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

+ **CS(COMM) 840/2023 with I.A. 36331/2024, I.A. 6629/2024,**

**SUPER CASSETTES INDUSTRIES PRIVATE
LIMITED**

.....Plaintiff

Through: Mr. Amit Sibal, Sr. Advocate with
Mr. Harsh Kaushik, Mr. Sanjeevi
Seshdari, Mr. Darpan Sachdeva and
Ms. Srishti Mishra, Advocates

versus

**RELIANCE ENTERTAINMENT STUDIOS
PRIVATE LIMITED**

.....Defendant

Through: Mr Saurabh Kirpal, Senior Advocate
with Ms Malvika Kapila Kalra, Ms
Tanwangi Shukla, Ms. Adya Rajkotia
and Ms Harbani Shing, Advocates for
D-1.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER

% **03.02.2025**

I.A. 815/2024 (under Order XXXIX Rule 2A, CPC)

1. I have heard the Senior Counsel appearing on behalf of the parties.
2. Mr. Amit Sibal, senior counsel appearing on behalf of the plaintiff has drawn the attention of the Court to the order passed by the predecessor bench on 19th December, 2023. Paragraph 6 of that order is set out below:

“6. The admitted amounts in terms of the affidavit of disclosure dated 7th December, 2023 shall be deposited within two weeks in terms of the Loan Agreement dated 19th May, 2021.”

3. Paragraph 6 of the affidavit of disclosure filed on behalf of the



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defendant on 7th December, 2023 is set out below:

“6. I further say that this Defendant in compliance of the said Order has already shared the revenue statements of films, IB 71 and Bholaa with the Plaintiff vide its letter dated 6th November 2023. Hereto annexed and marked as Exhibit "B" is the copy of the letter dated November 6, 2023 along with annexures.”

4. In terms of the letter dated 6th November, 2023, annexed as Exhibit B to the aforesaid affidavit, a sum of Rs. 2.32 Crores is payable to the plaintiff by the defendant.

5. Mr. Sibal submits that the order dated 19th December, 2023 has not been challenged by the defendant in any manner, and therefore, the order has attained finality.

6. Attention of the court has also been drawn to paragraph 12 of the reply filed by the defendant in this application. In the said reply, the defendant has taken a stand that the aforesaid amount is not payable as the defendant is entitled to set off against the larger claim of the defendant against the plaintiff under a Loan Form Agreement read with Assignment Agreement.

7. Mr. Saurabh Kirpal, senior counsel appearing on behalf of the defendant submits that the defendant has filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 before the High Court of Bombay in which the defendant has raised a claim of approximately Rs. 200 crores against the plaintiff.

8. Mr. Sibal submits that the plaintiff is not aware of any such proceedings before the High Court of Bombay and nor has this fact been pleaded in the present case.

9. Be that as it may, the order passed by this Court on 19th December



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2023 is categorical. In the aforesaid order, no liberty has been given to the defendant to set off this amount against any amount allegedly payable by the plaintiff to the defendant. It is also an admitted position that the defendant has not challenged this order in any manner.

10. Accordingly, in my view, the defence taken on behalf of the defendant is untenable. Therefore, the defendant is directed to deposit a sum of Rs. 2.32 crores in the account of the plaintiff (to be communicated by the plaintiff to the defendant) on or before 31st March, 2025.

11. An affidavit of compliance in respect of the above shall be filed by the defendant before the next date of hearing.

12. Mr. Sibal submits that there are further elements of contempt pleaded in the present application, which need to be addressed.

13. List for remaining submissions on 8th April, 2025.

AMIT BANSAL, J

FEBRUARY 3, 2025

v