

OMP (COMM.) 20/22

Alliance Air Aviation Limited Vs. Naveen Saroha

11.02.2025.

**Present : Sh. S.P. Dass, Ld. Counsel for the petitioner.
Sh. Deepak Kohli and Sh. Mohd. Shariq, Ld.
Counsels for the respondent.**

Today the matter is listed for arguments on the application as well as final arguments.

Seeing the conduct of the petitioner, the Court imposed the cost of Rs.25,000/- vide order dated 08.10.2024. The present application has been filed by the ld. Counsel for the petitioner on 15.01.2025 seeking waiver of the cost. No reply to the same was filed by the Counsel for the respondent. Counsel for the petitioner submits that in the present matter the earlier counsel addressed the arguments on the application filed under Section 151 CPC and the matter was listed for orders on 27.10.2023 and thereafter on 04.11.2023, but the order could not be passed due to administrative reasons and other reasons as mentioned in the earlier order sheets. He further submits that the earlier counsel Sh. Sumit Kumar Vats has left the office and he was engaged as a new Counsel. This facts was fully mentioned in the order sheet dated 22.08.2024 when Sh. Deepak Bhatt appeared through video conferencing and on 08.10.2024 Sh. S.P. Dass counsel for the petitioner appeared through VC as per the Order Sheet dated 22.08.2024. When Deepak Bhatt appeared and submit that they need sometime to engage a new counsel to argue the present matter and the matter was adjourned as the

adjournment was not opposed. Similar request was made by Sh. S.P. Dass on 08.10.2024 that he has been engaged a fresh and he needs some time to go through the file. Seeing the conduct, the Court adjourned the matter with cost of Rs.25,000/- and list the matter for 17.12.2024. On 17.12.2024, the counsel for the petitioner requests for adjournment that he is not well and also seeks time to pay the cost and it was clarified by the Counsel for the petitioner that he is also working in the office of M.V. Kini Law Firm and there is no need to file fresh vakalatnama. The vakalatnama filed on behalf of the petitioner relates way back of January 2022 and thus, the court rejected the contention of the Counsel and Chief Law Officer of the petitioner was directed to appear in person. Vide the present application under Section 151 CPC, the petitioner prays for the waiver of the cost imposed vide order dated 08.10.2024.

Counsel for the respondent on the other hand submits that the petitioner is deliberately delaying the matter on one pretext or other and there is no substance in the arguments.

I have perused the record. The present application has been filed on 15.01.2025, i.e. almost after three months the petitioner filed the present application for waiver of cost mentioning the facts as mentioned above. Perusal of record shows that this application has no basis for the reasons as mentioned above keeping in mind the conduct of the petitioner, the way he is pursuing the matter as well as the aims and object of the Commercial Court, which provides for the expeditious disposal of the matters, besides the submission of the Counsel for the petitioner that the matter has to be discussed in his law firm

with respect to whether the cost has to be paid. There is also no force in the contentions of ld. Counsel. Accordingly, the application under Section 151 CPC for waiver of costs is dismissed with another cost of Rs.10,000/-.

The counsel for the petitioner submits that he needs some time to argue the matter on his application under Section 151 CPC. The same is being opposed by the Counsel for the respondent.

Considering the submissions and in the interest of justice, put up this matter for arguments on **01.04.2025**.

Anurag Sain
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
11.02.2025