

VC of this court is not working today, due to technical issue.

8 CS DJ 590/26

BHARTIYA MANAV KALYAN PARISHAD Vs. THE STATE
OF NCT DELHI AND ORS.

21.07.2026

Hearing conducted in this case from 12:30 PM to 01:40 PM

Present: Ms. Satya Anantbodhi, Ms. Lara Siddiqui, Sh. Marshall Siddiqui and Ms Farah Shah, Ld. Counsel s for plaintiff.
Sh. Mukesh Kumar, Ld. Counsel for all the defendants.
Sh. Rajesh Kumar, ASO with defendant no.4 in person.

Today, Ld. Counsel for the plaintiff submits that she is not pressing her application under Order 39 Rule 1 and 2 CPC. **Accordingly, the application under Order 39 Rule 1 and 2 CPC is hereby dismissed as not pressed.** Reply of the defendant is on record.

Ld. Counsel for the plaintiff vehemently presses its application under Order 26 Rule 9 read with Section 151 CPC for appointment of Local Commissioner. Reply to this application filed on behalf of all defendants. Time sought by the plaintiff to file rejoinder to the reply filed by the defendants. One day time sought to file the same. Allowed.

The defendant has filed an application under Order 7 Rule 11 CPC read with Section 8 of the Arbitration and Conciliation Act seeking rejection of the plaint.

Ld. Counsel for the plaintiff seeks one day time to file reply to this application. Allowed.

Today, part arguments heard on the application of the plaintiff for appointment of Local Commissioner as well as on the application of the defendant seeking rejection of the plaint.

Time given to conclude the arguments after filing rejoinder to the reply filed by the defendants to application for appointment of Local Commissioner as well as after filing reply to the application of the defendant seeking rejection of the plaint.

Ld. Counsel for the plaintiff contends that the plaintiff is pressing only one Relief of re-inspection of the kitchen by a freshly appointed expert committee, which may be directed to photograph and videograph the kitchen and place its report on record. It is contended that if this relief is granted then no other relief will be pressed.

Per contra, Ld. Counsel for the defendant opposes appointment of Local Commissioner on the ground that, this case squarely falls under the definition of Commercial Dispute and it is argued that unless the issue of jurisdiction is decided the court cannot decide upon appointment of Local Commissioner. It is also contended that the written statement of the defendants is yet to be filed for which time is still available under law; and before filing of written statement, before the dispute between the parties is crystallized local commissioner cannot be appointed.

It is also argued that no directions can be passed for re-inspection as an interim relief.

To this Ld. Counsel for the plaintiff contends that Local Commissioner can be appointed even as ex-parte as ad-interim relief.

It is also argued that this case is not a commercial dispute as the plaintiff is a non-profitable organization and does not work for earning profits. It is also argued that there is no monetary dispute between the parties. The dispute is with respect to malafide and arbitrary award of tender by resorting to fraud by the defendants. To this Counsel for the defendant argues that profitability is no ground for a suit to be a commercial suit.

It is thus, contended on behalf of the plaintiff that the relief sought in the plaint can be awarded only by a Civil Court, but not by Commercial Court. Therefore, the present suit is a suit of civil nature and maintainable in this court.

Issue of Court Fees also raised by the defendant along with non joinder of all the necessary parties.

Put up for further arguments on application for appointment of Local Commissioner as well as on jurisdiction aspect on **06.08.2026**.

Already fixed date i.e. 25.07.2026 stands canceled.

(Sumeet Anand)
DJ-11/Central/THC
Delhi/21.07.2026
(d)