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

+ CS(OS) 1176/2003

GEECO SPARKLING PVT. LTD Plaintiff

Through None

versus

GUPTA & CO. & ORS Defendants

Through Mr. Sarthak Ghonkroktay, Advocate

CORAM:

**SH. ANIL KUMAR SISODIA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **09.11.2016**

The file has been received from the office of District & Sessions Judge (Central), Tis Hazari Courts, Delhi. I have perused the orders dated 08.10.2016 and 14.10.2016 vide which the present file has been sent back observing that the present dispute is a commercial dispute and same has to be returned back to the Hon'ble High Court, as per the circular dated 28.04.2016.

Perusal of the record shows that the suit has been valued for the purpose of court fees and jurisdiction at Rs. 24,10,516.79/- as per para 17 of the plaint. Section 7 of The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 provides that all the suits and applications relating to the commercial dispute of a 'Specified Value' shall be heard and disposed off by the Commercial Division of that High Court. The first proviso to the Section states that all the suits and application relating to commercial disputes shall be heard and disposed off

by the Commercial Division of the High Court and the second proviso to Section states that all the suits and applications transferred to High Court by virtue of Section 22 (4) of Designs Act 2000 or Section 104 of The Patent's Act shall be heard and disposed off by the Commercial Division of the High Court.

The term 'Specified Value' has been defined in Section 2 (i) of the Act as under :-

“Specified Value”, in relation to a commercial dispute, shall means the value of the subject matter in respect of a suit as determined in accordance with Section 12 which shall not be less than one crore rupees or such higher value, as may be notified by the Central Government.

The circular bearing No. 5456/DHC/Original/2016 dated 28.04.2016, in reference to which the present case has been returned to the Hon'ble High Court refers only to the matters relating to the Commercial Dispute involving Intellectual Property Rights of the parties and not other disputes which are below the specified value i.e. Rs. 1 Crore. This inference can also be drawn from the Order of the Hon'ble Mr. Justice Valmiki J. Mehta in CS(OS) No. 1180/2011 titled as '*Guinness World Records Limited Vs. Sababbi Mangal*' decided on 15.02.2016 wherein it was observed in para 13 as under:-.

Para 13 'Accordingly, this Court's conclusion with respect to the language contained in the first proviso to Section 7 of the Act of 2015 is that with respect to IPR matters covered under the different provisions of the Trade Marks Act, Copy Right Act, Design Act, Patents Act and Geographical Indication of Goods (Registration And Protection) Act, 1999 is that the pending suits and which are the subject matter of the words

“filed or pending” contained in the first proviso to Section 7 of the Act of 2015, such suits or IPR matters, even if their valuation is below Rs. 1 crore, the same will be dealt with and decided by the Commercial Division(s) of the High Court if their pecuniary jurisdiction valuation is above Rs. 20 lacs (for Delhi High Court) but below Rs. 1 crore.’

Hence, the present suit is accordingly returned to the District Courts for trial in accordance with law.

The Registry is directed to send the complete record of this case to the **Ld. District & Sessions Judge (Central), Tis Hazari Courts, Delhi** for **25th November, 2016**. Parties shall appear before the Ld. District & Sessions Judge (Central), Tis Hazari Courts, Delhi on the said date.

ANIL KUMAR SISODIA (DHJS)
JOINT REGISTRAR (JUDICIAL)

NOVEMBER 09, 2016
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