



\$~O-25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 721/2025**
MS. JYOTI KAUSHIK AND ORSPlaintiffs

Through: Mr. Praveen Suri, Adv.

versus

SH PRAKASH KUMAR AND ORSDefendants
Through: Mr. Sumit Bansal, Sr. Adv with Mr. Ravinder Singh Dalal, Mr. Utsav Garg, Ms. Nikita Gupta and Ms. Gurkamal Hora Arora, Adv for D-1.
Mr. Sandeep Sharma, Sr. Adv with Mr. R. S. Dalal, Adv for D-2.
Mr. Siddharth Samaiya, Adv for D-6/ ICICI Bank.
Mr. Sharque Hussain, Adv for D-8/ BSES-RPL.
Mr. Ishan S. Sharma, Mr. Shubham Shukla, Ms. Shambhavi Sharma, Mr. Ayush and Mr. Mukund Ranjan, Adv for D-9.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

% **ORDER**
01.12.2025

I.A. 25207/2025 (BY PLAINTIFFS FOR INJUNCTION)

I.A. 25209/2025 (BY PLAINTIFFS U/SECTION 80(2)- EXEMPTION FROM NOTICE)

I.A. 29976/2025 (UNDER O 7, R 11- BY DEF. 2- TO REJECT THE SUIT)



1. Mr. Sumit Bansal, learned senior counsel for the defendant no.1 has filed the reply.
2. The remaining parties, if they so desire, shall also be at liberty to file their reply to the pending applications filed by the plaintiffs. Mr. Praveen Suri, learned counsel for the plaintiffs shall also be at liberty to file the rejoinder, if any, thereto.
3. During the course of hearing, various submissions have been made by Mr. Bansal who challenges the maintainability of the instant civil suit as an ordinary civil suit. As per him, the present suit ought to have been filed as a commercial civil suit.
4. Without prejudice to the aforesaid, Mr. Bansal further submits that the instant suit is barred by Section 430 of the Companies Act, 2013 and the decision of the Supreme Court in the case of ***Shailja Krishna v. Satori Global Ltd.***¹ squarely applies to the facts of the instant case.
5. The aforesaid submissions made by Mr. Bansal are strongly opposed by Mr. Suri.
6. However, the aforesaid aspect shall be looked into, once pleadings *qua* all pending applications are completed.
7. In the meantime, the defendants are directed to maintain the complete record of their transactions.
8. List on 13.01.2026.

PURUSHAINdra KUMAR KAURAV, J

DECEMBER 1, 2025/aks/ksr

¹ 2025 INSC 1065.