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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 279/2024 and I.A. 7545/2024, 7546/2024, 7547/2024**

SUCOCITRICO CUTRALE LTDA Plaintiff

Through: Ms. Ruby Singh Ahuja, Ms. Simran
Brar, Ms. Sanya Dua, Mr. Swastik
Dalai, Mr. Karan Sharma, & Mr. Jai
Vardhan Malaviya, Advs. (M:
9910204020)

versus

AGSON GLOBAL PVT. LTD Defendant

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **04.04.2024**

1. This hearing has been done through hybrid mode.

I.A. 7547/2024 (for exemption)

2. This is an application seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018. If there are any foreign language documents, the same shall be translated and translation shall be filed within three months.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the application is disposed of.



I.A.7546/2024 (for court fee)

5. Four weeks' time is granted to the Plaintiff to file the court fee. Application is disposed of.

CS(COMM) 279/2024

6. Let the plaint be registered as a suit.
7. Issue summons in the suit to the Defendant through all modes upon filing of Process Fee.
8. Let the written statement to the plaint be filed within 30 days. Along with the written statement, the Defendant shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.
9. Liberty is given to the Plaintiff to file replication within 15 days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendant, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
10. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
11. List before the Joint Registrar on 8th July, 2024.
12. List before the Court on 20th September, 2024.

I.A.7545/2024 (for stay)

13. The present is a suit filed by the Plaintiff-Sucocitricon Cutrale LTDA *inter alia* seeking recovery of losses and damages due to breach of contract. the Plaintiff claims to be one of the world's largest exporters and producers of orange juice and other orange products. The Defendant had initially



placed certain orders for which certain advance payments were made.

14. It is the Plaintiff's case that in September 2019, the Defendant-M/s Agson Global Pvt. Ltd., aiming to expand its operations, initiated negotiations with the Plaintiff to inquire about purchasing its products for supply of Oranges and Orange bye-products, leading to an email exchange, as mentioned in an email dated 18th September, 2019. As per the plaint, negotiations between the parties resumed in February 2021, culminating in the issuance of a Purchase Order by the Defendant on 22nd March, 2021, and the signing of a Contract Confirmation on 29th March, 2021. According to the Plaintiff, these communications and emails collectively form part of the original contract. The said contract stipulated the supply of 144 Full Container Loads (FCLs) of D-Limonene Orange over 12 months, totaling USD 9,566,208 (USD 4.80 per Kg) on CFR (Cost and Freight) terms.

15. However, various shipments of the Plaintiff, which were sent to the Defendant were neither paid for and some of the shipments were not cleared from the port. This led to a difficult situation for the Plaintiff, which had to call back the goods, find other buyers and undersell the said products, leading to losses. Accordingly, recovery is sought for under the following heads:



S. NO.	PARTICULARS	AMOUNT (in USD)	INTEREST (12% p.a. till 11.03.2024)
(I)	Losses incurred at Indian ports on arrived FCLs	1,939,046.63	405,321.60
(II)	Expenses/losses in Brazil on return of FCLs	166,768.69 (R\$ 830,441.11 converted to USD on 11.03.2024)	29,397.31
(III)	Damages suffered on account of loss of differential value owing to resale of FCLs at a lower price	984,024.00	182,336.29
(IV)	Compensation for hardship owing to the Defendant's breach of Contracts	300,000.00	79,890.82
(V)	Loss of goodwill in India and abroad	500,000.00	N/A
TOTAL		3,889,839.32	696,946.02

16. Issue notice in the application. Let reply be filed within four weeks. Rejoinder thereto be filed within four weeks thereafter.
17. List before the Joint Registrar on 8th July, 2024.
18. List before the Court on 20th September, 2024.

PRATHIBA M. SINGH, J.

APRIL 4, 2024/dk/dn