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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 100/2021 & I.As.3133-34/2021, 6507/2021, 6515/2021, 8041/2021**

RAAJ UNOCAL LUBRICANTS LIMITED Plaintiff
Through: Mr. Jayant Mehta, Sr. Advocate with
Mr. Kapil Wadhwa & Ms. Deepika
Pokharia, Advs. (M:9891929028)
versus

APPLE ENERGY PVT LTD & ANR. Defendants
Through: Mr. Raj Shekhar Rao, Sr. Advocates.
with Ms. Shwetashree Majumder, Ms.
Diva Arora, Mr. Aditya Verma, Mr.
Rohan Krishna Seth & Ms. Archita
Nigam, Advocates. (M:9873450562)

(3) AND
+ **CS (COMM) 285/2021 & I.A.7419/2021**

PHILLIPS 66 COMPANY Plaintiff
Through: Mr. Raj Shekhar Rao, Sr. Advocates.
with Ms. Shwetashree Majumder, Ms.
Diva Arora, Mr. Aditya Verma, Mr.
Rohan Krishna Seth & Ms. Archita
Nigam, Advocates.
versus

RAAJ UNOCAL LUBRICANTS LIMITED Defendant
Through: Mr. Jayant Mehta, Sr. Advocate with
Mr. Kapil Wadhwa & Ms. Deepika
Pokharia, Advocates.

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER
% 29.03.2022

1. This hearing has been done through hybrid mode.



I.A. 3134/2021 (for appointment of LC)

2. This is an application seeking the appointment of Local Commissioner. The matter has proceeded for final arguments on the interim injunction application. Therefore, at this stage, this application is infructuous.

3. ***I.A. 3134/2021*** is disposed of.

I.A. 6507/2021(for additional documents)

4. This is an application seeking leave to produce additional documents on record. The additional documents are taken on record, subject to the objections which shall be addressed at the time when the documents are relied upon.

5. If the Defendant wishes to file any documents rebutting the said additional documents, they are permitted to do so, within four weeks.

6. ***I.A. 6507/2021*** is disposed of.

I.A. 6515/2021

7. This is an application under Section 340 Cr.P.C. which has been filed on the ground that the Plaintiff is guilty of manipulating/fabricating certain documents including invoices.

8. According to Id. Counsel for the Defendant, a perusal of one of the invoices would *per se* show that it has been fabricated. Following the judgment in ***Punjab Tractors Limited v. M/s. International Tractors Ltd. & Ors. [CS(OS) No.470/2004 decided on 18th September, 2009]***, the Defendant shall lead evidence in respect of this application and the facts pleaded therein, so that the application under Section 340 Cr.P.C. can be adjudicated at the final stage of the suit.



9. However, at the interim stage, the Defendant is permitted to rely on the impugned document to establish the alleged *mala fide* conduct of the Plaintiff.

10. ***I.A. 6515/2021*** is disposed of.

CS(COMM) 100/2021, I.A. 8041/2021, I.A. 3133/2021(u/O XXXIX R 1 & 2 CPC)

CS(COMM)-285/2021 & I.A. 7419/2021(u/O XXXIX R 1 & 2 CPC)

11. Pleadings are complete in these applications being ***I.A. 8041/2021, I.A. 3133/2021*** and ***I.A. 7419/2021***.

12. Pursuant to the filing of ***I.A. 4316/2021*** seeking vacation of stay, the initial injunction order dated 8th March, 2021 was modified. However, further reliefs sought by the Defendant are yet to be considered by this Court.

13. Arguments heard in part.

14. List for further hearing on 21st April, 2022 at 2:30 p.m.

PRATHIBA M. SINGH, J.

MARCH 29, 2022

dj/ad