

12 CS (COMM.) 626/25

Sol Wave Technologies India Pvt Ltd Vs. M/s JSM Energy Pvt Ltd

28.01.2026 (At 10:45AM)

Present : Sh. Rishabh Tiwari, Ld. Counsel for the plaintiff.

Sh. Rishi Didwania, Ld. Counsel for the defendants
through video conferencing.

Written statement along with certain applications and affidavits were filed on behalf of all the defendants. Ld. counsel for defendants was asked to inform the date of service, but he was not aware of exact date. He was informed that as per tracking report filed by plaintiff, defendants were served with the summons on 22.12.2025 through DTDC courier and defendants are presumed to know such date. The written statement was filed online only on 24.01.2026, which was beyond the period of 30 days and defendants have not opted to file any application seeking condonation of delay. Though, ld. counsel for defendants sought adjournment for filing application seeking condonation of delay, but in my opinion further delay cannot be caused for such an ignorant approach of the defendants.

Matter is passed over till 1.00pm. Defendants may take steps accordingly, if they so desire.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
28.01.2026

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At 1:16PM

Present : Sh. Rishabh Tiwari, Ld. Counsel for the plaintiff.
Sh. Rishi Didwania, Ld. Counsel for the defendants
through video conferencing.

Ld. counsel for defendants submits that he has filed application online and it is difficult to reach Patiala House for filing hard copy of the application.

It has been made clear that without having hard copy of any application, this court cannot decide such matter and placing the hard copy on the record is duty of defendants. Advance copy of the same also has to be supplied to opposite counsel. No party can expect relief from the court without pleading as per mandate of law and complying with requirements of the law. It was for ld. counsel and defendants to help themselves, but they seem to be reluctant to help themselves.

At this stage, ld. counsel for defendants submitted that matter may be passed over for 3.00pm and he shall appear by that time to place hard copy on the record. Ld. counsel for plaintiff, though he had reservations, agrees to wait till 3.00pm. Advance copy of application with written statement and other pleadings must be supplied through email to ld. counsel for plaintiff within 30 minutes.

Matter is passed over for 3.00pm.

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

28.01.2026

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:3:

At 3:16 PM

Present: Sh. Rishabh Tiwari, Ld. Counsel for the plaintiff.

Sh. Rishi Didwania, Ld. Counsel for the defendants.

An application under order VIII Rule 1 CPC has been filed there by seeking condonation of delay in filing the written statement on behalf of all the defendants. Copy was supplied to counsel for plaintiff. Submissions heard. Ld. counsel for plaintiff contested this application submitted that at least such application should have been moved in advance and he was made to wait for whole day today just for the sake of this application. He submits that application may be allowed subject to cost. There is delay of three days in filing the written statement but the Statements of Truth which were filed along with the written statement, were filed incomplete in manner, leaving blank spaces left therein. In the larger interest of justice, defendants are given another opportunity to file fresh Statements of Truth and delay in filing written statement with Statements of Truth is condoned subject to cost of Rs.2,000/- to be paid jointly by all the defendants to the plaintiff on the next date of hearing.

One application under Order 1 Rule 10 CPC has also been filed along with written statement. Reply to this application, replication and affidavit of admission/denial in respect of documents filed by defendants, shall be filed by plaintiff up to next date of hearing. However, advance copy of the same must be supplied to opposite counsel at least three days prior to next date.

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On next date arguments shall be heard on application under Order 1 Rule 10 CPC.

Fresh Statements of Truth should also be filed by all the defendants up to next date with advance copy supplied to opposite party.

Both parties shall file their respective address form by next date.

Put up for arguments on **01.04.2026**.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
28.01.2026