

4 CS (COMM.) 5794/24

Sh. Naipal Singh Vs. Gurbakhsh Singh B A Builders Pvt Ltd

19.05.2026 (At 10:36AM)

Present : Sh. B.K. Pandey, Ld. Counsel for the plaintiff through video conferencing with Ms. Navita, Advocate in person.

Sh. Manoram Nigam, Ld. Counsel for the defendant through video conferencing with Sh. Mandeep Singh, Advocate in person.

- 1) Ld. counsel for plaintiff acknowledges having received all the costs from the defendant, as imposed on the last date of hearing as well as imposed in the past.
- 2) One fresh Statement of Truth was filed on behalf of defendant on 13.02.2026, as per liberty granted on last date of hearing. I have gone through the Statement of Truth and same is found to be in order.
- 3) However, the certificate under Order XI Rule 6 CPC and another certificate under Section 63 BSA, as filed by defendant along with fresh Statement of Truth, are not found giving all the informations as required under the relevant law provision i.e. Order XI Rule 6 CPC, as applicable to the commercial suit and Section 63 BSA.
- 4) Submissions were invited from ld. counsel for defendant in respect of these two certificates, but he has nothing to say except that due to some problem in his laptop he could not file application under Order VII Rule 11 CPC, which defendant intended to file in this matter. I do not find any relation between

intention to file application under Order VII Rule 11 CPC and validity of above mentioned two certificates. When defendant opted to file aforesaid declaration/certificates, it was obligation for the defendant to go through the relevant law provision, in order to furnish complete information as required in the law, which has not been done by the defendant. Therefore, it is declared that these two certificates cannot be entertained in respect of any computer printout, if so relied upon by the defendant.

5) Matter was otherwise fixed for framing of issues. On the basis of pleadings of parties following issues are framed:-

1) Whether the claim of plaintiff is within limitation?

OPP

2) Whether plaintiff deposited the GST in respect of invoices relied upon in this case, in support of claim of recovery? OPP

3) If no GST was paid by plaintiff, its effect in the present case. OPD.

4) Whether plaintiff is entitled for recovery of Rs.97,55,413/- as prayed for? OPP

5) Whether plaintiff is entitled for pendente-lite and future interest @18% per annum, as prayed for? OPP

6) Any other relief, if any.

6) No other issue arises or pressed for. Since even the legal issues involve some factual aspect which needs to be established and proved on the record, therefore all the issues shall be decided together at the end of trial. **Both parties shall file list of their**

witnesses within 15 days with advance copy to each other. Plaintiff shall file affidavit of its witnesses along with list of witnesses. Defendant shall file affidavits of its witnesses by next date of hearing. Advance copy of the same must be supplied to opposite party by both parties.

Case Management hearing

- Case shall be taken up for plaintiff's evidence on 02.09.2026; 03.09.2026 and; 07.09.2026.
- Case shall be taken up for defendant's evidence on 08.09.2026; 09.09.2026; 10.09.2026 and 11.09.2026.
- Final arguments shall be heard on 16.09.2026.

Both parties shall ensure that all the steps are taken in advance in order to lead and complete evidence on aforesaid dates.

Put up on **02.09.2026** for PE.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
19.05.2026