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

+ **CS(OS) 65/2018**

VLS COMMODITIES PRIVATE LIMITEDPlaintiff

Through: Ms. Madhavi Khare and Mr. Apoorva
Bhumesh, Advs.

versus

**LATE SOMESH MEHROTRA THROUGH (SADHNA
MEHROTRA) & ORS**Defendants

Through: Mr. Ariyan Bhatnagar, Adv.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **14.02.2025**

I.A. 3949/2025 (For directions)

1. This application has been filed by the plaintiff seeking appropriate directions in respect of the recording of evidence being carried out by the Local Commissioner ('LC').

2. There are two issues which are brought to attention with respect to the cross-examination of the plaintiff's witness:

- i. The plaintiff's witness PW-1 is a Chartered Accountant who was professionally engaged with the plaintiff/company. It is stated by the counsel that cross-examination of the Chartered Accountant/PW-1, is a roving inquiry, ostensibly to elicit information relating to other aspects, beyond the case itself.

It is made clear that the cross-examination will be restricted to



issues which are relevant to the case at hand and shall not be used for eliciting information as a roving and fishing inquiry;

- ii. One Mr. *Anurag Bhatnagar, Advocate* and Mr. *Virender Bisht* are participating in the proceedings before the LC. Mr. *Anurag Bhatnagar, Advocate* is an ex-employee of the VLS Group/plaintiff, and was employed with the plaintiff for over two decades and is currently on a retainership of a group company of the plaintiff. Mr. *Virender Bisht* is also an ex-employee of the plaintiff/company.

These two persons are participating in the cross-examination, which seems to be a conflict of interest and may invite strictures at a subsequent stage. The Local Commissioner is therefore directed to be cautious about their presence considering this aspect had been brought to attention by the plaintiff's counsel.

3. At this stage, counsel for defendants' states on instructions that Mr. *Anurag Bhatnagar, Advocate* and Mr. *Virender Bisht*, shall not participate in the cross-examination.
4. Counsel for the plaintiff states that the objections as to relevancy of the questions being put to PW-1 have not been decided by the LC.
5. The LC is directed to decide the same and record it in the proceedings.
6. On the such an assurance and the directions passed above, the application is disposed of.

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1. List before Joint Registrar (Judicial) on 13th May 2025, the date



already fixed.

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

ANISH DAYAL, J

FEBRUARY 14, 2025/MK/kp