

CS (COMM) No.54/2026

**APEX HEALTHCARE THROUGH PROP VS KALPANA
CHAWLA GOVT MEDICAL COLLEGE**

04.06.2026

File taken up today on an application filed by the defendant for preponement of hearing of the application filed by the defendant for waiving of cost.

Present: Ms. Sonali Tiwari, Ld. Counsel for non applicant/plaintiff on VC.
Ms. Bhawna Sharma, Ld. Counsel for applicant/defendant.

Ms. Sonali Tiwari, Advocate has appeared in pursuance to oral request of Ld. Counsel for applicant/defendant.

Ld. Counsel for plaintiff submits that she has no objection, if the application for preponement is allowed.

Accordingly, hearing of the application seeking waiver of cost is preponed to today and now.

With consent of both the parties, application for waiver of cost filed by the defendant is taken up for hearing.

Ld. Counsel for applicant/defendant submits that on account of delay in collecting necessary documents and information as well as on account of absence of regular counsel from the matter some lapses occurred on the part of the defendant and hence, there is delay in filing the written statement as well as not filling the same in accordance with the procedure of the Commercial Courts Act and this court subject to cost of Rs.50,000/- accepted the written statement and granted the time to defendant to remove the defects and to complete formalities. Ld. Counsel for applicant/defendant request that cost imposed is very high and request for leniency. She has also relied

upon one ruling of the Hon'ble High Court, where Hon'ble High Court has taken lenient view. She has further submitted that defendant has completed all the formalities as required for filing written statement within the extended period and therefore, request that cost must be reduced.

Ld. Counsel for plaintiff has pointed out the conduct of the defendant in pursuing the present case leisurely and how defendant goofed up in filing the written statement. She has submitted that in view thereof, no leniency is required particularly qua the government department which are required to function in accordance with rules and law.

Having heard rival submissions of the parties, it is not in dispute that government agency are required to strictly act in accordance with the rules and law and therefore, they do not have any right to say that delay occurred on account of one or other reason and, therefore, there is no ground to reduce the cost. However, taking the lenient view, the cost is reduced to Rs.25,000/-. It be paid to the plaintiff or its counsel within 3 days.

Application stands disposed of accordingly.

Put up on date fixed fixed i.e. 21.07.2026.

(HARISH KUMAR)
District Judge, Commercial Court-04
West District, Tis Hazari Courts
Delhi/04.06.2026