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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 161/2012

M/S H.Q.R.P. LIMITED & ORS

.....Plaintiffs

Through: Mr.Sandeep Mittal, Adv.

versus

M/S M.T.I LIMITED & ORS

.....Defendants

Through: Mr.Nitesh Jain, Mr.Vatsal Chandra, Advs. for D-1 to 4.
Mr.Bhupendra Tyagi and Ms.Poornima Tyagi, Advs. for D-6, 10 to 12, 20 and 26 to 28.
Mr.Gaurav Tanwar, Adv. for D-13 to 19 & 23.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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23.07.2024

1. On hearing the learned counsels for the parties and perusing the pleadings, following issues are hereby framed:

Issue no.1: Whether the Suit has not been filed within the period of limitation? **OPD-2 & 3.**

Issue no.2: Whether the Plaintiff nos.2 and 3 have any actual cause of action against the Defendants? **OPD-2 & 3.**

Issue no.3: Whether this Court has jurisdiction to entertain and adjudicate the present Suit in view of the Companies Act, 2013? **OPD.**

Issue no.4: What is the effect of the different Suits having been filed by the Defendant nos. 6, 10 to 12, 20 and 26 to 28



against the Plaintiffs, and are pending for adjudication in different Courts for recovery of the amounts allegedly paid to the Plaintiff no.1? **OPD-6, 10 to 12, 20 and 26 to 28.**

Issue no.5: Whether any legally valid and binding contracts were entered into between the Plaintiff No. 1 and Defendant Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28 and 29 respectively? **OPD 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28 & 29.**

Issue no.6: Whether the Defendant nos. 2 and/or 3 had the authority to enter into any contracts for and on behalf of the Plaintiff No.1 Company while acting as its directors from 01.06.2005 till 14.01.2009? **OPD 2 & 3**

Issue no.7: If the answer to Issue No. 6 is in the affirmative, whether the Defendant nos. 2 and/or 3 exercised the said authority *bona fide*ly and in the interest of the Plaintiff No.1 Company? **OPP**

Issue no.8: If the answer to issue no. 6 is in the negative, whether the Defendant nos. 2 and/or 3 are personally liable for any actions and/or omissions with respect to any contract entered into with Defendant nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28 and 29 on behalf of the Plaintiff no. 1 company? **OPP**

Issue no.9: Whether there is any relationship *inter-se* between Defendant nos. 1, 2, 3, 6 and 10 on the one side and Defendant nos. 11 and 12 on the other side? If so, to what effect? **OPP**

Issue no.10: Whether there is any relationship *inter-se*



between Defendant nos. 13, 14, 15, 16, 17, 18, 19 and 23? If so, to what effect? **OPP**

Issue no.11: Whether there is any relationship *inter-se* between Defendant nos. 21, 22, 24, 25 on the one side and Defendant nos. 6, 10, 11 and 12 on the other side? If so to what effect? **OPP**

Issue no.12: Whether there is any relationship *inter-se* between Defendant nos. 26 and 27 on the one side and Defendant no. 10 on the other side? If so to what effect? **OPP**

Issue no.13: Whether the Defendants nos. 11 to 29 acted in concert with any of the Defendant nos. 2 to 10 to cause unlawful loss to and create fictitious liabilities on Plaintiff no. 1 company? **OPP**

Issue no.14: Whether any money was paid by Defendant nos. 2 and 3 to themselves and/or to other Defendants from the accounts of the Plaintiff no. 1 company? **OPP**

Issue no.15: If Issue no.14 is decided in favour of the Plaintiffs, whether such money was paid for valid, *bona fide* and lawful purposes? **OPD**

Issue no.16: Whether the Plaintiffs are entitled to the declaratory reliefs, as prayed for, in prayers A and C of the Plaint? **OPP**

Issue no.17: Whether the Plaintiffs are entitled to reliefs, as prayed for, in prayer B of the Plaint? **OPP**

Issue no.18: Whether the Plaintiffs are entitled to injunctive reliefs, as prayed for, in prayer E of the Plaint? **OPP**



Issue no. 19: Whether the Plaintiff No. 1 company is entitled to a Decree of damages for an amount of Rs.61,00,00,000/- from the Defendants, jointly and/or severally, as prayed for, in prayer D of the Plaint? **OPP**

Issue no.20: Whether the Plaintiff No. 1 company is entitled to a Decree of recovery of Rs.31,00,000/- from the Defendant No. 1, as prayed for, in prayer F of the Plaint? **OPP**

Issue no.21: Whether the Plaintiff No. 1 is entitled to a Decree for recovery of Rs.34,44,128/- from the Defendant No. 11, as prayed for, in prayer G of the Plaint? **OPP**
Relief.

2. The parties shall file their list of witnesses within a period of four weeks from today.
3. The Plaintiffs shall file evidence by way of affidavit of its witnesses within a period of eight weeks thereafter.
4. List on 6th November, 2024 before the learned Joint Registrar (Judicial) for recording of the evidence.

NAVIN CHAWLA, J

JULY 23, 2024/Arya/VS

Click here to check corrigendum, if any