

M.S. – 10/2023(CC)

**Present: Neyaz Alam
Judge, Commercial Court at Rajarhat,
North 24 Parganas**

**CNR: WBNP19-000056-2023
J.O Code.WB01398**

**8
02.12.2023**

Parties file hazira.

Plaintiff files money receipt amounting to Rs.20,000/- towards the payment of cost.

Defendant files an application supported by affidavit praying for passing an order referring the parties for mediation.

The said application is taken up for hearing.

Heard both.

On perusal of the case record as well as verbal submissions made by learned counsel appearing on behalf of plaintiff it transpires that plaintiff has filed a non-starter report dated 30.01.2023 in respect of compliance under Section 12A of the Commercial Courts Act, 2015 at the time of institution of the suit.

The suit was filed on 28.03.2023 and date of non-starter report in respect of mediation is on 30.01.2023.

Considering the aforesaid facts and circumstances, in my point of view that the application filed by defendant is infructuous and rejected.

Although parties are at liberty to negotiate and compromise.

Fix **15.01.2024** for inspection of documents.

**Sd/- Neyaz Alam
Judge
Commercial Court,
Rajarhat, North 24 Parganas**