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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 133/2020, I.A. 4167/2020, I.A. 6412/2020, I.A. 6414/2020,
I.A. 45693/2024, I.A. 4504/2025 & I.A. 4520/2025, I.A. 11524/2025

ENERGY EFFICIECY SERVICES LTD. & ANR.Plaintiffs

Through: Mr. Vijay Nair, Ms. Pallavi Tayal and
Mr. Yash Varma, Advs.

versus

AVINASH KUMAR & ORS.Defendants

Through: Mr. Rakesh Pandey, Adv. for D-2&4.
Ms. Sripariya Dutta and Ms. Kopal
Tewary, Advs. for D-6.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **10.10.2025**

**I.A. 4519/2025 (filed on behalf of plaintiff No.1 for amendment of
plaint)**

1. On the oral request of the learned counsel appearing for the plaintiffs, this application is treated to have been filed by both the plaintiffs.
2. Learned counsel appearing for the plaintiff submits that earlier the civil suit was filed seeking damages to the tune of Rs. 50,00,00,000/- and the plaintiffs were to make the payment of the Court fees of Rs.48,88,344/-. However, during the pendency of the proceedings, the plaintiffs in their internal meeting decided to confine the claim to the extent of Rs.2,05,00,000/-. Accordingly, learned counsel submits that the plaintiffs



would be liable to make the payment of *ad veloram* court fees of Rs. 2,02,424/- and to that extent the amendment is sought in the plaint.

3. The instant application is vehemently opposed by learned counsel appearing for the defendants. He contends that till date, no court fees has been paid and, therefore, the suit should have been dismissed at the inception. Secondly, he submits that no reasons are placed on record to justify the decision of the internal meeting. The plaintiffs are unnecessarily protracting the proceedings against the defendants, and the defendants are being unnecessarily victimized.

4. Having considered the submissions made by learned counsel appearing for the parties, the Court finds that the issues in the instant civil suit have not yet been framed, and even the plaintiff had not made the payment of the court fees *qua* the original claim made in the suit itself.

5. Under the circumstances enumerated in the application as well as looking at the nature of the dispute which has been raised herein, the Court finds that the valuation of the civil suit and the court fees to be paid thereto, would be at the discretion of the plaintiff and there is no impediment in allowing such an application more importantly where the suit is only for damages.

6. The application stands allowed and disposed of.

CS(OS) 133/2020, I.A. 4167/2020, I.A. 6412/2020, I.A. 6414/2020, I.A. 45693/2024, I.A. 4504/2025 & I.A. 4520/2025, I.A. 11524/2025

1. The amended plaint is taken on record.

2. Let the plaintiff to make the payment of court fees on the basis of the amended plaint within a period of seven working days from today.

3. All objections of the defendant with respect to the main matter stand



reserved.

4. List this matter on 12.11.2025.

PURUSHAINDRA KUMAR KAURAV, J
OCTOBER 10, 2025/P/MJ