

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**MONDAY, THE TWENTY FIRST DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CIVIL REVISION PETITION NO: 3178 OF 2024**

Petition under Article 227 of the Constitution of India aggrieved by the Order dated 30-07-2024 made in I.A. No. 75 of 2024 in C.O.S. No. 49 of 2023 on the file of the Court of the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District.

**Between:**

Heighten Innovative Solutions Private Limited, A company incorporated under the provisions of the Companies Act 2013, having its registered office at H.No. 5-159, Kancharam, Thanedar Palli, Gurrampodu Mandal, Nalgonda, Telangana - 508256 Rep by its Managing Director

**...Petitioner / Petitioner / Defendant**

**AND**

Quantum Asia Private Limited, A Company incorporated under the provisions of the Companies Act, 1956, having its registered office at YS Viveka Enclave, 5th Floor, Plot No. 21-23/1, Khajaguda, Nankramguda Road, Hyderabad, Rep by its Managing Director

**...Respondent / Respondent / Plaintiff**

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in COS No 49/2023 before the Hon'ble Special Judge for trial and disposal of Commercial Disputes, Ranga Reddy District, at LB Nagar pending disposal of the appeal.

**Counsel for the Petitioner : Sri M V Subba Reddy**

**Counsel for the Respondent : Sri Kamal Kalyan**

**The Court made the following Order :**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**CIVIL REVISION PETITION No.3178 of 2024**

**ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. M.V. Subba Reddy, learned counsel for the petitioner.

Mr. K. Kamal Kalyan, learned counsel for the respondent.

2. Heard on the question of admission.

3. In this petition under Article 227 of the Constitution of India, the petitioner has assailed the validity of the order dated 30.07.2024 passed in C.O.S.No.49 of 2023 by which the application preferred by the petitioner under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 (CPC) seeking rejection of the plaint has been rejected.

4. Facts giving rise to filing of this petition briefly stated are that the respondent is the owner of the factory, namely, the suit schedule property, which was let out to the petitioner on monthly rent of Rs.2,22,264/-. According to the respondent,

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the petitioner did not pay the amount of rent. Thereupon, the respondent issued a notice to the petitioner seeking termination of the lease and filed C.O.S.No.49 of 2023 seeking the relief of eviction, recovery of arrears of rent and for mesne profits, besides compensation. The respondent also filed I.A.No.368 of 2023 seeking for grant of temporary injunction restraining the petitioner from doing any business or commercial activity in the suit schedule property pending disposal of the suit.

5. The petitioner filed an interlocutory application under Order VII Rule 11 of CPC on the ground that the mandatory provisions of Section 12-A of the Commercial Courts Act, 2015 (hereinafter referred to as "the Act") has not been complied with. Therefore, the plaint filed by the respondent is liable to be rejected. The Commercial Court vide the impugned order, dated 30.07.2024 has dismissed the interlocutory application *inter alia* on the ground that the relief claimed in the suit is within the ambit of urgent interim relief, which is sought in I.A.No.368 of 2023 and therefore, it exempts the plaintiff from

initiating pre-institution mediation and settlement. The aforesaid order has been assailed in this revision petition.

6. Learned counsel for the petitioner has submitted that the Commercial Court ought to have appreciated that the relief claimed in the suit is not of urgent interim relief and therefore, the suit was bad on account of non-compliance of Section 12-A of the Act.

7. We have considered the submissions made by learned counsel for the petitioner and have perused the record.

8. The mandate contained in Section 12-A of the Act is attracted only in cases where urgent relief is sought.

9. The Commercial Court on the basis of the facts and circumstances of the case has held that urgent interim relief has been sought for in the suit. The order passed by the Commercial Court neither suffers from any jurisdictional infirmity nor any error apparent on the face of the record warranting interference of this Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

10. In the result, the civil revision petition fails and is hereby dismissed. There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- V. KAVITHA  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District
2. One CC to Sri M V Subba Reddy, Advocate [OPUC]
3. One CC to Sri Kamal Kalyan, Advocate [OPUC]
4. Two CD Copies

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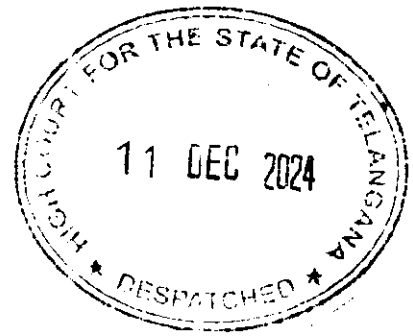
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**HIGH COURT**

**DATED:21/10/2024**

**ORDER**

**CRP.No.3178 of 2024**



**DISMISSING THE CRP**

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5/12/24  
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