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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 166/2018 & I.A. 12083/2018 & CC 70/2016

NRP PROJECTS PRIVATE LIMITED

..... Plaintiff

Through

**Mr.Manu Sheshdri with Mr.Santosh
Chowdhary, Advocates.**

versus

INDIAN OIL CORPORATION LIMITED

..... Defendant

Through

**Mr.Divjyot Singh with Ms.Avsi
M.Sharma, Advocates.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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31.01.2019

I.A.No.14808/2018

Present application has been filed by the defendant for placing on record the additional documents under Order VIII Rule 1A(3) CPC.

Learned counsel for the defendant/applicant states that the additional documents now sought to be placed on record had been misplaced while shifting them to Paradip-Haldia-Barauni Pipeline Office, Paradip. He further states that the said documents were ultimately found lying with documents pertaining to another project undertaken by the defendant i.e. Paradip-Raipur-Ranchi-Pipeline project. He emphasises that the said documents had been traced recently and therefore could not be filed along with the pleadings. He points out that the documents now placed on record are RA bills



submitted by the plaintiff, e-mails exchanged between the parties and the note-sheet dated 09th July, 2012, on the basis of which the price discount had been levied by the defendant-company on the plaintiff.

Though the nomenclature under which the plaintiff's application has been filed is not maintainable, yet keeping in view the power conferred on this Court under Order XI Rule 1(10) CPC, the present application is allowed without prejudice to the rights and contentions of the plaintiff, subject to the payment of costs of Rs.25,000/- to the Lok Nayak Hospital within a period of two weeks. The plaintiff is permitted to file additional documents, in response, if any, within one week.

Accordingly, the present application stands disposed of.

CS(COMM) No.166/2018

List the matter before the Joint Registrar for further admission/denial of the documents on 11th February, 2019.

MANMOHAN, J

**JANUARY 31, 2019
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