

ITEM NO.53

COURT NO.8

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.26908/2025

[Arising out of impugned final judgment and order dated 11-08-2025 in FA No. 1550/2024 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

EURO PRATIK ISPAT (INDIA) PRIVATE LIMITED

Petitioner(s)

VERSUS

GEOMIN INDUSTRIES PRIVATE LIMITED & ORS.

Respondent(s)

(IA No. 236429/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 236430/2025 - EXEMPTION FROM FILING O.T., IA No. 236894/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ ANNEXURES & IA No. 236428/2025 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 19-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Diwakar Maheshwari, Adv.
Mr. Edupuganti Shreyas, AOR
Mr. Karan Bhootra, Adv.

For Respondent(s) :

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Siddhartha Shukla, Adv.
Mr. Amit Sharma, AOR
Ms. Shamila Iram Fatima, Adv.
Mr. Vishal Sinha, Adv.
Mr. Raghav Kohli, Adv.
Ms. Gauri Subramaniam, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. This petition arises from the order passed by the High Court of Madhya Pradesh at Jabalpur dated 11-8-2025 in the First Appeal No.1550/2024 by which the appeal filed by the Respondent No.1 - herein against the Order dated 31-7-2024 passed by the Commercial Court returning the plaint on the ground of non-compliance of

Section 12A of the Commercial Courts Act, 2015, came to be disposed of with appropriate directions.

2. The High Court while disposing of the First Appeal observed as under:-

"42. In view of the above, order dated 31.07.2024 rejecting the plaint is set aside. The Application of the Appellant under section 12A of the Act is allowed. It is held that since the Suit contemplates an urgent interim relief, same is not barred under Section 12A (1) of the Act. The Suit is restored on the record of the Commercial Court to be proceeded with and adjudicated in accordance with law.

43. Further. till the disposal, by the Commercial Court, of the application under Order 39 Rules 1 & 2 Code of Civil Procedure, filed by the Appellants along with the Suit, Respondent is restrained from transporting and selling the 170,000 MT of iron ore, subject matter of the agreement dated 03.04.2023. In case any part of the agreed upon stock had been removed prior to the passing of the interim order dated 07.11.2024, Respondent are restrained from transporting and selling the deficit quantity of iron ore from its other stock, if available and subject to the same being of the prescribed specification, failing which the default clauses in the agreement dated 03.04.2023 shall be applicable.

44. It is clarified that the Commercial Court shall decide the application under Order 39 Rules 1 and 2 CPC and the Suit in accordance with law, without being influenced by anything stated on merits in this Order.

45. The Appeal is disposed of in the above terms."

3. The petitioner, being dissatisfied with the impugned Judgment and Order passed by the High Court, is here before us with the present petition.

4. We heard Dr. Abhishek Manu Singhvi, the learned Senior counsel appearing for the petitioner (original Respondent No.1 before the High Court) and Mr. Gopal Subramaniam, the learned Senior counsel appearing for the Respondent No.1 - herein (original Appellant before the High Court) at length.

5. Manifold contentions were sought to be raised in the course of the hearing on either side.

6. Having heard the learned counsel appearing for the parties and having gone through the materials on record, we are of the view that this long drawn litigation between the parties which is

getting murkier and murkier day-by-day could be brought to an end if the parties are persuaded to go for mediation before any Former Judge of this Court, more particularly considering the nature of the disputes between them and the stakes involved therein.

7. The proposal put forward by us for mediation has been very graciously accepted by Dr. Singhvi and Mr. Subramaniam.

8. In such circumstances, referred to above, we appoint Hon'ble Dr. Justice D.Y. Chandrachud, former Chief Justice of India to act as a Mediator between the parties and resolve the disputes.

9. The fees etc. of the learned Mediator shall be fixed in consultation of the parties.

10. The learned Mediator shall furnish his Report at the earliest.

11. The parties to appear before the learned Mediator and proceed further.

12. List this matter for appropriate further directions after eight week.

13. In the meantime, both the parties are directed to maintain *status-quo*. If there are any proceedings pending between the parties, civil or criminal, those proceedings shall remain stayed till the report of the Mediator is received and further orders are passed by this Court.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)