



\$~O-27

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

+ **CS(COMM) 275/2025, I.A. 8107/2025 & I.A. 8106/2025**

JK TYRES AND INDUSTRIES LIMITED

.....Plaintiff

Through: Mr. Jayant Mehta, Sr. Adv. with Mr.
Manu Nair, Mr. Manik and Mr. Aryan
Roy, Advs.

versus

IFCI LIMITED

.....Defendant

Through: Mr. Rohit Bharadwaj and Mr. Shiv
Nath Sawhney, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

28.03.2025

I.A. 8108/2025 (filed on behalf of the plaintiff seeking permission to amend court fees)

1. Mr. Jayant Mehta, learned senior counsel appearing for the plaintiff submits that the instant application has been filed as an abundant caution.
2. The Court, therefore, disposes of the said application to amend the court fees if so necessitated during the trial.
3. Application stands disposed of.

CS(COMM) 275/2025, I.A. 8107/2025 & I.A. 8106/2025

4. Heard Mr. Jayant Mehta, learned senior counsel appearing for the plaintiff. He fairly submits that procedural requirement under Section 12A of the Commercial Courts Act, 2015 (the Act) has not been resorted to in the



instant case under the *bona fide* belief that there is an overlapping dispute pending with respect to the cause raised herein.

5. The Court, however, is of the considered opinion that the same cannot be the reason not to take recourse of pre-mediation as mandated under Section 12A of the Act.

6. In view of the aforesaid, the Court deems it appropriate to allow Mr. Mehta to withdraw the instant suit with the liberty to file afresh after taking recourse of pre-mediation as mandated under Section 12A of the Act.

7. Since the suit is at its nascent stage, therefore, the Court deems it appropriate to direct for return of the entire court fee or to allow the equitable set-off, if the plaintiff has to file a fresh civil suit.

8. The instant suit stands dismissed as withdrawn with liberty to file afresh if cause survives.

9. With consent and to avoid any further delay in the mediation process, the parties undertake to appear before the Delhi High Court Mediation and Conciliation Centre on 09.04.2025.

MARCH 28, 2025/P/MJO

PURUSHAINdra KUMAR KAURAV, J

Click here to check corrigendum, if any