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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 836/2023**

**SOUTH EAST U P POWER TRANSMISSION COMPANY
LIMITED**Plaintiff

Through: Mr. Shryeshth Ramesh Sharma, Mr.
Aakash Lamba and Mr. Abhishek
Nangia and Mr. Mohit Gupta,
Advocates

versus

IDBI BANK LIMITED & ANR.Defendants

Through: Mr. Akash Mohan, Advocate
(through VC) for D-1
Mr. Varun Kumar Tikmani and Mr.
Shivam Sharan, Advocates for D-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **21.11.2024**

I.A. 40685/2024 (Application on behalf of the plaintiff under Order XI Rule 1(5) read with Section 151 CPC and Section 16 of the Commercial Courts Act, 2015)

1. This is an application filed by the plaintiff under Order XI Rule 1(5) of the Code of Civil Procedure, 1908 (CPC) read with Section 16 of the Commercial Courts Act, 2015, for placing on record additional documents filed along with the replication, to the written statement by defendant no. 1.

2. The documents which have been placed on record have been enlisted at paragraph '4' of this application which reads as under:

- (a) Transmission Service Agreement ("TSA") dated 20.01.2012;
- (b) Supplementary Transmission Service Agreement dated 09.06.2018;
- (c) Letter dated 30.06.2023 issued by the Government of U.P.

3. It is stated in the application that the objection to the filing of the said documents was raised by defendant no. 2. The said objection was procedural



inasmuch as the plaintiff had not sought the leave of this Court before filing the said documents with its replication.

4. Issue notice. Learned counsel for defendant no. 2 accepts notice. He states that the objection was procedural in nature and he has no objection if the documents are taken on record subject to defendant no. 2 being granted right to file his affidavit of admission/denial of documents.

5. Learned counsel for defendant no. 1 as well adopts the submission of the defendant no.2 and seeks leave to file an affidavit of admission/denial of documents.

6. Accordingly, the application is allowed. The documents are directed to be taken on record.

7. Defendant nos. 1 and 2 are directed to file their affidavit of admission/denial of documents within three (3) weeks.

8. It is made clear that the documents have been taken on record without prejudice to the rights and contentions of the defendants on the merits of the dispute.

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9. The plaintiff shall file its Joint Document Schedule within four (4) weeks.

10. List before the learned Joint Registrar (J) for recording admission/denial of documents and marking of exhibits on the date already fixed i.e., **17.02.2025**.

11. Interim orders to continue.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 21, 2024/msh/sk

Click here to check corrigendum, if any