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

+ **CS(COMM) 308/2023, I.A. 9298/2023, I.A. 9299/2023 & I.A. 9300/2023**

**M/S RESOL VINYLs AND CHLORIDES
LIMITED**

.....Plaintiff

Through: Mr. Mohit Chaudhary (through VC),
Mr. Kunal Sachdeva and Ms. Vaishali
Shukla, Advocates

versus

**MMF GLOBAL TRADING LLC
AND ORS**

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **18.07.2024**

CS(COMM) 308/2023

1. Learned counsel for the plaintiff states that after filing of the suit, there have been change in the circumstances and the plaintiff has indeed received part delivery of goods, which were the subject matter of subject letter of credits. He states that in view of these subsequent facts, it would be appropriate that he withdraws the present suit and files a fresh suit placing on record the correct facts and amend the prayers.
2. He states that as this suit was filed in 2023 due to the then urgency and therefore, the plaintiff had sought exemption from pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015. He states that, however, the plaintiff would now like to initiate steps for invoking pre-litigation mediation.



3. He, therefore, prays for permission to withdraw the suit with liberty to file a fresh suit in accordance with law and to avail the mechanism of pre-litigation mediation.
4. He further states that since the suit has been withdrawn at this initial stage without seeking any adjudication of the disputes, he may be granted part-refund of the Court fees deposited.
5. Having heard the submissions of the learned counsel of the plaintiff, the present suit is dismissed as withdrawn granting liberty to the plaintiff as prayed for. Further, in view of the fact that the suit has been withdrawn at the initial stage and no summons have been issued in the suit till date, the prayer of the plaintiff for refund of Court fees to the extent of 50% is hereby granted in terms of the judgment of the Division Bench in ***Amit Jain v. Mahavir International Pvt. Ltd. and Ors.***¹.
6. The Registry is directed to issue a certificate of refund of 50% of the Court fees in favour of the sole plaintiff within four weeks.
7. Pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J

JULY 18, 2024/*msh/ms*

¹ 2023 SCC OnLine Del 2657