



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 17TH DAY OF OCTOBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR
WRIT PETITION NO.31644 OF 2025 (GM-CPC)

BETWEEN:

MR V RAMESH REDDY
S/O VENKATARAVANAPPA,
AGED ABOUT 46 YEARS,
R/AT INTURAYANAHALLI VILLAGE,
NAGALAMADIKE HOBLI,
PAVAGADA TALUK, TUMKUR DISTRICT,
KARNATAKA - 572 136.

... PETITIONER

(BY SRI.K.N.PHANEENDRA., SR.ADVOCATE FOR SRI. ARYAMAN
GHULATI.,ADVOCATES)

AND:

IRCON RENEWABLE POWER LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 2013
C-4, DISTRICT CENTRE, SAKET,
SOUTH DELHI, DELHI 110017,
REP.BY ITS AUTHORISED SIGNATORY/ MANAGING
DIRECTOR

... RESPONDENT

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 10.10.2025, PASSED IN COM. O.S. NO. 65/2025 ON
THE FILE OF THE I ADDL. DISTRICT AND SESSIONS JUDGE,
TUMKUR AS BEING ILLEGAL, ARBITRARY, PERVERSE, AND
PASSED IN PATENT DIS-REGARD OF THE BINDING DECISIONS
OF THE HONBLE SUPREME COURT VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



ORAL ORDER

Heard Sri K.N.Phaneendra, learned Senior Counsel appearing on behalf of Sri Aryaman Ghulati for petitioner.

2. The present petition is filed by the petitioner-plaintiff in Commercial Original Suit in Com.O.S.No. 65/2025.

3. The petitioner-plaintiff in the Commercial suit has sought the following reliefs:

"a) Declare that the registered Lease Deed dated 21.09.2024 purporting to grant the Lessee a unilateral option to extend the lease for a further period of 10 years beyond the lease period of 29 years and 11 months is illegal, void, unconscionable, contrary to the Agreement to Lease dated 31.03.2023, and unenforceable against the Plaintiff.

b) Pass a decree of permanent injunction restraining the Defendant, its agents, assignees, lenders, trustees or any person claiming through or under it, from acting upon, invoking, enforcing, or otherwise



relying on the impugned unilateral 10-year extension clause in any manner whatsoever.

- c) Grant a decree of permanent injunction restraining the Defendant from creating third party interests, encumbrances, assignments or sub-leases premised on or tethered to the impugned unilateral extension option, so as to protect the Plaintiff's reversionary interest and to avert misappropriation.*
- d) Award costs of the suit and such other and further reliefs as this Hon'ble Court deems fit in the interest of justice and equity."*

4. Along with the Commercial Suit, the plaintiff also filed an application under Order XXXIX Rules 1 and 2 read with Section 151 of CPC. At the time of considering the said application, the Commercial Court without passing any order on the same, has gone to decide the maintainability of the suit and by an order dated 10.10.2025 held that since the suit itself is not maintainable, the question of considering the application would not survive for consideration. Accordingly, the suit itself came to be rejected.



5. Learned Senior Counsel representing petitioner mainly relied upon the judgment of the Hon'ble Apex Court in the case of ***Dhanbad Fuels Private Limited vs. Union of India and another*** reported in ***2025 SCC OnLine SC 1129*** and also the judgment of the Coordinate Bench of this Court in the case of ***M/s.Indo American Hybrid Seeds India (PVT) Ltd., vs. M/s.Indo American Nursery Proprietorship Concern*** in ***W.P. No.22189 /2025*** (decided on 24.07.2025), wherein the Coordinate Bench of this Court has relied upon the judgment in ***Dhanbad*** stated *supra* and also the judgment in ***Yamini Manohar v. T.K.D. Keerthi*** reported in ***(2024)5 SCC 815***.

