

5 CS (COMM.) 737/25

M/s Equipment Planet Vs. Vikas Singh

13.05.2026 (At 10:26AM)

Present: Sh. Suresh Kumar Singh, Ld. Counsel for the plaintiff
with Sh. Achal Sachdeva, AR of plaintiff.
Sh. Vivek Sharma, Ld. Counsel for the defendant
through video conferencing.

1. Fresh written statement along with fresh Statement of Truth, list of documents with documents, certificate under Section 63 BSA and declaration under Order XI Rule 6 CPC were filed on behalf of defendant on 01.04.2026, as per additional opportunity given by this court on 30.03.2026. However, despite making reference of the same on last date of hearing, defendant has not opted to file affidavit of admission/denial in respect of documents filed by plaintiff.
2. Accordingly, all the documents of the plaintiff shall be deemed to be admitted by the defendant. Though ld. counsel for defendant sought another opportunity, however, keeping in view the nature of the suit i.e. commercial suit, stringent time lines have to be adopted. Therefore, this request of the defendant is declined.
3. More unfortunately, on perusal of declaration under Order XI Rule 6 CPC, I find that despite giving additional opportunity, pain was not taken to go through the relevant law provision to prepare the same as per requirement of the law so as to furnish all the requirements to ensure that all the informations are given. In these circumstances, the consequences arising of invalid

certificate and declaration filed by the defendant, shall be appreciated at the appropriate stage.

4. Despite giving direction, even plaintiff did not file proof of deposit of GST and it is admitted by ld. counsel today that GST was not paid by plaintiff.
5. On the basis of pleadings of parties, following issues are framed:-
 1. Whether this court has territorial jurisdiction to entertain and try this suit? OPP
 2. Whether the plaint discloses commercial dispute? OPP
 3. Whether plaintiff is entitled for recovery of Rs.26,94,635/-, as prayed for? OPP.
 4. Whether plaintiff is entitled for pendente-lite and future interest, as prayed for? OPP
 5. Any other relief, if any.
6. Though, plaintiff has prayed for interest w.e.f. the date of raising the bills, however, it is also conceded by ld. counsel for plaintiff that plaintiff has neither pleaded such amount of interest nor has valued the suit on such amount of interest nor has paid any court fee on the same. Therefore, that part of prayer has to be ignored.
7. No other issue arises or pressed for. Issues no.1 and 2 are related to application of law and maintainability of the suit before this court. Hence, same shall be treated as preliminary issues. Parties are invited to make their submissions on both these issues.
8. Put up on **27.08.2026** for arguments.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.13.05.2026