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

+ C.R.P. 82/2026

SPS BUILDCON

.....Petitioner

Through: Mr. S.P. Gupta, Advocate.

versus

M/S SOLITAIRE REALINFRA PVT LTD & ORS.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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25.03.2026

CM APPL. 19021/2026 and CM. APPL 19022/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Applications are accordingly disposed of.

CM APPL. 19023/2026 (Condonation of delay)

1. This application has been filed seeking condonation of delay 57 days in re-filing the present petition.
2. In view of the facts as stated in the application, the delay of 57 days stands condoned.
3. Application is, accordingly, disposed of.

C.R.P. 82/2026

1. This petition has been filed by the petitioner/plaintiff, assailing the impugned order dated 8th September 2025, where the application under Order VII Rule



10 of the Code of Civil Procedure (*'CPC'*), moved by the respondent/defendant, which was allowed on the ground that the suit was a commercial dispute and had to be placed before the appropriate Court.

2. *Mr. S.P. Gupta*, counsel for the petitioner, points out that the suit was filed based on a settlement agreement arrived at between the parties, where the respondents were liable for payment of *Rs.1,15,91,625/-* to the petitioner/plaintiff. Out of which, *Rs. 20,00,000/-* had been paid, and a balance of *Rs.95,91,625/-* was paid through 8 Post Dated Cheques (*'PDC'*), each amounting to *Rs.11,98,953/-*.

3. One of the PDCs was dishonoured, and despite a legal demand notice, respondent/defendant did make the requisite payment. Accordingly, the suit was filed for recovery under Order XXXVII CPC in view of the settlement and liquidated amount.

4. The Trial Court, however, by the impugned order, held that it is a commercial matter and would accordingly go to the appropriate Court.

5. *Mr. Gupta*, counsel for petitioner, contends that the Trial Court had in fact disagreed with the contention of the defendant that Section 20 of CPC would not apply. The cheque was dishonoured at the *ICICI Bank at Jhandewalan, Delhi*, and, therefore, based on the explanation, it was stated by the Trial Court that the Court had jurisdiction to try the matter.

6. Moreover, counsel for petitioner contends that the suit has been filed based on a settlement agreement and admitted liability, under Order XXXVII of CPC, and there was no reason for the Court to accept the application under Order VII Rule 10 of CPC in this regard.

7. Accordingly, issue notice to the respondents on steps being taken by petitioner through all permissible modes, including email.



8. Operation of the impugned award shall remain stayed till the next date of hearing.
9. Considering this position, the parties shall, based on the settlement agreement, will attempt amicable resolution of the disputes before the Delhi High Court Mediation and Conciliation Centre (“**DHCM&CC**”).
10. Both sides, along with their respective counsels/representatives, shall appear before the Mediator on 30th April 2026 at 02:30 P.M.
11. Copy of this order be sent to the Organising Secretary, DHCM&CC for information and compliance.
12. List before the Court on 31st August 2026.
13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 25, 2026/RK/bp