

**CS (COMM.)452/22 VALVOLINE CUMMINS PVT LTD Vs. M/S SIMPLEX
INFRASTRUCTURE LIMITED**

10.10.2022

Present: Sh. Ankit Singh, ld. counsel for the plaintiff.
Ms. Namrita Saraogi, ld. Counsel for defendant.

WS filed along with board resolution, copy of purchase orders and vakalatnama. However, it is without statement of truth.

Ld. Counsel for defendant states that suit is not maintainable in view of the Arbitration clause in the contract by virtue of Section 8 of the Arbitration and Conciliation Act which objection has also been taken in the written statement.

Replication filed by the plaintiff to the written statement along with statement of truth, affidavit of admission-denial of documents along with application under Section 5 of the Limitation Act.

Heard.

Delay is condoned in view of the reasons stated in the application. Application is allowed.

Ld. Counsel for defendant states that statement of truth will be filed along with application under Section 8 of the Act.

Be listed for statement of truth, application and framing of issues for 24.11.2022.

SANJIV JAIN
District Judge/Commercial Court-03
New Delhi / 10.10.2022