



\$~26

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

+ RFA(COMM) 551/2024 with CM APPL. 74403/2024 (stay),
CM APPL. 74405/2024 (for filing additional documents) and
CM APPL. 74406/2024 (for delay of 340 days in re-filing)

M/S. BLUE ICE FARMS PVT. LTD.APPELLANT
Through: Mr. Kanhaiya Singhal,
Mr. Prasanna, Mr. Ajay,
Mr. Binwant Singh, Mr. Rishabh
Bhardwaj, Mr. Rajat Pandey,
Advocates.

versus

AMRISH GUPTA & ANR.RESPONDENTS
Through: Mr. Ashutosh Gupta and Mr.
Gaurav Rana, Advocates
through VC.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER
25.03.2025

%

1. The present appeal, filed under Section 13 (1A) of the Commercial Courts Act, 2015 read with Section 96 and Order 41 Rule 1 of the Code of Civil Procedure, 1908, seeks setting aside of the judgment dated 16.09.2023 whereby the suit was rejected as not maintainable under Section 2(1)(c) of the Commercial Court Act, 2015.
2. Learned counsel for the appellant/plaintiff states that he seeks to withdraw the present appeal with liberty to take remedies as available in accordance with law.
3. Needless to state that in case a fresh suit is filed, the issue as to



whether the appellant/plaintiff is entitled to recovery of possession or not would depend upon the facts of the case and this Court does not opine on the merits of the case.

4. It is always open to the appellant/plaintiff to file a fresh suit in accordance with law, which shall be considered by the Court on its own merits.

5. The appeal stands disposed of.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

MARCH 25, 2025/AK