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

+ TR.P.(C.) 79/2025

INDO ARYA LOGISTICS

.....Petitioner

Through: Mr. Rajesh Banati, Mr. Ashish Sareen, Mr. Adil Asghar and Mr. Harsh Gupta, Advocates.

versus

HARYANA STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED & ANR.

.....Respondents

Through: Dr. Hemant Gupta, Mr. Akash Aggarwal and Mr. Rony John, Advocates for R1.

+ TR.P.(C.) 80/2025

M/S INDO ARYA LOGISTICS

.....Petitioner

Through: Mr. Rajesh Banati, Mr. Ashish Sareen, Mr. Adil Asghar and Mr. Harsh Gupta, Advocates.

versus

HARYANA STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED (HAFED) & ANR.

.....Respondents

Through: Dr. Hemant Gupta, Mr. Akash Aggarwal and Mr. Rony John, Advocates for R1.

Mr. Vibhor Garg, Ms. Diskha Kakkar and Ms. Yadavi Malhotra, Advocates for R2.

+ TR.P.(C.) 81/2025

INDO ARYA LOGISTICS

.....Petitioner

Through: Mr. Rajesh Banati, Mr. Ashish Sareen, Mr. Adil Asghar and Mr. Harsh Gupta, Advocates.



versus

HARYANA STATE COOPERATIVE SUPPLY AND
MARKETING FEDERATION LIMITED (HAFED) AND ANR.

.....Respondents

Through: Dr. Hemant Gupta, Mr. Akash
Aggarwal and Mr. Rony John,
Advocates for R1.

+ TR.P.(C.) 54/2025

INDO ARYA LOGISTICS

.....Petitioner

Through: Mr. Rajesh Banati, Mr. Ashish
Sareen, Mr. Adil Asghar and Mr.
Harsh Gupta, Advocates.

versus

HARYANA STATE COOPERATIVE SUPPLY AND MARKETING
FEDERATION LIMITED (HAFED) & ANR.

.....Respondents

Through: Dr. Hemant Gupta, Mr. Akash
Aggarwal and Mr. Rony John,
Advocates for R1.

Mr. Vibhor Garg, Ms. Diskha Kakkar
and Ms. Yadavi Malhotra, Advocates
for R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

19.05.2025

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CM APPL. 30314/2025 in TR.P.(C.) 79/2025 (exemption)

CM APPL. 30316/2025 in TR.P.(C.) 80/2025 (exemption)

CM APPL. 30319/2025 in TR.P.(C.) 81/2025 (exemption)

Exemptions allowed, subject to just exceptions.

Let requisite compliances be made within 01 week.

The applications stand disposed-of.



TR.P.(C.) 79/2025

TR.P.(C.) 80/2025

TR.P.(C.) 81/2025

TR.P.(C.) 54/2025

Further to what was recorded in order dated 15.05.2025 passed in TR.P.(C.) No.54/2025, Mr. Rajesh Banati, learned counsel appearing on behalf of the petitioners in these matters, has drawn attention of this court to another judgement passed by a Co-ordinate Bench of this court in ***Sherawali Developers LLP vs. M/s Majesty Homes & Ors.***,¹ which follows an earlier decision by a different Co-ordinate Bench of this court in ***Namita Gupta vs. Suraj Holdings Limited.***²

2. Learned counsel appearing for the respondents in these matters, as above, are also present.
3. Upon perusal of the said decisions however, both those decisions appear to have not addressed the consequences of the distinction between the ‘return’ of a plaint or a petition under Order VII Rule 10 of the Code of Civil Procedure, 1908 (‘CPC’) and ‘transfer’ of a plaint or petition under section 24 of the CPC. In the *prima facie* opinion of this court, the said two judgments deal only with section 24 CPC but not with Order VII Rule 10 CPC.
4. In fact, in *Namita Gupta* (supra), though the Co-ordinate Bench recognises the distinction between Order VII Rule 10 CPC and section 24 CPC, however it does not address the issue of how the

¹ 2024 SCC OnLine Del 3963

² 2024 SCC OnLine Del 143



‘return’ of a plaint or petition is to be taken forward by a party. From the foregoing position, clearly this proposition requires consideration.

5. Learned counsel appearing for the parties submit, that if the present case is treated as one for return of plaint under Order VII Rule 10 CPC, that would invariably require parties to undergo *de novo* trial.
6. Mr. Banati also points-out that the petitions before the learned District Judge, South East, Saket District Courts, New Delhi arise under section 34 of the Arbitration & Conciliation Act, 1996 (‘A&C Act’); and the essential policy under the A&C is for expeditious disposal of such proceedings.
7. In the circumstances, all counsel appearing in the matter in *unison* submit, that dealing with the matters under Order VII Rule 10 CPC and sending them back for *de novo* trial would cause avoidable delay, since the petitions before the learned District Judge were at an advanced stage of proceedings.
8. In the circumstances, in order not to delay the matters further, and as prayed for by learned counsel appearing for all the parties, the matters are treated as petitions seeking transfer under section 24 CPC.
9. Accordingly, by consent of all the parties, the present petitions are allowed.
10. As a sequitur to the above, it is directed that O.M.P. (COMM.) Nos. 62/2024, 63/2024, 64/2024 and 66/2024 pending before the learned District Judge, *South East District*, Saket District Courts, New Delhi shall stand *transferred* to the learned District Judge, *South District*, Saket District Courts, New Delhi.
11. Let the needful be done within 02 weeks.



12. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, Saket District Court, New Delhi for information and compliance.
13. The petitions stand disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.
15. It is clarified, that the question of law relating to the distinction between the 'return' of plaint under Order VII Rule 10 CPC *and* 'transfer' of proceedings under section 24 CPC and how the two are to be taken forward by a party, as discussed above, is left open to be considered in an appropriate case.

ANUP JAIRAM BHAMBHANI, J.

MAY 19, 2025

V.Rawat