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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 342/2024**
AKMY BUILDCON PRIVATE LIMITED Plaintiff
Through: **Mr. Himanshu Garg, Advocate.**

versus

SEPCO1 ENGINEERING (INDIA) PVT. LTD. Defendant
Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **13.05.2024**

I.A. 9597/2024

By way of the present application filed under section 5 of the Limitation Act 1963, the plaintiff seeks condonation of 141 days' delay in *re-filing* the plaint.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Delay in *re-filing* the plaint is condoned.
4. The plaint is taken Board.
5. Application stands disposed-of.

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6. By way of the present suit, the plaintiff seeks a money decree for the sum of ₹2,16,67,310.68 alongwith *pedente-lite* and future interest, apart from costs of the suit.
7. The claim arises from a contractual arrangement whereby the defendant had engaged the services of the plaintiff for construction of



a Pre-Engineered Building (PEB) of High-Pressure Assembly Plant of Plant Construction Project at Sanand Industrial Park, Ahmedabad, Gujarat.

8. The plaintiff has also filed a pre-litigation mediation report dated 17.08.2023, which records that pre-litigation mediation has been a 'Non-Starter'.
9. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
10. Issue summons in the suit.
11. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendant by all permissible modes, returnable for the next date before the learned Joint Registrar.
12. Let the summons indicate that the defendant is required to file written statement to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendant.
13. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 07th August 2024.
14. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

MAY 13, 2024/V.Rawat