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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 89/2022**
M/S QUICK2SHELF FOOD SOLUTIONS PRIVATE LIMITED

.....Plaintiff

Through: Mr. Akhil Suri and Mr. Jitu, Advs.

versus

M/S AN TRADERS PRIVATE LIMITED & ORS.Defendant

Through: Mr. Kunal Lakra, Adv.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

21.05.2025

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1. The parties have handed over a copy of the joint draft issues on behalf of the parties.
2. With the assistance of the parties, the following issues have been framed: -
 - i. Whether the raw material was delivered by the plaintiff to defendant on latter's written instructions on the terms and conditions set out in the agreement dated 25.01.2018? **(OPP)**
 - ii. Whether the Plaintiff is entitled for a Decree for a sum of Rs. 12,59,88,602/- (Rupees Twelve Crore Fifty-Nine Lakh Eighty-Eight Thousand Six Hundred and Two) alongwith interest from the due date(s)? **(OPP)**
 - iii. Whether the Plaintiff is entitled for award of pendente lite and future interest, per annum, from the date of institution of the present Suit till the date of realisation of the Decretal Amount? **(OPP)** if so, at what rate?
 - iv. Whether the alleged debt of the Plaintiff, as sought in the present Suit, is barred by the period of limitation? **(OPD)**

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- v. Whether the Defendant Nos. 2 and 3 are necessary and proper parties to the present suit merely because they are directors of the Defendant No.1 Company? **(OPD)**
 - vi. Whether the claim raised by the Plaintiff with respect to the 24 dishonoured cheques is not maintainable since the entire payment qua the 24 cheques has already been made by the Defendant No.1 through RTGS from 20.11.2012 till 16.06.2014? **(OPD)**
 - vii. Whether defendant no. 1 and 2 are jointly and severally liable?
 - viii. Relief and costs
3. No other issues are pressed by the parties.
4. Learned counsel for the plaintiff fairly concedes that plaintiff does not have any privity of contract with Defendant no. 3. He states that defendant no. 3 may be deleted from the array of parties.
5. Defendant no. 3 is hereby ordered to be deleted. Amended memo of parties be filed within two (2) weeks.
6. The parties are directed to file their list of witnesses within four (4) weeks.
7. The plaintiff will file the evidence affidavit(s) of its witnesses within eight (8) weeks. The defendant undertakes that he will file evidence affidavit of its witnesses within four (4) weeks after the plaintiff's last witness's evidence is closed.
8. Learned counsel for the plaintiff prays that a Local Commissioner may be appointed for recording of evidence. Learned counsel for the defendants states that while he has no objection to the appointment of the Local Commissioner, defendants are not in a position to bear the costs.
9. It is directed that the fees and costs of the Local Commissioner will be borne by the plaintiff, at this stage and these costs will abide by the final outcome of the suit. This is agreeable to the parties.

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10. Mr. Sanjeev Mahajan, Advocate (D-2290/1999) (Mob. No. 9811156437) and (e-mail ID: sanjeevmahajan11@gmail.com) is appointed as a Local Commissioner. There shall be time bound recording of evidence. In this regard, following directions are hereby passed: -

- a. The fees of the Local Commissioner is fixed at Rs. 12,000/- per hearing.
- b. The maximum fee of the LC, initially is fixed at Rs. 4 lakhs at this stage.
- c. The attendant costs of each hearing i.e., venue and stenographer will also be borne by the parties.
- d. The evidence will be recorded by the Local Commissioner within the High Court precincts.
- e. The parties shall provide full assistance to the Local Commissioner for recording of evidence.
- f. No hearing fee will be payable on the dates when the matter is simplicitor adjourned on joint request, subject to parties duly informing the Local Commissioner at least 24 hours in advance; or else the session fees will be payable by the party seeking adjournment.
- g. The Local Commissioner shall record the evidence in strict compliance with the Guidelines approved on 01.07.2024. The registry is directed to send the present order along with the copy of the Guidelines via email to learned Local Commissioner for information, besides a hard copy to be supplied through plaintiff's/defendant's counsel.
- h. The fees and costs of local commission will abide by the final outcome of the suit.

11. List before the Local Commissioner for fixing the dates for recording of evidence and preliminary hearing on **28.05.2025 at 02:00 P.M.**

12. List before the learned Joint Registrar (J) for compliance on **06.08.2025.**

13. The registry is directed to send copy of this order along with Guidelines approved on 01.07.2024 to learned Local Commissioner for information.

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14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MAY 21, 2025/hp/AM

[Click here to check corrigendum, if any](#)

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