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

+ **CS(COMM) 408/2022, I.A. 9316/2022, I.A. 9318/2022**

STERLITE TECHNOLOGIES LTD

..... Plaintiff

Through: Mr. Pravin Anand, Ms. Prachi
Agarwal and Mr. Ridhie Bajaj,
Advocates.

versus

HFCL LIMITED

..... Defendant

Through: Mr. Shantanu Tyagi, Ms. Apoorva
Murali, Ms. Neha Khanduri and
Ms. Luma Abbas, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.02.2024

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1. In terms of order dated 06th October, 2023, the matter was listed today for consideration of the issue whether the counter-claim filed by Defendant is barred by time.

2. Mr. Pravin Anand, counsel for Plaintiff, fairly states that although the Plaintiff initially took an objection to the belated filing of counter-claim, however, upon research, they have come across the judgment of the Supreme Court in the case of *Ashok Kumar Kalra v. Wing CDR Surendra Agnihotri and Ors*,¹ which holds that counter-claim can be filed at any stage prior to the framing of issues. Thus, Mr. Anand does not object to the counter-claim being registered.



3. Accordingly, Registry is directed to allocate a number to the counter-claim. Issue summons in the counter claim. Mr. Pravin Anand, accepts summons. Let written statement to the counter-claim be filed within 30 days from today. Replication, thereto, be filed within the time prescribed.
4. The observation in the order dated 06th December, 2023 to the effect that the matter is at the stage of framing of issues is obviously an oversight. The said order stands corrected accordingly.
5. List before the Joint Registrar for completion of pleadings in the counter-claim on 22nd April, 2024.
6. List before the Court after the pleadings are complete and for consideration of the pending applications on 04th April, 2024.

SANJEEV NARULA, J

FEBRUARY 9, 2024

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¹ (2020) 2 SCC 394