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

+ RFA(COMM) 179/2024 & CM APPL. 28095/2024 –Stay.

CM APPL. 28097/2024 –Delay 189 days (RF).

SIKKA LOCOMOTIVE PVT. LTD.

.....APPELLANT

Through: Mr. Rishi K. Awasthi and Mr. Rahul
Raj Mishra, Advs.

versus

M/S. SOLOMAN ENGINEERS PVT. LTD.

.....RESPONDENT

Through: Mr. Udaibir Kochar, Mr. Aditya
Bakshi, Ms Samvartika Pathak and Mr. Utsav
Garg, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

10.01.2025

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1. The present Regular First Appeal under Section 13 of the Commercial Court Act, 2015 has been filed assailing the judgment and decree dated 27.07.2023 passed by the learned District Judge (Commercial Court), North-West, Rohini Courts, Delhi in CS(COMM.) No. 177/2020. Vide the impugned judgment, the learned Trial Court has directed the appellant to pay arrears of rent/mesne profits at the rate of Rs.4,86,750/- per month from the date of filing of the suit till the date when the possession of the property was handed over to the



respondent.

2. Learned counsel for the appellant submits that even though it is an admitted position that the vacant possession of the suit property was handed over to the respondent on 18.11.2022, the order in this regard was passed by the learned Trial Court on 17.11.2022. He, however, contends that the appellant had invested a huge amount in developing the suit property which was a workshop, the parties may be granted an opportunity to endeavour to arrive at an amicable settlement qua the quantum of arrears of rent/mesne profits. He, therefore, prays that the matter be referred to the Delhi High Court Mediation & Conciliation Centre.
3. Learned counsel for the respondent has no objection to this request. He, however, submits that in order to show it's bona fide to settle the matter amicably, the appellant should be directed to pay at least 50% of the due/arrears' amount to the respondent before the matter is referred to the Mediation Centre. We find merit in this plea of the learned counsel for the respondent. Accordingly, we direct that subject to the appellant paying to the respondent within four weeks 50% of the amount payable as per the impugned order, the matter be placed before the Delhi High Court Mediation and Conciliation Centre.
4. List before the Mediation Centre on 19.02.2025, on which date the parties/their Authorized Representatives will appear before the Mediation Centre either physically or through video conferencing.
5. It is, however, made clear that in case the appellant does not pay 50% of due amount to the respondent within four weeks, as directed



hereinabove, and places a copy of the receipt on record, the matter will not be placed before the Mediation Centre on 19.02.2025 and would instead be listed before the Court on 27.02.2025.

REKHA PALLI, J

GIRISH KATHPALIA, J

JANUARY 10, 2025
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