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* IN THE HIGH COURT OF DELHI AT NEW DELHI

CNR No. DLHC010729242025

+ CS(COMM) 1018/2025

TECNIMONT S.P.A. & ANR.

.....Plaintiffs

Through: Mr. Karan Luthra, Mr. Daksh
Arora, Mr. Tejasvi Chaudhary
and Ms. Shubi Agarwa, Advs.

versus

TOYO ENGINEERING INDIA PVT. LTD. & ANR.

.....Defendants

Through: Mr. Susmit Pushkar, Mr. Anchit
Oswal and Mr. Gaurav Sharma,
Advs. for D-1
Mr. Abhishek Birthray & Mr.
Kartikey Tripathi, Advs. for D-2

CORAM:
JOINT REGISTRAR (JUDICIAL) MR. ASHOK
KUMAR

ORDER
05.08.2026

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**I.A.No20940/2026 (under Section 151 CPC filed on
behalf of the plaintiffs seeking condonation of delay
in filing the reply to IA No.2622/2026)**

1. Learned counsel for the plaintiff accepts notice of the captioned IA and submits that he has no objection, if the captioned IA is allowed.
2. Heard. Record perused.
3. In view of the averments made in the captioned IA and also in view of the no objection furnished by learned counsel for the defendant no.2, the captioned IA is allowed. Delay in filing reply to IA No.2622/2026 is condoned and the same is taken on



record.

4. IA stands disposed of.

IA No. 5236/2026 (under Order VIII Rule 1 r/w Section 151 CPC filed on behalf of defendant no.1 seeking condonation of delay in filing the written statement)

5. Pleadings stand completed as noted in the order dated 25.03.2026.

6. Learned counsel for the plaintiff submits that since the defendant no.1 has made averments in the captioned IA that there was a delay in filing the written statement due to bereavement in the family of counsel, therefore, he has no objection to the captioned IA.

7. Heard. Record perused.

8. Perusal of record shows that the defendant no.1 was served with the summons of the suit on 15.10.2025 and has filed the written statement for the first time on 07.02.2026, which was returned under objection. It is evident from the record that the defendant no.1 failed to file the written statement within statutory period of 30 days, however, the same has been filed within the extended statutory period of limitation. In view of the no objection furnished by learned counsel for the plaintiff, the captioned IA is allowed subject to cost of Rs.2,000/- to be paid by defendant no.1 to learned counsel for the plaintiff.

9. Defendant no.1 is directed to take appropriate steps to remove the objections and have the written statement and affidavit of admission/denial placed on record.



10.IA stands disposed of.

IA No. 2622/2026 (under Order VIII Rule 1 r/w Section 151 CPC filed on behalf of defendant no.2 seeking condonation of delay in filing the written statement)

11.Reply filed on behalf of the plaintiff has been taken on record today.

12.Learned counsel for the defendant no.1 submits that he does not wish to file any rejoinder.

13.Learned counsel for the plaintiff submits that he has no objection to the captioned IA.

14.Heard. Record perused.

15.Perusal of record shows that learned counsel for the defendant no.2 accepted summons of the suit on 24.09.2025 and 30 days time was granted to file the written statement. The defendant no.2 had filed the written statement for the first time on 20.01.2026, which was returned under objection. It is evident from the record that the defendant no.2 failed to file the written statement within statutory period of 30 days, however, the same has been filed within the extended statutory period of limitation. In view of the no objection furnished by learned counsel for the plaintiff, the captioned IA is allowed subject to cost of Rs.2,000/- to be paid by defendant no.1 to learned counsel for the plaintiff.

16.Defendant no.2 is directed to take appropriate steps to remove the objections and have the written statement and affidavit of admission/denial placed on record.

17.IA stands disposed of.



IA No. 1884/2026 (under Section 8 of the Arbitration & Conciliation Act filed on behalf of defendant no.2 for referral of dispute to arbitration)

18.As per order dated 20.02.2026, reply is already on record.

19.Learned counsel for the defendant no.2 seeks some more time to file rejoinder.

20.Let the rejoinder be filed within four weeks from today.

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21.Vide order passed today in IA No.2622/2026 & IA No.5236/2026, delay in filing written statements by defendant nos.1 & 2 has been condoned.

22.Let the pleadings be completed as per law.

23.List for completion of pleadings and admission/denial of documents on **01.12.2026**.

ASHOK KUMAR
JOINT REGISTRAR (JUDICIAL)

AUGUST 5, 2026/nk