

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.2481 of 2019

Date of Decision: May 03, 2019

Om Metallogic Pvt. Ltd. & another

...Petitioners

Versus

M/s Aditya Aluminium

...Respondent

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. Suman Jain, Advocate,  
for the petitioners.

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**AMIT RAWAL, J. (Oral)**

Mr. Naresh Prabhakar Advocate has put in appearance on behalf of the respondent and filed his Vakalatnama. He submits that the suit was filed on 01.09.2016, whereas the notification declaring the Commercial Court, came to be promulgated on 27.10.2017 and as per the provisions of Section 15(5) of the Commercial Courts, Commercial Division and Commercial Appellate Division in High Courts Act, 2015 (for short, 2015 Act), the remedy is not to seek rejection of the plaint but for transfer by moving an application before the Commercial Appellate Division Bench of the High Court. The aforementioned provisions of law could not be controverted by the learned counsel for the petitioners.

I have heard the learned counsel for the parties and appraised the paper book.

Sub-section (5) of Section 15 of 2015 Act is reproduced as  
under:-

*“(5) In the event that such suit or application is not transferred in the manner specified in sub-section (1), sub-section (2) or sub-section (3), the Commercial Appellate Division Bench of the High Court may, on the application of any of the parties to the suit, withdraw such suit or application from the court before which it is pending and transfer the same for trial or disposal to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding.”*

In my view, the application of the petitioner-defendants for rejection of the plaint would not be maintainable and the remedy would be under sub-section (5) of Section 15 of 2015 Act to move an appropriate application.

The revision petition, while upholding the impugned order, stands disposed of in the manner aforementioned.

**May 03, 2019**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**