



2026:DHC:7900



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 15.09.2026**# **CNR No. DLHC010216012025**+ **TR.P.(C.) 63/2025****SUBHASH CHANDER BANSAL**Petitioner
Through: **Mr. Rakshit Gupta, Advocate.**

versus

M/S KG INFOTECH PRIVATE LIMITEDRespondent
Through: **Mr. Puneet Kumar Rai,**
Advocate.**CORAM:**
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 15(5) of the Commercial Courts Act, 2015 [**“CC Act”**] read with Section 24 of the Code of Civil Procedure, 1908 [**“CPC”**], seeking transfer of the suit being CS DJ 185/2022 [**“Civil Suit”**] titled *“Subhash Chander Bansal v. K.G. Infosystem Pvt. Ltd.”*, presently pending before the Court of the learned Additional District Judge-01, South-East District, Saket Courts, New Delhi [**“learned Trial Court”**], to a Commercial Court of competent jurisdiction.

2. Learned counsel appearing on behalf of the parties submit that the aforesaid Civil Suit is presently pending before the learned Trial Court and is at the stage of Plaintiff's evidence.

3. Learned counsel appearing on behalf of the Respondent forthrightly submits that the Respondent has no objection to the

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transfer of the aforesaid Civil Suit. He, however, submits that the Respondent may be permitted to raise all such objections as may be available to it in law before the learned Transferee Court, including objections relating to non-compliance with the mandatory requirements prescribed under the CC Act, as also any other objection available in law.

4. Liberty, as sought for, is granted. It is clarified that the transfer of the suit shall not prejudice the Respondent's right to raise any objection available to it in law before the learned Transferee Court.

5. Before proceeding further, it would be apposite to consider the legal position governing the power of this Court to transfer a suit relating to a commercial dispute of specified value under Section 24 of the CPC.

6. In *Namita Gupta v. Suraj Holdings Ltd.*¹, this Court considered the interplay between Section 24 of the CPC and the provisions of the CC Act and held that Section 24 of the CPC continues to operate in respect of suits relating to commercial disputes of specified value. It was further held that the statutory requirements under the CC Act do not, by themselves, exclude or take away the power of transfer vested in this Court under Section 24 of the CPC. The relevant observations are extracted hereinbelow:

“63. As noted hereinabove, Section 16 of the Act provides that the provisions of the CPC shall apply to any Suit in respect of Commercial Dispute of a Specified Value, subject to the amended provisions thereof as provided in the Schedule appended to the Act. Section 24 of the CPC is not a provision which has been amended by the said Schedule. It, therefore, continues to apply in full force to a Suit in respect of a Commercial Dispute of a Specified Value. If the Legislature wanted to take away this power from the Court, it would have expressly stated so by deleting the said provision in the

¹ 2024 SCC OnLine Del 143



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Schedule to the Act; it did not do so. There is also no implied exclusion of this power, as this power, in no manner, is in conflict with any provisions of the Act.

64. As far as non-compliance with Section 12A of the Act is concerned, the Transferee Court shall consider the said objection on merits upon the transfer of the Suit. The transfer of the Suit does not, in any manner, affect the right of the defendant to contend that the Suit has been filed without any cause of action or is otherwise barred by any provision of law or is liable to be dismissed under Order VII Rule 11 of the CPC for any other reason, including for the failure of the plaintiff to initiate pre-suit mediation as mandated under Section 12A of the Act. These objections would remain open to the defendant even on the transfer of the Suit under Section 24 of the Act.

65. As held hereinabove, a Commercial Court, constituted under Section 3 of the Act, would be a Court subordinate to the High Court. Reference in this regard may also be made to the judgment of the Supreme Court in *Life Insurance Corporation of India v. Nandini J. Shah*, (2018) 15 SCC 356. Therefore, there is no reason to exclude the applicability of Section 24 of the CPC to a Suit in relation to a Commercial dispute of a specified value. The first issue is answered accordingly.”

7. The aforesaid position has thereafter been reiterated by this Court in ***Sherawali Developers LLP v. M/s Majesty Homes & Ors.***². In the said case, while dealing with the transfer of a suit to a Commercial Court, this Court also considered the effect of the procedural requirements prescribed under the CC Act. It was held that such requirements, including those relating to the Plaint and Statement of Truth, can be complied with before the learned Transferee Court. The relevant observations are extracted hereinbelow:

“13. Mr. Agarwal, learned counsel for the respondent has raised two other issues. The first is that a plaint which is required to be filed as a commercial suit has to follow a particular protocol, which is distinct and different from that which is to be followed in non-commercial suits.

14. Mr. Goyal, learned counsel for the petitioner, submits that the petitioner would re-institute a plaint before the Transferee Court in accordance with the provisions of the Commercial Courts Act,

² 2024 SCC OnLine Del 3963



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including the requirement of filing a statement of truth and other such formalities. This, he points out, was also allowed by the Coordinate Bench in Namita Gupta.

15. In the present proceedings, out of the four defendants, three have already filed written statements and replications in response thereto have also been filed by the petitioner. As such, the suit is at a fairly advance stage of pleadings. It would do no good to anyone to return the suit at this stage.

16. The petitioners are, however, directed to ensure that the plaint is represented in accordance with the protocol envisaged by the Commercial Courts Act.

17. Mr. Agarwal raises, as a second contention, the argument that the suit was liable to be dismissed as having been instituted without compliance with the requirement of pre-institution mediation under Section 12-A of the Commercial Courts Act.

18. It shall remain open to the respondent to raise this issue before the Transferee Court. If the said issue is raised, the Transferee Court would deal with the issue and take a decision thereon in accordance with law and after giving an opportunity to learned counsel for the petitioner.

19. Subject, therefore, to the petitioner filing a proper plaint before the transferee court in accordance with the protocol envisaged with the Commercial Courts Act, this Court transfers Civil Suit No. 21/2020 (Sherawali Developers LLP v. Majesty Homes) from the Court of Ms. Ruchika Singla (ADJ-03, North-West District, Rohini Courts, Delhi) to the concerned Commercial Court, North-West District, Rohini Courts, Delhi.”

8. In view of the aforesaid legal position, and having regard to the fact that the learned counsel for the Respondent has expressly stated that the Respondent has no objection to the transfer of the suit, this Court finds no impediment in allowing the present Petition. The Respondent's right to raise all objections available in law before the learned Transferee Court has already been preserved.

9. Accordingly, the present Petition is allowed. The Civil Suit being CS DJ 185/2022 titled “*Subhash Chander Bansal v. K.G. Infosystem Pvt. Ltd.*” is directed to be transferred from the Court of the learned Additional District Judge-01, South-East District, Saket Courts, New Delhi, to a Commercial Court of competent jurisdiction,

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at the stage at which it presently stands. Any requisite compliance under the CC Act, including the filing of the Statement of Truth and other prescribed requirements, may be undertaken before the learned Transferee Court.

10. The learned Trial Court is requested to ensure that the complete case record is transmitted to the learned Transferee Court within a period of four (04) weeks from the date of this Order, whereafter the matter be listed before the learned Transferee Court accordingly.

11. With the aforesaid directions, the present Petition, along with pending application(s), stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 15, 2026/tk/ma

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