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

+ **CS(COMM) 752/2022 I.A. 7691/2024 I.A. 35304/2024**

M/S D.K. METALS AND ALLOYS FZCPlaintiff

Through: Mr. Nishant Solanki & Mr. Praveen
Swaroop, Advs.

versus

M/S DWARKESH ALLOYS PVT LTD & ANR.Defendants

Through: Mr. Arun Kumar Kaushik, Adv. for
D-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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06.03.2025

I.A. 13811/2023 (under Order XI Rule 4 of Commercial Courts Act)

1. This application has been filed for placing on record Board Resolutions, Special Power of Attorney ('SPA'), and Bills of Entry ('BoE'). As regards Board Resolutions and SPA, the same are in relation to the new Authorised Representative ('AR') to represent the Plaintiff Company. Accordingly, the same are taken on record and the new AR will henceforth represent the Plaintiff Company.
2. As far as BoE are concerned, an objection is raised by counsel for defendants that these documents were in possession of plaintiff previously, and they have not sought leave of the Court before placing the documents on record.
3. Accordingly, counsel for plaintiff seeks liberty to file fresh application in this regard with proper details; granted.
4. This application stands disposed of with the liberty as prayed for.



I.A. 13914/2023(under Order XIII A Rule 1 & 7 of Commercial Courts Act)

1. This application has been filed under Order XIII A Rule 1 & 7 of Commercial Courts Act, 2015 seeking summary judgment on account of clear and unambiguous admission on the part of defendant no.1 as noted in *paragraph 15* of the written statement filed by defendant no.1. For the ease of reference *paragraph 15* of the written statement is extracted as under:

*“15. That admittedly the parties to the present suit are carrying on their business from different economic territories. The exports and imports of goods are to be recorded in the account of the transacting parties at the market price prevailing when exchange of ownership occurs. Recording of exports and imports of services should be recorded at the market price prevailing on the date the services are supplied to the purchaser. **Therefore as per prevalent rate of foreign exchange in 2018 to 2019, the total value of goods supplied by the plaintiff to the defendant No.1 amounts to Rs. 8,88,92,977.70”.***

2. Plaintiff’s counsel states that goods have been duly supplied to defendants, which have been utilised by them. Additionally, he relies on BoEs for the Duty paid by defendants for clearing the said goods from Indian Customs website, which also reflects the Import-Export Code (IEC Code) of goods supplied to defendant no.1.

3. Since leave has been granted to plaintiff for filing a separate application with respect to BoE to be taken on record, this application will be considered along with that application.

4. List on 17th July 2025.

5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 6, 2025/sm/bp