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

+ **RFA(COMM) 307/2024 and CM APPLs. 44070-71/2024**

CHIRAG GUPTA PROPRIETOR OF KENT INDUSTRIES
THROUGH ATTORNEY SH. RAJ KUMAR SHARMA
.....APPELLANT

Through: Mr Digvijay Singh Jaswal, Advocate.

versus

THE RED FOX CABLES AND ENTERPRISES THROUGH ITS
PROPRIETOR SH. MEHUL MAMGAINRESPONDENT

Through: None.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

% **02.08.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 44071/2024

1. Allowed, subject to the appellant filing legible copies of the annexures, at least three (03) days before the next date of hearing.

RFA(COMM) 307/2024 and CM APPL. 44070/2024 [Application filed on behalf of the appellant seeking condonation of delay of 75 days in filing the appeal]

2. This appeal is directed against the judgment and decree dated 29.01.2024. In effect, the suit action was filed by the appellant for recovery of amounts remitted to the respondent/defendant against the orders raised for purchase of cables and wires.

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3. The record shows that the appellant/plaintiff had advanced Rs.70,80,032/-, although, admittedly, the goods supplied by the respondent/defendant were worth Rs.2,83,57,435/-.

4. *Inter alia*, it is the stand of the appellant/plaintiff that the BIS license [hereinafter referred to as, “license”] issued to the respondent/defendant had expired on 21.06.2019.

4.1 Concededly, the supplies were received by the appellant/plaintiff between 29.06.2019 and 13.02.2020.

5. Furthermore, the appellant/plaintiff, admittedly, informed the respondent/defendant the concern with regard to expiry of the license only on 21.03.2020.

5.1 When queried, the counsel who appears on behalf of the appellant/plaintiff says that there was a delay in intimation as the expiry of the license was noticed by an employee of the appellant/plaintiff much later.

6. We would like to examine the matter further.

7. Issue notice to the respondent/defendant *via* all permissible modes, including e-mail.

8. List the appeal on 18.12.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 2, 2024 /tr

Click here to check corrigendum, if any