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

+ W.P.(C) 14732/2023
NEERAJ PATLANI

..... Petitioner

Through: Mr. Samman Vardhan Gautam,
Advocate.

versus

BSES YAMUNA POWER LIMITED

..... Respondent

Through: Mr. Rishabh Raj Jain, SC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.12.2023

CM APPL. 62427/2023 (*extension of stay*)

1. The writ petition was disposed of by order dated 09.11.2023. In view of the judgment of this Court dated 09.09.2016 in W.P.(C) 6026/2007 [*Ashok Kumar vs. B.S.E.S Rajdhani Power Ltd*], the petitioner was granted liberty to avail appropriate remedy before the Special Court or the concerned Civil Court. Interim protection against coercive action was granted for a period of two weeks.
2. The petitioner approached the Court of learned Additional District Judge ["ADJ"], but withdrew the suit upon a query being raised as to the maintainability of the petition before the Civil Court rather than a Commercial Court.
3. Mr. Samman Vardhan Gautam, learned counsel for the petitioner, now contends that the cause of action does not fall within Section 2(1)(c)

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of the Commercial Courts Act, 2015, and the Civil Court alone has jurisdiction. He proposes to file an application before the Court of learned ADJ in this regard and seeks an extension of the interim order granted on 09.11.2023.

4. To enable learned counsel for the petitioner to approach the learned Civil Court, the directions in paragraph 6 of order dated 09.11.2023 are continued until 08.12.2023.

5. It is made clear that this Court has not made any observation with regard to the maintainability of the proceedings before the Civil Court or on the merits of the matter.

PRATEEK JALAN, J

DECEMBER 4, 2023

SS/