



\$~44

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

+ **CS(COMM) 1095/2024 & I.A. 47503-47506/2024**

M/S INTREND TEXTILES

.....Plaintiff

Through: Mr. Raghavendra Mohan Bajaj, Mr.
Kanav Agarwal and Mr. Sajal
Awasthi, Advocates

versus

M/S S.S. INTERNATIONAL & ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **09.12.2024**

I.A. 47506/2024 (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) 1095/2024 & I.A. 47504/2024 (under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from pre-institution mediation and settlement)

4. This is an application filed by the plaintiff seeking exemption from pre-institution mediation and settlement Section 12A of the Commercial Courts Act, 2015
5. Section 12A of the Commercial Courts Act, 2015 is a mandatory provision for mediation in respect of all commercial suits.



6. In this Court's opinion, this is not a fit case where the mandate under 12A of the Commercial Courts Act, 2015, of pre-institution mediation between the parties should be dispensed with. Therefore, it would be appropriate, if the parties are relegated to mediation as envisaged under Section 12A of the Commercial Courts Act, 2015, before proceeding further with the case

7. In this regard, this Court would also like to observe that even in response to the legal notice issued by the plaintiff, defendant in July, 2024 has requested plaintiff for a pre-litigation mediation.

8. After some arguments, learned counsel for the applicant/plaintiff states that plaintiff herein is willing to explore the pre-litigation mediation.

9. Accordingly, the following directions are passed:

9.1. The plaintiff is directed to take steps in terms of Section 12A of the Commercial Courts Act, 2015 for initiation of the pre-institution mediation.

9.2. The matter is referred to Delhi High Court Mediation and Conciliation Centre ('Mediation Centre').

9.3. The plaintiff is instructed to appear before the 'Mediation Centre' on on **19.12.2024 at 3:00 P.M.**

9.4. All rights and contentions of all the parties shall remain open in the event, the mediation is not successful and the suit is revived.

10. Accordingly, the issuance of summons is deferred till the next date of hearing. The proceedings in the present suit as well as the interim application under Order XXXIX Rules 1 and 2 Code of Civil Procedure, 1908 shall be kept in abeyance till the next date of hearing to await the outcome of the pre-institution mediation.

11. List before Court on **31.01.2025** to await the outcome of the



mediation proceedings.

DECEMBER 9, 2024/msh/ms **MANMEET PRITAM SINGH ARORA, J**

Click here to check corrigendum, if any