



2025:DHC:5792



§~72

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 17.07.2025***+ **C.R.P. 180/2025, CM APPL. 36899/2025**

NIRMAL GUPTAPetitioner

Through: Mr. Abhay Kumar, Advocate

versus

RAM NIWAS GUPTARespondent

Through: None.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This Court had on 16.07.2025 passed the following directions:

1. The present Petition has been filed under Section 115(1) of the Code of Civil Procedure, 1908 seeking to set aside the order dated 17.05.2025 passed by the learned District Judge (Commercial Court)-07, Central District, Tis Hazari Courts, Delhi [hereinafter referred to as "Impugned Order"].

2. At the outset, learned Counsel for the Petitioner raises a challenge in view of Section 8 of the Commercial Courts Act, 2015 [hereinafter referred to as "CC Act"] to submit that the Petition is not maintainable. Section 8 of the CC Act debars revisions against an order of a commercial court in the following manner:

"8. Bar against revision application or petition against an interlocutory order.—Notwithstanding anything contained in any other law for the time being in force, no civil revision application or petition shall be entertained against any interlocutory order of a Commercial Court, including an order on the issue of jurisdiction, and any such challenge, subject to the provisions of section 13, shall be raised only in an appeal against the decree of the Commercial Court."

3. The Division Bench of this Court in **Black Diamond Trackparts (P) Ltd. & Ors v. Black Diamond Motors (P) Ltd.**; 2021 SCC OnLine Del 3946 has while considering the scope of the CC Act has expressly held that it bars the remedy of a Revision Petition under Section 115,



Code of Civil Procedure, 1908. This judgment has been passed keeping in view the statute under the CC Act itself. The relevant extract of the **Black Diamond Trackparts** case is set out below:

“30. The reasoning in the aforesaid judgments gave rise to the question, that since the remedy of revision under Section 115 CPC though available under the CPC against the order of dismissal of application under Order 7 Rule 10 CPC, has been taken away under the Commercial Courts Act, whether a petition under Article 227 would lie.

31. **We are of the view that once the Commercial Courts Act has expressly barred the remedy of a revision application under Section 115 CPC, with respect to the suits within its ambit, the purpose thereof cannot be permitted to be defeated by opening up the gates of Article 227 of the Constitution of India.** The scope and ambit of a petition under Article 227 is much wider than the scope and ambit of a revision application under Section 115 CPC; **whatever can be done in exercise of powers under Section 115CPC, can also be done in exercise of powers under Article 227 of the Constitution.** Allowing petitions under Article 227 to be preferred even against orders against which a revision application under Section 115CPC would have been maintainable but for the bar of Section 8 of the Commercial Courts Act, would nullify the legislative mandate of the Commercial Courts Act. Recently, in *Deep Industries Ltd. v. ONGC* [*Deep Industries Ltd. v. ONGC* (2020) 15 SCC 706] , in the context of petitions under Article 227 of the Constitution of India with respect to orders in an appeal against an order of the Arbitral Tribunal under Section 17 of the Arbitration and Conciliation Act, 1996, it was held that if petitions under Article 226 of 227 of the Constitution against orders passed in appeals under the Arbitration Act were entertained, the entire arbitral process would be derailed and would not come to fruition for many years. It was observed that though Article 227 is a constitutional provision which remains untouched by an non obstante Clause 5 of the Arbitration Act but what is important to note is that though petitions can be filed under Article 227 against judgments allowing or dismissing first appeals under the Arbitration Act, yet the High Court would be extremely circumspect in interfering with the same taking into account the statutory policy, so that interference is restricted to orders which are patently lacking in inherent jurisdiction. Thus, though we are of the view that gates of Article 227 ought not to be opened with respect to orders in commercial suits at the level of the District Judge against which a revision application under CPC was maintainable but which remedy has been taken away by the Commercial Courts Act, but abiding by the judgments aforesaid,



hold that it cannot be said to be the law that jurisdiction under Article 227 is completely barred. **However the said jurisdiction is to be exercised very sparingly and more sparingly with respect to orders in such suits which under the CPC were revisable and which remedy has been taken away by a subsequent legislation i.e. the Commercial Courts Act, and ensuring that such exercise of jurisdiction by the High Court does not negate the legislative intent and purpose behind the Commercial Courts Act and does not come in the way of expeditious disposal of commercial suits.**”

[Emphasis Supplied]

4. Learned Counsel for the Respondent further submits that there was a direction passed by the Vacation Bench for a deposit of Rs.10 lacs, the same has also not been deposited.
 5. None appears on behalf of the Petitioner.
 6. In the interest of justice, list on 17.07.2025 at the end of Supplementary list.”
2. Learned Counsel appearing on behalf of the Petitioner submits that the demand draft as was directed by this Court, is ready.
 3. Learned Counsel appearing on behalf of the Petitioner seeks and is granted permission to withdraw the present Petition.
 4. The Petition is, accordingly, dismissed as withdrawn. Pending Application stands closed.
 5. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 17, 2025/g.joshi