



\$~Suppl.-12

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

+ CS(COMM) 488/2021

CIRA RENEWABLE ENERGY PVT. LTD. .... Plaintiff  
Through: Mr. Rakesh Sinha, Mr. Shailendra  
Jain and Mr. Soumya Dutta, Advs.

Versus

UNION OF INDIA & ORS. .... Defendants  
Through: None.

**CORAM:**  
**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

% **06.10.2021**

**I.A. 13068/2021 (for exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

**I.A. 13069/2021 (of plaintiff for condonation of delay of 127 days in re-filing)**

3. For the reasons mentioned in the application, the same is allowed and the delay in re-filing the suit is condoned.
4. The application is disposed of.

**I.A. 13067/2021 (of plaintiff u/S 12A of the Commercial Courts Act, 2015)**

5. The plaintiff seeks exemption from pre-institution mediation. It is submitted that the plaintiff has approached all the defendants however each of the defendants have washed their hands off the liability to pay the plaintiff for the supply, installation and commissioning of the Rooftop

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solar PV power plants at several Uttar Pradesh prisons.

6. For the reasons mentioned in the application, the same is allowed and the plaintiff is exempted from pre-institution mediation.

7. The application is disposed of.

**CS(COMM) 488/2021 & I.A.13066/2021 (of plaintiff u/O XXXIX R-1 & 2 & u/O XI r/w Section 151 CPC)**

8. The plaint be registered as a suit.

9. The suit has been filed for recovery of a sum of Rs.2,97,43,211/- on the basis of invoices and for declaration and permanent injunction.

10. Issue summons in the suit and notice in the applications to the defendants by all permissible modes, returnable before the Joint Registrar.

11. The summons shall indicate that the written statement(s) to the suit and reply(ies) to the application(s) be filed by the defendant(s) within thirty days from the date of receipt of the summons. The defendant(s) shall also file the affidavit of admission/denial of the document(s) filed by the plaintiff(s), failing which the written statement(s) shall not be taken on record.

12. The plaintiff at liberty to file replication(s) to the written statement(s) and rejoinder(s) to the reply(ies) filed by the defendant(s) before the next date of hearing following the filing of the written statement(s)/reply(ies). The replication(s) shall be accompanied by the affidavit of admission/denial in respect of the documents filed by the defendant(s), failing which the replication(s) shall not be taken on record.

13. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the time lines.



14. Mr. Rakesh Sinha, learned counsel for the plaintiff submits that the defendant No.2 who is primarily responsible for making the payment is running into losses and information has been received that the Government of India is winding up the operation of the defendant No.2.

15. In light of the submissions made, till the next date of hearing, the ICICI Bank, 9A, Phelps Building, Connaught Place, New Delhi-110001 is directed to ensure that a sum of Rs.2,97,43,211/- be available in the Account No.00705001442 stated to be in the name of the defendant No.2/PEC LTD. with the said Bank.

16. Provisions of Order XXXIX Rule 3 CPC be complied with.

17. List before the Joint Registrar on 1<sup>st</sup> December, 2021 for completion of service and pleadings.

18. The order be uploaded on the website forthwith.

**ASHA MENON, J.**

**OCTOBER 06, 2021**

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