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

+ **CS(COMM) 435/2016 & CC(COMM) 71/2017**

BHAYANA BUILDERS PVT LTD

.....Plaintiff

Through: Mr. Ashish Batra, Ms. Manmeet Kaur, Ms. Suditi Batra and Mr. Gurtejpal Singh, Advocates

versus

BIRD HOSPITALITY SERVICES PVT LIMITED & ANOTHER

.....Defendants

Through: Mr. Y. K. Kapur and Mr. Virender Mehta, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

17.02.2025

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1. On 29.11.2024 the Registry was directed to file a Report on the aspect as to whether this Court can take cumulative value of the claims for ascertaining jurisdiction or not.

2. Section 12 of the Commercial Courts Act, 2015 reads as under:

“Section 12. Determination of Specified Value.

(1) The Specified Value of the subject-matter of the commercial dispute in a suit, appeal or application shall be determined in the following manner:--

(a) where the relief sought in a suit or application is for recovery of money, the money sought to be recovered in the suit or application inclusive of interest, if any, computed up to the date of filing of the suit or application, as the case may be, shall be taken



into account for determining such Specified Value;

(b) where the relief sought in a suit, appeal or application relates to movable property or to a right therein, the market value of the movable property as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining such Specified Value;

(c) where the relief sought in a suit, appeal or application relates to immovable property or to a right therein, the market value of the immovable property, as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining Specified Value; 1[and]

(d) where the relief sought in a suit, appeal or application relates to any other intangible right, the market value of the said rights as estimated by the plaintiff shall be taken into account for determining Specified Value; 2 * **

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(2) The aggregate value of the claim and counterclaim, if any as set out in the statement of claim and the counterclaim, if any, in an arbitration of a commercial dispute shall be the basis for determining whether such arbitration is subject to the jurisdiction of a Commercial Division, Commercial Appellate Division or Commercial Court, as the case may be.

(3) No appeal or civil revision application under section 115 of the Code of Civil Procedure, 1908 (5 of 1908), as the case may be, shall lie from an order of a Commercial Division or Commercial Court finding that it has jurisdiction to hear a commercial dispute under this Act.”

3. In view of the above, since the claim of the Plaintiff in the present suit is Rs.81,55,133/-, which is lesser than the pecuniary jurisdiction of this Court, the suit is transferred to the concerned Commercial Court having jurisdiction. The District Judge Patiala House Courts is requested to assign



the case to the concerned Court.

4. The Parties are directed to appear before the District Judge, Patiala House Courts on 28.03.2025.

SUBRAMONIUM PRASAD, J

FEBRUARY 17, 2025

Rahul