



2025:DHC:3514



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

Date of Decision: 05.05.2025

+ **C.R.P. 134/2025 & CM APPL. 27065-27066/2025**

DEEPAK MEHTA

.....Petitioner

Through: Mr. Rajiv K. Garg, Mr. Ashish Garg
and Mr. Govind Singh, Advocates

versus

AJ CAPSTONE INFOTECH PVT LTD

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM APPL. 27066/2025 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application stands disposed of accordingly.

C.R.P. 134/2025 & CM APPL. 27065/2025

3. The present petition filed by the Petitioner under Section 115 of Code of Civil Procedure, 1908 ('CPC) seeking to challenge an Order dated 18.02.2025 passed by learned Ld. ADJ-04, Saket Court, Delhi [hereinafter referred to as 'Impugned Order']. By the impugned Order, an Application filed by the Petitioner (Defendant before the learned Trial Court) under Order VII Rule 11 of the CPC has been dismissed by the learned Trial Court.
4. Learned Counsel for the Petitioner submits that the Petitioner had argued before the learned Trial Court that this is a commercial transaction.



However, the argument of the Petitioner was not appreciated and thus, the learned Trial Court has dismissed the Application under Order VII Rule 11 CPC filed by the Petitioner.

5. It is the contention of the Petitioner that the contract between the parties falls within the definition of “Commercial Dispute” as provided under the Commercial Courts Act, 2015 [hereinafter referred to as ‘CC Act’], more specifically a commercial dispute arising out of ordinary transactions of merchants, bankers, financiers and traders in Section 2(1)(c)(i) of the CC Act.

6. Learned Counsel for the Petitioner also seeks to rely upon Clauses 5 and 7 of the Agreement executed between the Petitioner and the Respondent to buttress his agreement that it is a commercial dispute/commercial loan.

7. In addition, reliance is placed on the judgment dated 04.11.2022 passed by the Coordinate Bench in the case of ***IHHR Hospitality (Andhra) Pvt. Ltd. vs. Mrs. Seema Swami & Ors.*** [CS(OS) 1450/2011].

8. The contention that was raised by the Petitioner before this Court, was also raised by the Petitioner before the learned Trial Court. The learned Trial Court examined the same and gave a finding that the Petitioner was employee of the Respondent and that the loan that was advanced, was advanced as a part of his employment and not as a commercial activity. The Trial Court has also given a finding that the rate of interest of the loan was 0%, thus this is not a commercial money lending agreement, so as to form part of a dispute under the CC Act. The learned Trial Court, after examining the matter, dismissed the Application under Order VII Rule 11 CPC filed by the Petitioner with Rs.10,000/- as costs.



2025:DHC:3514



9. After some arguments, learned Counsel for the Petitioner seeks and is granted for permission to withdraw the present petition.
10. The Petition is accordingly dismissed as withdrawn. Liberty is granted *albeit* in accordance with law to take appropriate steps before the learned Trial Court, if the need so arises. The pending Application also stands closed.
11. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 5, 2025/ *PB*

Click here to check corrigendum, if any