



2026:DHC:2059

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

+ CS(COMM) 628/2023
ITW GSE APS & ANR.

..... Plaintiffs

Through: Mr. Pravin Anand, Ms. Vaishali R. Mittal, Mr. Siddhant Chamola, Mr. Gursimran Singh Narula, Advocates.

versus

DABICO AIRPORT SOLUTIONS PVT LTD & ORS..... Defendants

Through: Mr. Saikrishna Rajagopal, Mr. Himanshu Bagai, Mr. Kushal Gupta, Mss. Deepshikha Sarkar and Ms. Bhanu, Advs. for D-1 to D-3
Ms. Bitika Sharma, Mr. Sudeep Chatterjee, Mr. Rohan Swarup & Mr. George Vithayathil, Advs. for D-4

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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05.01.2024

I.A. 17216/2023 (Application Under Order XXXIX Rules 1 And 2 Read with Section 151 Of the Code of Civil Procedure, 1908).

1. This application has been filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, ["CPC"] preferred by the plaintiffs.
2. Counsel for the defendants' states that he has filed a reply to the said application, however, it is not on record.
3. Counsel for the defendants shall take steps to ensure that the replies are placed on record within the next week.
4. Counsel for the plaintiffs shall file a rejoinder to the said reply within two weeks thereafter.
5. Both the parties will file their written submissions, synthesizing the



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arguments they wish to address in not more than five pages, along with a reference to the citations, they wish to rely upon.

6. The same may be filed a week before the next date of hearing with a hard copy provided to the Court Master.

7. In addition, counsel shall be at liberty to present their arguments with the assistance of a Power Point Presentation.

8. Counter claim has been filed by the defendant *vide* diary No. E/6203/2024 and the same may be registered accordingly.

9. Notice is accepted by the counsel for the plaintiffs who may file a response to the same within a period of eight weeks.

10. List on 19.03.2024.

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

I.A. 17218/2023 (Application Under Order II Rule 2 Read with Section 151 Of the Code of Civil Procedure, 1908).

1. This application has been filed under Order II Rule 2 read with Section 151 by the plaintiffs.

2. Counsel for the defendants seeks some more time to file a response to the same. He may do so within the next two weeks with copy to the counsel for the plaintiffs, who may file rejoinder, if so necessary, before the next date of hearing.

I.A. 17219/2023 (Application seeking discovery by interrogatories under order XI Rules 2 of the CPC).

1. This application has been filed under order XI Rules 2 of the CPC presenting interrogatories to be served on the defendants.

2. Counsel for the defendant seeks two weeks' time to file a reply. He may do so after serving a copy to the counsel for the plaintiffs, who may file a



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rejoinder thereto, if so necessary, before the next date of hearing.

I.A. 17297/2023 (Application under Order I, Rule 10 (2) read with Section 151 of the CPC).

1. This application has been filed under Order I Rule 10 (2) CPC by defendant No.3 for deletion of their name from the array of parties.
2. Counsel for the plaintiff has already filed a reply to the same, which is on record.
3. Counsel for defendant No.3 may choose to file a rejoinder, if so required, before the next date of hearing.

I.A. 229/2024 (Application under Order XI Rule 1(4) of the Commercial Courts Act, 2015, seeking leave to file additional documents)

1. The present application has been filed on behalf of the defendants under Order 11 Rule 1(4) of the Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015 seeking to place on record additional documents in support of the counter claim.
2. Counsel for the plaintiff does not object to the same and the same is accordingly allowed.
3. Additional documents be filed within a week from today.
4. The application is accordingly disposed of.

I.A. 230/2024 (Application under Section 151 of the CPC seeking leave to file a rebuttal to the confidential documents in a sealed cover).

1. This application has been filed by the defendants to file certain confidential documents in rebuttal to those filed by the plaintiffs.
2. Counsel for the plaintiffs does not object to the same, subject to them receiving a copy of the said documents.
3. Accordingly, the application is allowed and the defendants are permitted



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to file the confidential documents in a sealed cover and a USB drive with password protection, with an advance copy of the same being provided to the counsel for the plaintiffs.

I.A. 231/2024 (Application under Order 11 Rule 2 read with Section 151 of the CPC).

1. This application has been filed under Order 11 Rule (2) of the CPC by the defendants for leave to counter claimants/defendants to enhance their claim of damages at a later stage.
2. Counsel for the plaintiffs does not have any objection to the said application being allowed.
3. The application is disposed of with leave being granted accordingly.

I.A. 237/2024 (Application under Order XI Rule I (12) of the Commercial Courts Act, 2015, Read with Section 151 of the CPC seeking leave to file additional documents).

1. This application has been filed by the defendants under Order XI Rule I (12) CPC for placing an expert report in the form of additional documents before this Court.
2. Counsel for the plaintiffs does not have any objection to the said application being allowed.
3. Accordingly, the defendants are permitted to place an expert report on record with advance copy to the counsel for the plaintiffs.
4. Application is disposed of.

ANISH DAYAL, J

JANUARY 5, 2024/RK