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

+ **CS(COMM) 775/2024**

KMV PROJECTS LIMITED

.....Plaintiff

Through: Mr Avinash K. Trivedi and Mr
Anurag Kaushik, Advocates.

versus

NBCC (INDIA) LTD.

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

10.09.2024

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I.A. 38930/2024

1. This is an application seeking exemption from filing original documents. Original documents shall be produced/filed, if sought, strictly as per the DHC (Original Side) Rules, 2018.
2. Allowed, subject to all just exceptions.
3. The application stands disposed of.

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4. The present suit has been filed seeking recovery of Rs.11,91,27,357/- crores along with interest @ 18% p.a. w.e.f. 21.05.2024 till the date of realization.
5. Learned counsel for the plaintiff submits that statutory requirement of



pre-litigation mediation in terms of Section 12A of the Commercial Courts Act, 2015 has already been complied with and Delhi High Court Legal Services Committee has issued a non-starter report in that regard, a copy of which is already on record, having been filed along with the plaint.

6. He further submits that the plaintiff had executed the work for the defendant and the payment with regard to the three running bills and final bill has not been made by the defendant despite repeated request having been made by the plaintiff. Attention of the Court is invited to the said bills which have been annexed as documents nos.13 to 16 in the list of documents.

7. In view of the above, plaint be registered as a suit.

8. On filing of process fee, summons be issued to the defendant by all permissible modes.

9. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendant shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

10. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

11. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

12. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

13. List before the learned Joint Registrar for completion of service,



pleadings, admission/denial of documents and marking of exhibits on 21.11.2024.

14. List on 10.01.2025.

SEPTEMBER 10, 2024
MK

VIKAS MAHAJAN, J