

CS (COMM) No. 68/26
NANYA AIRCONN PVT. LTD.
Vs.

OM BALAJEE AUTOMOBILE INDIA PRIVATE LIMITED

14.03.2026

Present: Sh. Nitin Goel, Counsel for the Plaintiff alongwith Sh. Ashish Jain, AR of the Plaintiff.
Sh. Rudra Pratap Singh and Sh. Deepak Tiwari (*through VC*), Counsels for the Defendant alongwith Sh. Anil Kumar Shukla, Admin Head of the Defendant.

1. Matter is today fixed for arguments on the miscellaneous application U/o VII Rule 11 r/w Section 151 of CPC, application U/s 151 of CPC, admission/denial, framing of issues and case management hearing.

2. At this stage, an **application for substitution of AR** of defendant has been filed (e-filed today) *inter-alia* on the ground that previous AR Sh. Vipin Tiwari has resigned from the company. It is further averred that vide Board Resolution dated 13.03.2026, Mr. Anil Kumar has been authorized to represent the defendant company. It is accordingly prayed that previous AR be permitted to be substituted by Sh. Anil Kumar. In support of averments, copy of Board Resolution in favour of Sh. Anil Kumar has been filed. Counsel for the plaintiff has no objection if the application be allowed.

3. Heard. I have perused the record.

4. In view of the submissions and in the facts and circumstances explained in the application and after perusal of the Board Resolution filed alongwith the application, the application for substitution of AR is allowed and Sh. Anil Kumar

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is permitted to be substituted as AR of the defendant in place of previous AR Sh. Vipin Tiwari. **Application is disposed off.**

5. By way of **application U/s 151 of CPC**, defendant is seeking exemption from filing the original documents. It is stated that the photocopies of the documents have been filed alongwith the written statement.

6. Heard. Defendant is exempted from filing the original documents at this stage. The original documents shall be produced at the stage of evidence or as and when directed by the Court. **The application is disposed off accordingly.**

7. Vide separate order of even date, dictated and pronounced in the open Court, **the application filed on behalf of the defendant U/o VII Rule 11 r/w Section 151 of CPC is dismissed.**

8. Admission/denial of documents carried out by ARs for the parties. The AR for plaintiff has denied all the documents placed on record by the defendant. The AR for defendant, on the other hand, has admitted following documents which are now being exhibited:-

- 1) Printout of ROC Certificate of Defendant downloaded from website of MCA – **Ex.P1**
- 2) Printout of GST Certificate of Defendant downloaded from the website of GST – **Ex.P2**

9. Plaintiff shall ensure that exhibits number given to above noted documents are retained in the evidence affidavit of PW. **Admission/denial stands completed.**

10. No proposed issues have been filed on behalf of any of the parties.

11. Pleadings are otherwise complete. From the pleadings of parties, following issues are framed:-

- 1) *Whether the plaintiff is entitled to a decree of recovery of Rs.3,18,216/- against the defendant, as prayed for? (OPP)*
- 2) *Whether the plaintiff is entitled to any interest, if so, at what rate and for which period? (OPP)*
- 3) *Whether the suit of the plaintiff is not maintainable being without any cause of action, as claimed? (OPD)*
- 4) *Whether the defendant had made purchase returns of Rs.3,36,029/- towards discharge of the invoices raised by the plaintiff and the plaintiff had failed to give proper credit to these purchase returns in its statement of account, as claimed? (OPD)*
- 5) *Whether certain goods supplied by the plaintiff were found to be defective and the defendant had raised a debit/return challans amounting to Rs.83,600/- towards adjustment of the value of the returned goods and the plaintiff has failed to account for this adjustment while computing the alleged outstanding amount, as claimed? (OPD)*
- 6) *Whether the suit of the plaintiff is barred by limitation, as claimed? (OPD)*
- 7) *Relief.*

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12. No other issue is proposed or is pressed for on behalf of parties.

13. Case management hearing is held. After consulting with both the parties, the following schedule for the recording of evidence has been finalized by consensus:-

- 1) *The entire evidence of plaintiff's witnesses shall be recorded on 08.04.2026.*
- 2) *The entire evidence of defendant's witnesses shall be recorded on 14.04.2026.*
- 3) *Final arguments shall be addressed by the parties on 20.04.2026, as prayed. Each of the parties shall be granted time not exceeding 30 Minutes to address the final arguments. The plaintiff shall be, however, also granted ten minutes additional time for rebuttal arguments.*
- 4) *Issue wise brief written arguments/submissions be filed by the parties on the date fixed for final arguments with direction to supply advance copy of the same to learned opposite counsel.*
- 5) *Alongwith the written arguments/submissions, a list of citations, case law with copies be also filed. Advance copies of the same be also supplied to learned counsel for opposite party. The list of case law be filed in a tabular form stating the citation and name of the case; the point relied upon and on what aspect the same is relevant in the present case specifying para number.*

14. The parties to adhere to the time-line strictly else adverse consequences shall follow in accordance with the provisions of the Commercial Courts Act, 2015.

15. Both parties shall file the list of witnesses within a week from today and shall file their evidence by way of affidavit in examination-in-chief in the Court at least one week before the date so fixed and shall also supply copy thereof to the other party

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at least one week before the date fixed for evidence, failing which a cost of Rs.10,000/- shall be deemed to have been imposed payable to the other party. Proof of supply of copy be also filed at the time of filing of the affidavit.

16. **As prayed, be put up for PE on 08.04.2026, for DE on 14.04.2026 and for final arguments on 20.04.2026.** Witnesses, if any, be summoned in advance.

(Devendra Kumar Sharma)
District Judge (Commercial Court-03)
Central/ THC/ Delhi
14.03.2026