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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 664/2022, I.A. 15660/2022-Stay, I.A. 3362/2023-O 39
R 4, I.A. 15351/2023-Addl.doc. by plaintiff, I.A. 174/2024-O 39 R
2A, I.A. 4214/2024-Dir. by plaintiff, I.A. 9580/2024-To take on
record written statement lying under objection, I.A. 9946/2024-O 8
R 1 & 10.

U.S. GREEN BUILDING COUNCILPlaintiff
Through: Ms. Ekta Sarin and Mr. Ayush
Samaddar, Advs.

versus

DEMING CERTIFICATION SERVICES PVT LTD.....Defendant
Through: Mr. Piyush Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
07.05.2025

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1. Learned counsel appearing for the defendant once again seeks adjournment on the ground that a Special Leave Petition has been filed before the Hon'ble Supreme Court on 07.03.2025, however, the same is still pending under defects. The same was the contention of the learned counsel for defendant on the last date of hearing as well.
2. Learned counsel appearing for the plaintiff submits that the same is another delaying tactic of the defendant, particularly, since it is now seeking to belatedly challenge the order dated 27.09.2022 passed by this Court in the present proceedings by way of a Special Leave Petition. This is, when the defendant was all throughout duly represented and raised no issue regarding the same till date.

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3. Interestingly, this Court then finds that though the plaintiff has also filed I.A.9946/2024 under *Order VIII Rule(s) 1 and 10* read with *Section 151* of the Code of Civil Procedure, 1908 way back in April, 2024 and wherein notice has also been issued on 03.05.2024. The defendant, despite service and participating in the present proceedings, has not filed any response thereto till date.

4. Interestingly, the learned predecessor of this Court in paragraph 9 of the order dated 22.02.2024 has recorded as under:-

“9. It is made clear that non-compliance of orders of this Court may invite strictures as well as exemplary cost and damages.”

5. Additionally, this Court finds that though in terms of paragraph 6 of the order dated 02.04.2024 the defendant was directed to file *“A copy of the application for change of name be also filed along with an affidavit by the defendant before the next date of hearing with copy to the opposing side.”*, however, the defendant is yet to comply with the same even as on date.

6. The aforesaid overall conduct of the defendant reflects that it is merely trying its best efforts to seek time on one pretext or the other to derail this Court to proceed further and hear the parties on merits. Therefore, considering the dilatory tactics adopted by the defendant, adjournment is granted subject to costs of Rs.50,000/- payable to the Delhi High Court Bar Association Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period of two weeks.

7. The defendant is also granted one last opportunity for filing an affidavit in terms of the order dated 02.04.2024 within a period of two

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weeks. Needless to say, if the said affidavit is not filed in compliance thereof within the aforesaid period, the same shall only be taken on record subject to a further cost of Rs.50,0000/- payable to the Delhi High Court Bar Association Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period two weeks.

8. Renotify on 05.08.2025.

SAURABH BANERJEE, J

MAY 7, 2025/bh

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