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

+ CS(COMM) 488/2021 and IA No. 13066/2021 (application filed by plaintiff u/O XXXIX Rules 1 and 2 CPC and u/O XI r/w Section 151 CPC)

CIRA RENEWABLE ENERGY PVT. LTD Plaintiff

Through Mr. Soumya Dutta and Mr. Shailendra Jain, Advocates appeared through VC

versus

UNION OF INDIA & ORS. Defendants

Through Ms. Monika Arora, Advocate for Defendant no.1 appeared through VC
Mr. Rahul Sagar Sahay and Mr. Raghav Rajmalani, Advocates for Defendant no.2 appeared physically
None for Defendant no.3

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **23.12.2021**

Matter is taken up through physical hearing as well as video conferencing.

IA No. 13067/2021 and IA No. 13069/2021

Perusal of the order dated 06.10.2021 of the Hon'ble Court reveals that both the present applications have already been disposed off. **Registry is directed not to list both IAs again in the cause list.**

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CS(COMM) 488/2021 and IA No. 13066/2021 (application filed by plaintiff u/O XXXIX Rules 1 and 2 CPC and u/O XI r/w Section 151 CPC)

Learned counsel for defendant no.1 has stated that she has filed counter affidavit vide Dy. No. 1043054 dated 06.12.2021. As per record of the Registry, it is lying under objections. Learned counsel for defendant no.1 is directed to remove the objections within one week so that it comes on record.

Learned counsel for defendant no.2 has appeared physically and stated that he has filed counter affidavit alongwith admission/denial of documents vide Dy. No. 1159232/2021 dated 21.12.2021, reply to application under order XXXIX Rules 1 and 2 CPC vide Dy. No. 1159314/2021 dated 21.12.2021, vakalatnama vide Dy. No. 1159235/2021 dated 21.12.2021, documents vide Dy. No. 1165872/2021 dated 21.12.2021 and application for condonation of delay in filing counter affidavit vide Dy. No. 1165852/2021 dated 21.12.2021. As per record of the Registry, application for condonation of delay in filing counter affidavit is lying under objections. Learned counsel for defendant no.2 is directed to remove the objections within one week so that it comes on record.

Learned counsel for the plaintiff has stated that he has received the copy of all the pleadings filed by defendant no.2. He seeks some more time to file replication alongwith affidavit of admission/denial of documents and rejoinder to reply of the application under Order XXXIX Rules 1 and 2 CPC. Let the same be filed as per law with advance copy to the opposite parties.



Learned counsel for the plaintiff has stated that defendant no.3 has been served through e-mail and affidavit of service has been filed on record.

As per record of the Registry, there is no report of service of defendant no.3. Learned counsel for the plaintiff is directed to verify the address of defendant no.3 and to get served defendant no.3 once again.

At request, fresh summons of the suit be issued to defendant no.3 at its proper address on filing of PF by all permissible modes including *dasti* and electronic mode.

Put up for report of service of defendant no.3 and completion of pleadings on 11th March, 2022.

TYAGITA SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)

DECEMBER 23, 2021
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