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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 51/2025**
SKODA AUTO VOLKSWAGEN INDIA PVT. LTD

.....Appellant

Through: Mr.R.Sudhinder, Ms.Ekta Bhasin &
Ms.Sandhiya Sonthalia, Advs.

versus

IMPERIAL AUTO INDUSTRIES LIMITED & ANR.

.....Respondents

Through:

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **23.01.2025**

CM APPL. 4388/2025, CM APPL. 4389/2025 & CM APPL. 4390/2025

1. Exemptions allowed, subject to all just exceptions.
2. The requisite Court fee be filed within three weeks.
3. The applications stand disposed of.

CM APPL. 4391/2025 (delay of 13 days (RF))

4. This is an application filed by the appellant seeking condonation of 13 days' delay in re-filing the appeal.
5. The application is, for the reasons stated therein, allowed and the delay of 13 days' in re-filing the appeal stands condoned.
6. The application is, accordingly, disposed of.

RFA(COMM) 51/2025 & CM APPL. 4387/2025 (stay)

7. The present appeal under Section 13 (1A) of the Commercial Courts



Act, 2015, seeks to assail judgment and decree dated 24.08.2024 passed by the learned District Judge (Commercial Court-02), New Delhi District, Patiala House Courts, New Delhi, in CS (Comm.) No.150/2021. Vide the impugned judgment, the learned Trial Court has decreed the suit preferred by the respondent no.1/ plaintiff by directing the appellant to pay a sum of Rs.50,50,000/- to the respondent no.1 alongwith interest @12% p.a. w.e.f. 15.02.2018.

8. Learned counsel for the appellant submits that the impugned judgment is liable to be set aside as the learned Trial Court has failed to appreciate that there was no privity of contract between the appellant and respondent no.1, who even as per its own claim, has paid the aforesaid amount to respondent no.2 and further that this was a belated claim sought to be raised by the respondent no.1, moreso, since there was no plausible explanation for it to wait for a period of around 18 months after paying a hefty sum of Rs.50 lakhs from its pocket.
9. Upon the appellant taking steps, issue notice to the respondents through all permissible modes. Reply to the application be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.
10. Till the next date, subject to the appellant depositing, within six weeks, the principal decretal amount with the Registrar General of this Court, the operation of the judgment and decree will remain stayed.
11. In the meanwhile, let the TCR be requisitioned and digitized before the next date.



12.List on 19.05.2025.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 23, 2025

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