



\$~11 (14.04.2025)

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

+ **CS(COMM) 915/2024 & I.A. 42753/2024**

ADVENT OILFIELD SERVICES PVT LTDPlaintiff

Through: Mr. Aaditya Vijaykumar, Ms. Akshita
Katoch and Ms. Harshita Goel and
Ms. Prathishtha Chauhan, Advocates
versus

SHIV PETROLEUM & ORS.Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **15.04.2025**

Since, 14.04.2025 was declared as a holiday on account of Ambedkar Jayanti, the matter has been taken up today.

I.A. 42755/2024 (for exemption from undergoing pre-institution mediation and settlement)

1. Learned counsel for the applicant/plaintiff states that the mediation between the parties has failed, and relies upon the non-starter report dated 15.01.2025. It is stated that the defendants did not participate in the mediation proceedings.

2. In view of the said report, it is observed that the mandate of Section 12A of the Commercial Courts Act, 2015 has been satisfied. Accordingly, this application is disposed of.

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3. The present suit has been filed seeking recovery of sum of Rs. 8,14,74,870/- from the defendants along with interest at rate of 12% p.a.



4. The plaintiff also seeks relief of a permanent injunction in favour of the plaintiff and against the defendant, praying for a direction to the defendant no.1 to return the equipment mentioned in **Schedule I** of the present plaint, along with the damages in term of the letter of Award ('LOA') to the tune of Rs. 5,00,000/- per day from the date of filing plaint until the date of handover of the equipment.
5. Let the plaint be registered as a suit. Summons be issued to the defendants by all permissible modes, *dasti* in addition. In addition, defendants be served through the SHO of the concerned police station having jurisdiction over the addresses mentioned in the memo of parties. Affidavit of service be filed within two (2) weeks.
6. The summons shall indicate that the written statement(s) must be filed within thirty (30) days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.
7. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement(s). The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.
8. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
9. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
10. List before the Court on **26.08.2025**.



I.A. 42753/2024 (under Order XXXIX Rules 1 and 2 CPC)

11. This is an application filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 seeking the following reliefs:

“a. An order of ex parte ad interim injunction restraining the Defendants its partners, agents, associates, affiliates, trading concerns and all others acting on its behalf as the case may be from using, selling or disposing the equipment of the Plaintiffs.

b. An order of ex parte ad interim injunction directing the Defendants its partners, agents, associates, affiliates, trading concerns and all others acting on its behalf as the case may be to hand over the equipment set out in **Schedule I;**”

12. Learned counsel for the applicant/plaintiff states that the plaintiff is seeking urgent directions for return of the equipment set out in **Schedule I.**

13. Issue notice to the defendants through all modes. In addition, defendants be served through the SHO of the concerned police station having jurisdiction over the addresses mentioned in the memo of parties. Affidavit of service be filed within two (2) weeks.

14. Reply be filed within two (2) weeks from receipt of notice. Rejoinder, if any, be filed within two (2) weeks thereafter.

15. List on **19.05.2025**

MANMEET PRITAM SINGH ARORA, J

APRIL 15, 2025/msh/akp

Click here to check corrigendum, if any