

**CISCO SYSTEMS CAPITAL INDIA PVT LTD
Vs.
IYOGI TECHNICAL SERVICES PVT LTD**

CC No. : [537633](#), [537634](#), [537635](#), [537636](#), [539447](#), [543082](#), [18/2016](#), [7800/17](#), [13035](#), [15535/17](#) & [11375/18](#)

CNR No. DLCT020114082016, DLCT020114092016, DLCT020113852016, DLCT020113842016, DLCT020166682016, DLCT020226792016, DLCT020243852016, DLCT020137782017, DLCT020247142017, DLCT020287472017 & DLCT020186122018

20.07.2022

Vide office order no. 67/RG/DHC/2022 dated 11.02.2022, the matters are being taken up physically. As per directions of the Hon'ble High Court of Delhi in WP(C)2018/2021 and in the circular No. 2551/DHC/Gaz./G-2/2022 dated 11.05.2022, the video conferencing link of this court is kept open during court sitting hours and hybrid/VC hearing is permitted in those cases in which request is made in compliance with the said circular.

This court is also functioning as link court of Ld.MM Sh. Gaurav Sharma.

Present : AR of the complainant with Ld. Counsel.
Ld. Proxy Counsel for accused in person.
Accused No. 1 is a company.
AR of the accused no. 1, Accused No. 2 & Accused No. 3 through VC.
Accused No. 4 is absent.
Ld.counsel for accused through VC.

The accused persons have entered appearance through VC despite specific direction of this court on the LDOH to attend this court for the purposes of framing of notice/further proceedings. It is also seen that the accused persons have not even complied with the above captioned order of the Hon'ble High Court of Delhi and have joined VC straight away, which is strongly objected by the complainant.

Perusal of the record reveals that CC No. 7800/17 is pending for framing of notice against all accused persons whereas CC No. 15535, 13035/17, 18/16 & 11375/18 are pending for framing of notice against accused no. 2 & 4 (that is Mr. Udhayan Challu and Mr. Deepak Maheshwari).

The other CC numbers i.e. 539447, 537635, 537634, 537633, 537636 & 543082/16 are all pending for cross examination of the complainant.

It is seen that these matters are more than five years old and being

connected matters, cross examination of AR is getting postponed as the accused persons are not appearing before this court physically for framing of notice. Even the accused persons who have appeared through VC today, appear to have no idea and cannot suggest any procedure as to how notice can be framed against them through VC and without they being given an opportunity to be confronted with the judicial file. On inquiry, it is stated that the accused Deepak Maheshwari is out of India. No exemption application on his behalf has been moved and he has not even joined VC despite the other accused undertaking to join him through VC today. The accused Udhayan Challu is not able to put forth any ground for his appearance through VC except bare apology. The record reveals that despite directions passed on the last date of hearing, the accused persons have not appeared before this court effectively today and appearance through VC has resulted in unnecessary adjournment for the purposes of framing of notice in matters where it is pending. Considering the same, all the accused persons are burdened with composite cost of Rs. 4,000/- to be paid in equal proportion and cumulatively in all eleven cases listed today. The accused persons are strictly warned that any further adjournment/delay shall be suitably awarded with cost and the lenient view in respect of bail shall be liable to be reviewed. The accused persons are directed to file their surety bonds positively by NDOH.

List the matter on 27.09.2022 at 12.00 PM for further proceedings.

**(Visvesh)
MM, NI Act-06, Central District, THC
20.07.2022**

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