mediator.

Sd/-
(Subhadeep Ray)
Judge, Commercial Court, Siliguri
J.O. Code WB00949