

CS (COMM) No. 514/26  
TRISQUARE SWITCHGEARS PVT LTD  
Vs.  
EARTH EPC PROJECTS PVT LTD & ANR

06.06.2026

Present: Sh. Raj Mandal Kumar, Counsel for the Plaintiff.

1. Matter is today fixed for consideration.
2. At this stage, hard copy of an application U/o XI Rule 1(5) r/w Section 151 of CPC alongwith supporting affidavit, list of documents with documents and affidavit U/s 63 of BSA have been filed (e-filed on 05.06.2026).

**I.A. No. 01/2026:-**

3. By way of application U/o XI Rule 1(5) of CPC, plaintiff seeks to place on record the additional documents i.e. commercial invoice and tax invoice, delivery challan, packing list, e-way bill, transport receipt, some left over emails/communications between plaintiff and defendant and certificate U/s 63 of BSA.
4. It is stated that these documents are relevant and material for just adjudication of the present suit and non-filing of the same at the time of institution of the suit was neither deliberate and intentional but due to inadvertence. It has been further averred that the suit is at initial stage and therefore, no prejudice would be caused to defendant if the application is allowed whereas grave prejudice and irreparable loss would be caused to the applicant in case the present application is not allowed. Thus, it is prayed that plaintiff be permitted to place the additional documents on record.

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5. Heard. I have perused the record.

6. The documents sought to be placed on record are necessary for just adjudication of the present case. Suit is at initial stages. Summons have not been issued yet and therefore, no prejudice is going to be caused to non-applicant/defendant if the additional documents are permitted to be taken on record. Hence, in view of the submissions and in the facts and circumstances explained in the application, the application in hand is allowed and plaintiff is permitted to place on record the additional documents i.e. commercial invoice and tax invoice, delivery challan, packing list, e-way bill, transport receipt, some left over emails/communications between plaintiff and defendant and certificate U/s 63 of BSA. as prayed for. **The I.A. is disposed of accordingly.**

7. Perusal of memo of parties reveals that the director of defendant no.1 Company has been impleaded as defendant no.2 in the suit. Being director, he does not have any personal liability, hence, it is not deemed necessary to issue summons to defendant No.2.

8. Let the summons of the suit be issued for the settlement of issues to the defendant No.1 only on filing of PF through concerned Ld. District Judge, Shahibaug, Ahmedabad as well as through Speed Post and approved Courier. Mobile No., if any, be mentioned upon the processes.

9. As prayed, the sealed covers containing the summons and complete paper book of the case be handed over *dasti* to the plaintiff/counsel for putting the same in the postal

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transmission. The original postal receipts along with the downloaded track report from the website of India Post along with a certificate U/s 63 of Bharatiya Sakshya Adhiniyam, 2023 be placed on record by the plaintiff/counsel on the next date.

10. In case the Plaintiff has any e-mail, fax ID or mobile number (having WhatsApp/Gims/Sandes application) or any other electronic address of the defendant no.1, the particulars of the same be filed/furnished in court by the plaintiff vide an affidavit in accordance with Rule 12 of the Delhi Court Services of Process by courier, FAX and Electronic Mail Service (Civil Proceedings) Rule, 2010.

11. If such an affidavit, verifying the correctness of the electronic addresses of defendant no.1, is furnished, the process be sent through electronic mode as well as through the Nazarat Branch enclosing an electronic copy of the plaint and documents which will be furnished by the plaintiff. The plaintiff is also at liberty to serve the defendant through aforesaid electronic modes and affidavit of service proof be filed on the next date of hearing.

12. In terms of Rule 13, plaintiff is directed to place on record a copy of the plaint and documents in electronic format/scanned images in compliance of Rule 13 for forwarding/annexing/attaching the same with the process.

13. Requisite process fee for sending process by electronic mode in compliance of Rule 14 be also filed along with the copies as above for onward transmission to Nazarat Branch, for service through electronic mode.

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14. Steps be taken within four days. Ahlmad shall issue the summons within two days of receipt of process and if plaintiff fails to take the steps within four days, on deposit of a cost of Rs.5,000/- with DLSA, Central District, process be issued if the step is taken at least seven days before the next date of hearing failing which the suit shall be dismissed for non-prosecution.

15. The defendant No.1 to file written statement alongwith statement of truth and affidavit of admission/denial of the documents attached with the plaint, as per law and not beyond 30 days from the date of service.

16. **As prayed, be put up for report of service/filing of written statement, if any on 13.07.2026.**

(Devendra Kumar Sharma)  
District Judge (Commercial Court-03)  
Central/ THC/ Delhi  
**06.06.2026**