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

CNR No. DLHC010406722026

+ CM(M) 1909/2026, CM APPL. 58439/2026, CM APPL. 58440/2026
& CM APPL. 58441/2026

HARISH MITTAL

.....Petitioner

Through: Mr. Tushar Mehta, Advocate.

versus

PRANSHUL GARG

.....Respondent

Through: Mr. Rahul Mangla, Advocate.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

31.08.2026

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1. Through the present petition, the petitioner has challenged the orders dated 25.04.2026 whereby the learned trial court has allowed the respondent's application under section 12A(1) of the Commercial Courts Act, 2015 and exempted the respondent from Pre-Institution Mediation. The petitioner further assails the order dated 17.05.2026 whereby the petitioner's application under Order VII Rule 11 of the Code of Civil Procedure, 1908 has been dismissed.

2. The learned counsel for the petitioner has submitted that pre-institution mediation is a mandatory pre-requisite for commercial suits, and non-compliance of the same makes the suit liable to be dismissed at the threshold. Furthermore, he has submitted that the respondent had not shown any grave urgency and the learned trial court has grossly erred in allowing



the application section 12A(1) of the Commercial Courts Act, 2015 and exempting the respondent from mandatory Pre-institution mediation.

3. *Per contra*, the learned counsel for the respondent has stated that the learned trial court has already framed an issue regarding the exemption provided to the respondent, and that the matter is already sub-judice before the learned trial court on the same issue.

4. Without entering into the merits of the matter, a bare perusal of the impugned orders reveals that the application under Order VII Rule 11 CPC proceeds on the alleged non-compliance with the mandatory requirement of Pre-Institution Mediation.

5. In view of the submission advanced by learned counsel for the respondent that the learned Trial Court has already framed an issue *qua* the exemption claimed by the respondent from the requirement of Pre-Institution Mediation, this Court is of the view that, the issue being already sub judice before the learned Trial Court, the present petition challenging the grant of such exemption is premature and does not warrant interference at this stage. Consequently, since the application under Order VII Rule 11 CPC is itself founded upon the alleged absence of such exemption, the said application also does not call for interference at this stage.

6. In view of the above submissions, nothing survives in the present petition.

7. The present petition, along with pending applications, if any, stands dismissed as being infructuous.

AJAY DIGPAUL, J

AUGUST 31, 2026

Sk/sg