6. Learned Senior Counsel brings to the notice of this Court the judgment in the case of ***Dhanbad*** stated *supra*, wherein the Hon'ble Apex Court at para-42 has held as under:

"42. Further, it is also pertinent to note that Section 12A of the 2015 Act does not contemplate leave of the court for filing a suit



HC-KAR

NC: 2025:KHC:41748
WP No. 31644 of 2025

which contemplates an urgent interim relief, as is clear from the language and words used in the provision. The provision also does not necessarily require an application seeking exemption if a suit is being filed without pre-institution mediation. An application seeking waiver on account of urgent interim relief setting out grounds and reasons may allay a challenge and assist the court, but in the absence of any statutory mandate or rules made by the Central Government, an application per se is not a condition under Section 12A of the 2015 Act. Pleadings on record and oral submissions would be sufficient in ordinary course."

7. Learned senior counsel also brings to the notice of this Court the judgment in the case ***Yamini Manohar*** stated *supra*, wherein the Hon'ble Apex Court at para-10 has held as under:

"10. We are of the opinion that when a plaint is filed under the CC Act, with a prayer for an urgent interim relief, the commercial court should examine the nature and the subject-matter of the suit, the cause of action, and the



prayer for interim relief. The prayer for urgent interim relief should not be a disguise or mask to wriggle out of and get over Section 12-A of the CC Act. The facts and circumstances of the case have to be considered holistically from the standpoint of the plaintiff. Non-grant of interim relief at the ad interim stage, when the plaint is taken up for registration/admission and examination, will not justify dismissal of the commercial suit under Order 7 Rule 11 of the Code; at times, interim relief is granted after issuance of notice. Nor can the suit be dismissed under Order 7 Rule 11 of the Code, because the interim relief, post the arguments, is denied on merits and on examination of the three principles, namely: (i) prima facie case, (ii) irreparable harm and injury, and (iii) balance of convenience. The fact that the court issued notice and/or granted interim stay may indicate that the court is inclined to entertain the plaint."

8. In view of the law laid-down by the Hon'ble Apex Court and the Coordinate Bench of this Court, the matter in question requires consideration at the hands of the Commercial Court in detail, taking into consideration the



paragraphs extracted hereinabove. Therefore, this Court deems it appropriate to remit the matter back to the Commercial Court for consideration of the application under Order - XXXIX Rules - 1 & 2 of CPC filed by the petitioner-plaintiff, taking into consideration paragraph-42 of the judgment in the case of **Dhanbad** and paragraph-10 of the judgment in the case of **Yamini Manohar** stated *supra*.

9. It is also seen that no notice is issued to the respondent in the pending Commercial suit case. Hence, this Court deems it appropriate to pass the following:

ORDER

- i) This petition is ***allowed-in-part***;
- ii) The order dated 10.10.2025 passed in Com.O.S.No.65/2025 by I Additional District and Sessions Judge, Tumakuru vide Annexure-A is hereby set-aside;
- iii) The matter is remitted back to the Commercial Court i.e. I Additional District and Sessions Judge,



Tumakuru to reconsider the matter afresh, in view of the law laid down by the Hon'ble Apex Court in ***Dhanbad Fuels Private Limited vs. Union of India and another*** reported in **2025 SCC OnLine SC 1129** and in the case of ***Yamini Manohar v. T.K.D. Keerthi*** reported in **(2024)5 SCC 815** and also by the Coordinate Bench of this Court in the case of ***M/s.Indo American Hybrid Seeds India (PVT) Ltd., vs. M/s.Indo American Nursery Proprietorship Concern*** in **W.P. No.22189/2025** (decided on 24.07.2025) stated supra.

- iv) Learned Senior Counsel fairly submits that the respondent-defendant is in possession of the property and so also, he admits the lease. However, the parties to the proceedings shall maintain *status quo* till the application is decided by the Commercial Court afresh;
- v) It is made clear that this Court has not expressed any opinion on merits of the matter.

SD/-
(PRADEEP SINGH YERUR)
JUDGE

GSS
List No.: 3 Sl No.: 2