

3.  
26-06-2025  
(Ct. no.37)  
debajyoti  
(Bench ID  
266311)

**IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
APPELLATE SIDE**

**FMA 561 of 2025  
+  
IA NO:CAN/1/2025**

**Aryan Mining and Trading Corporation  
Private Limited  
Vs.  
Ratan Kothari**

Mr. Anuj Singh,  
Ms. Trinisha De,  
Mr. Aman Agarwal,  
Ms. Ankita Baid,  
Ms. Ritika Dey

... For the Appellant.

**Dictated by Arijit Banerjee, J.**

1. This appeal is directed against an order dated January 09, 2025 passed by the learned Judge, Commercial Court at Alipore in MS (Com) 171 of 2024, whereby the learned Judge rejected the plaint of the suit filed by the present appellant. The primary ground on which the learned Judge rejected the plaint is that the appellant/plaintiff has not prayed for dispensation of the requirement of pre-suit mediation contemplated in Section 12A of the Commercial Courts Act, 2015.

2. We have gone through the order impugned. We have read the plaint. Not only the plaintiff has pleaded its case for dispensation of pre-suit mediation under Section 12A of the Commercial Courts Act, 2015 in paragraph 22 of the plaint, the prayers in the plaint also include a prayer for leave

under Section 12A of the Commercial Courts Act, 2015.

3. Hence, it is obvious that the learned trial Court overlooked or failed to appreciate the relevant pleadings in the plaint. On that ground alone, we set aside the order under appeal. The matter is remanded to the learned trial Court for fresh consideration.

4. The appeal and the connected application are, accordingly, disposed of.

5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

6. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

**(Om Narayan Rai, J.)      (Arijit Banerjee, J.)**