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

+ C.R.P. 121/2026, CM APPL. 26260/2026, CM APPL. 26261/2026
CM APPL. 26262/2026

M/S ALPRO INDUSTRIES AND ORS

.....Petitioners

Through: Dr. I.M. Quddusi Sr. Advocate with
Mr. Jabur Singh, Ms. Ashi Bhardwaj,
Advocates.

versus

MS/ INDO ALUSYS INDUSTRIES LTD

.....Respondent

Through: *Nemo.*

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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21.04.2026

1. This petition has been filed challenging impugned order dated 17th October 2025 passed by District Judge, Patiala House Courts, New Delhi in ***CS No. 55835/2016***, titled, '***Indo Alusys Industries Ltd. v. Alpro Industries & Ors.***' Essentially, petitioner prays for declaring Section 19 of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018 (hereinafter, '***Act of 2018***') as *ultra-vires* the Constitution of India, 1950 and for the same to be struck down.
2. At the very threshold, this plea cannot be considered in a Revision Petition, and it is up to petitioners/defendant to challenge the constitutionality of the statutory provision by taking appropriate steps in accordance with law.
3. However, having put this point to *Dr. I.M. Quddusi*, Senior Counsel for petitioners/defendant, he has contended that it will not provide connectivity to



the matter in question *i.e.* **CS No. 55835/2016**, in which they had moved an application under Order VII Rule 11 of Code of Civil Procedure, 1908 (**‘CPC’**), which has been dismissed by the impugned order.

4. This, in the opinion of this Court, is a plea which cannot be sustained.

5. Suit for recovery was filed by respondent/plaintiff stating that petitioners/defendant had placed certain purchase orders upon the respondent/plaintiff for supply of aluminum products which were supplied by respondent/plaintiff and invoices in that regard were raised by them. Respondent/Plaintiff averred that an amount of Rs.27,92,467/- was due and payable in respect of which legal notice had been issued and a suit was filed on 22nd May 2016. Matter was put to trial. Respondent’s/plaintiff’s evidence stood closed on 5th June 2023 and, thereafter, at the stage of petitioners’/defendant’s evidence, an application under Order VII Rule 11 of CPC was filed.

6. It was essentially contended that this would be a commercial dispute under *Section 2(1)(c)(xviii)* of Commercial Courts Act, 2015 (hereinafter, **‘Act of 2015’**) and the Court would have no jurisdiction to entertain the suit.

7. Respondent/Plaintiff opposed the application and stated that the suit had been filed in 2016 prior to the amendment of Commercial Courts, Act, in 2018 which came in effect from 3rd May 2018. By this amendment, the specified value was reduced from Rs.1,00,00,000/- to Rs.3,00,000/-. Reliance was placed by the Trial Court on the decision of Division Bench of this Court in **Satyanarain Khandelwal v. Prem Arora**, 2022 SCC OnLine Del 2142.

8. In **Satyanarain** (supra), this Court opined that, “*a statute must be understood in their natural, ordinary or popular sense, and construed according to their grammatical meaning, unless such construction leads to*



some absurdity or unless there is something in the context or in the object of the statute to suggest to the contrary the Amending Act shall not apply retrospectively.” [added by SP]

9. Therefore, this Court clearly observed that the Act of 2018 applies only to commercial suits filed after the Act of 2018 came into force and in that view, Trial Court dismissed the application under Order VII Rule 11 of CPC filed by petitioner/defendant with costs of Rs.5,000/-.

10. This Revision Petition has been filed contending that “*with due respect, the Division Bench of this Court has not considered the constitutionality of the provision of Section 19 of the Amendment Act and the aspect that provisions of Section 19 discriminate the law of equality and is unconstitutional. Hence ultra-vires the constitution.*”.

11. Having taken this stand and plea, which involves a challenge to the constitutionality of the provision, the matter is certainly not within the scope of revisional jurisdiction of this Court.

12. At best, if petitioner/defendant is keen to challenge the constitutionality of the provision, it is at liberty to file an appropriate proceeding in accordance with law, which will be considered by the Roster Bench.

13. Accordingly, the petition stands dismissed. Pending applications are rendered infructuous.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 21, 2026/ak/sp