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

+ **CS(COMM) 392/2024 & I.A. 11035/2024**

M/S SHREEJI POLYFAB PRIVATE LIMITEDPlaintiff

Through: Mr Ankit Jain, Ms Apurva Tyagi and
Ms Divyanshu Rathi, Advocates.

versus

**M/S GOLDSTONE INTERNATIONAL THROUGH
ITS PARTNERDefendant**

Through: Mr Rishabh Kapur and Mr Tanmay
Gupta, Advocates.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER

% **23.07.2024**

1. The learned counsel for the plaintiff submits that the present suit is filed under the Commercial Courts Act, 2015 and the same was filed without resorting to pre-institution mediation and settlement. He, therefore, prays for the return of plaint to enable the plaintiff to exhaust his statutory remedy of pre-institution mediation and settlement in terms of Section 12 of the Commercial Courts Act, 2015.
2. The prayer is not opposed by the learned counsel for the defendant.
3. In view of the above, let the plaint be returned to the plaintiff with liberty to file the same, if so warranted, after having exhausted the statutory remedy under Section 12A of the aforesaid Act.
4. It is also pointed out that a cross-suit has been filed by the defendant against the present plaintiff, which is pending before the learned District



Judge, Commercial Courts, Karkardooma, Delhi. The parties are *ad idem* that an adjournment will be sought in the said suit to await the outcome of pre-institution mediation and settlement as stated above.

5. Let the plaintiff file an application under Section 12A of the said Act for pre-institution mediation, within a period of ten days from today.

6. The present suit is disposed of in the above terms.

VIKAS MAHAJAN, J

JULY 23, 2024
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