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

+ **CS(COMM) 347/2021**

**TRANSLINE TECHNOLOGIES PVT LTD** ..... Plaintiff  
Through: Mr. Amit Kumar Singh,  
Advocate.

versus

**ERNET INDIA** ..... Defendant  
Through: Mr. Sanjeev Ralli, Senior  
Advocate with Mr. Mohit Mudgal, Mr. Ravi  
Kant Yadav, Mr. Chaitanya Baweja, Mr.  
Shubham Yadav, Mr. Sandeep Yadav,  
Advocates alongwith Mr. Vikas Bhagwat,  
Executive Assistant.

**CORAM:**  
**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**  
**19.09.2023**

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1. On the pleadings of the parties, the following issues are settled:-
  1. Whether the performance of the Purchase Order dated 28.04.2014 was interdependent and interlinked with Purchase Order dated 17.12.2014 such that Purchase Order dated 28.04.2014 could not have been performed in the absence of execution of Purchase Order dated 17.12.2014? OPP
  2. Whether Plaintiff had accepted the Purchase Order dated 17.12.2014 out of free will or was coerced by the Defendant to execute the same? OPP
  3. Whether Defendant was responsible and liable for the delay caused in the project? OPP
  4. Whether Defendant was responsible for breach during the project period and has illegally levied Liquidated damages (LD) on the Plaintiff? OPP
  5. Whether Plaintiff is entitled to interest, as claimed and if yes, for what period and at what rate of interest? OPP.



6. Whether the suit is barred by limitation? OPP
  7. Whether the Plaintiff completed the work in accordance with the terms of the Purchase Order dated 28.04.2014? OPD
  8. Whether the Plaintiff is entitled to amount of Rs.1,45,80,065/- allegedly illegally deducted as LD qua Purchase Order dated 28.04.2014? OPD
  9. Whether the Plaintiff is entitled to interest on Rs.1,00,80,617/-, amount deducted towards LD since 18.05.2017? OPD
  10. Whether Plaintiff is entitled to interest on Rs.37,32,382/- on delayed period qua Earthing invoices? OPD
  11. Whether Plaintiff is entitled to pendente lite and future interest? If yes, at what rate? OPP
  12. Relief.
2. No other issue is pressed by the parties.
  3. Plaintiff shall file its list of witnesses and evidence by way of affidavit within 06 weeks from today.
  4. Defendant shall file its list of witnesses and evidence by way of affidavit within 06 weeks thereafter.
  5. List before the learned Joint Registrar on 29.11.2023 for further proceedings.

**JYOTI SINGH, J**

**SEPTEMBER 19, 2023/ck**