



\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1299/2025**
OMNIDYA TECH LLPPlaintiff
Through: Ms. Rajeshwari H & Mr. Tahir A J,
Advocates.
versus

M/S NAYAN INDIA SCIENCE AND TECHNOLOGIES
PVT LTDDefendant
Through: Ms. Anju Agrawal, Ms. Manisha
Singh, Mr. Abhai Pandey, Mr. Manish
Aryan, Mr. Nishant Rai, Ms. Akhya
Anand & Ms. Shivani Singh,
Advocates.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
08.12.2025

I.A. 30510/2025 (Exemption from pre-institution Mediation)

1. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015.
2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution Mediation is granted.
3. The Application stands disposed of.

I.A. 30509/2025 (Exemption)

4. Exemption is allowed, subject to all just exceptions.
5. The Application stands disposed of.

CS(COMM) 1299/2025

Page 1 of 3



I.A. 30508/2025 (Extension of time to file Court Fees)

6. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from payment of Court Fees at the time of the filing of the Suit.

7. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

8. The Application stands disposed of.

CS(COMM) 1299/2025

9. Let the Plaint be registered as a Suit.

10. Issue Summons. The learned Counsel for the Defendant accepts Summons.

11. The Written Statement shall be filed by the Defendant within 30 days from date. Along with the Written Statement, the Defendant shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement shall not be taken on record.

12. Liberty is granted to the Plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiff, without which the Replication shall not be taken on record.

13. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

14. If any of the Parties wish to seek inspection of any documents, the same



shall be sought and given within the prescribed timelines.

15. List before the learned Joint Registrar on 27.01.2026 for completion of service and pleadings.

I.A. 30507/2025 (U/O XXXIX Rules 1 & 2 of CPC)

16. Issue Notice. The learned Counsel for Defendant accepts Notice.

17. Let the Reply be filed, along with all the documents which the Defendant wishes to rely upon, within three weeks from date. Rejoinder thereto, if any, be filed within one week thereafter.

18. List before the Court on 05.02.2026.

TEJAS KARIA, J

DECEMBER 8, 2025/ 'A'