

OCD-1

**In The High Court at Calcutta
Commercial Division
Original Side**

CS-COM/3/2026

AXIS FINANCE LIMITED
VS
BALARAM PROPERTIES PRIVATE LIMITED AND OTHERS

**BEFORE :
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : January 19, 2026.**

Appearance :
Mr. Soumabho Ghose, Adv.
Mr. Sayak Ranjan Ganguly, Adv.
Ms. Srijoni Ghosh, Adv.
Ms. Ankita Jha, Adv.
... for the plaintiff

The Court : On the basis of the averments made in **paragraphs 19 to 22** from the plaint, Mr. Soumabho Ghose, learned Advocate appearing for the plaintiff prays for dispensation of requirement under **Section 12A of the Commercial Courts Act, 2015**. He submits that urgency is such, an interim order is immediate requirement.

On perusal of the averments made in the plaint and upon considering the submissions made on behalf of the plaintiff, this Court is of the view that there is no contemplation of imminent or urgent interim relief, in the facts of this case as pleaded in the plaint.

Accordingly, the plaintiff should first avail of the proper mediation process in accordance with law before filing the instant suit.

The plaint stands returned. The court fees paid shall also be returned to the plaintiff with a leave to utilize the same in a subsequent suit, if situation so arises after the mediation is concluded.

In view of the above, **CS-COM/3/2026** stands **dismissed** at this stage but not on merit, with a leave to file afresh on the self-same cause of action if the pre-litigation mediation fails between the parties.

(ANIRUDDHA ROY, J.)

RS