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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 915/2024 & I.A. 42753/2024**

ADVENT OILFIELD SERVICES PVT LTDPlaintiff
Through: Mr. Aaditya Vijaykumar, Mr. A.
Katoch and Ms. Harshita Goel,
Advocates

versus

SHIV PETROLEUM & ORS.Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **21.10.2024**

I.A. 42754/2024 (for exemption)

1. Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing
2. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
3. The application stands disposed of.

CS(COMM) 915/2024 & I.A. 42755/2024 (exemption from undergoing pre-institution mediation and settlement as contemplated)

4. The present commercial suit has been filed seeking recovery of sum of Rs. 8,14,74,870/- from the defendants along with interest at the rate of 12% p.a.
5. The plaintiff also seeks relief of a permanent injunction in favour of



the plaintiff and against the defendants, praying for a direction to defendant no. 1 to return the equipments mentioned in Schedule I of the present plaint, along with damages in terms of the Letter of Award ('LOA') to the tune of Rs. 5,00,000/- per day from the date of filing of the present plaint until the date of handover of the equipments.

6. In the considered opinion of this Court, this is not a fit case for dispensing with the mandate under Section 12(A) of the Commercial Courts Act, 2015 ('Act of 2015'), for instituting mediation between the parties. Therefore, it would be appropriate for the parties to be referred to mediation under Section 12(A) of the Act of 2015, before proceeding further in the case.

7. Accordingly, the following directions are passed in this regard: -

- i. The plaintiff is directed to take steps in terms of Section 12(A) of Act of 2015 for initiation of pre-institution mediation.
- ii. The matter is referred to the Delhi High Court Mediation and Conciliation Centre.
- iii. The plaintiff is instructed to appear before the Mediation and Conciliation Centre on **04.11.2024** at 02:00 P.M.

8. All rights and contentions of the parties remain open in the event that mediation is not successful and the suit is revived.

9. Accordingly, the issuance of summons is deferred to the next date of hearing. The proceedings in the suit as well as interim application filed under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 shall be kept in the abeyance till the next date of hearing, so as to enable the parties to avail the remedy of the execution mediation in accordance with Section 12(A) of the Act of 2015.



10. List the matter before the Court to await the outcome of the Mediation proceedings on **13.12.2024**.

MANMEET PRITAM SINGH ARORA, J
OCTOBER 21, 2024/rhc/AKT