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

+ **CS(COMM) 216/2025**

TECHTREE IT SYSTEMS PVT. LTD

.....Plaintiff

Through: Mr. Avneesh Garg, Ms. Pavitra, Mr.
Utkash Sharma, Mr. Harsh Pal, Ms.
Iptisha, Advs.

versus

MR. ALBERT FERNANDO & ORS.

.....Defendants

Through: Mr. Aslam Ahmed, Ms. Shabiasta
Nabi, Mr. Rohit Jain, Mr. Zeeshan
Haider, Mr. Harilal S. Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **10.03.2025**

I.A. 6312/2025 (Application seeking leave to file additional documents)

1. Subject to the said documents being filed within the prescribed period, the said application is allowed. The additional documents be placed on record.
2. Application stand disposed of.

I.A. 6313/2025 (Application for condonation of delay in re-filing)

1. Issue Notice to defendants on steps being taken by plaintiff through all permissible modes including E-mail, etc.

I.A. 6314/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance before the next date of hearing.



3. Accordingly, the present application is disposed of.

I.A. 6315/2025 (Application for directions to Registry)

1. This application has been filed for directions to the Registry of this Court to accept the Court Fees.
2. On the basis of E-Court Fees receipts mentioned in the application, the directions are issued to the Registry for the said purpose.
3. Registry shall file a Status Report in this regard, before the next date of hearing.

CS(COMM) 216/2025

1. This present suit has been filed seeking recovery of *USD 3,22,848/ INR 2,70,80,490/-*. Plaintiff was engaged by defendant no.1 to provide services to defendant no.2 & defendant no.3 (Company), for providing end-to-end software solutions and services.
2. A Letter of Intent (***‘LOI’***) was issued on 2nd June 2016 for developing the ***‘B2B Travel Management and Mid Office Management Portal’***. The total consideration agreed was *USD 2,75,000*.
3. Although a Master Services Agreement was agreed upon, however, it was not executed. Subsequently, disputes arose between the parties concerning the plaint, as the work had already been accomplished by the plaintiff.
4. In this regard, legal notices were issued *inter alia*, on 12th May 2023, which were responded to by the defendant on 14th June 2023. Efforts were made under Section 12A of the Commercial Courts Act, 2015, for pre-institution mediation; however, the defendants refused to participate, and a ***‘non-starter’*** report has been filed.



5. As regards the issue of territorial jurisdiction, counsel for plaintiff points out that the invoices which were issued to defendants categorically stated, '*disputes subject to Delhi Court's jurisdiction*'. He further states that the LOI was received, and the work was performed within the jurisdiction of this Court, relying, *inter alia*, upon Section 13 of the Information Technology Act, 2000.
6. The plaint be registered as a suit. Issue summons. Counsel for defendants who appears on advance notice accepts summons and notices and seeks time to respond. He confirms the receipt of the suit paperbook and waives the right of formal service of summons.
7. Written statement shall be filed within thirty days commencing from today. Upon filing of process fee, issue summons to the remaining Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.
8. The plaintiffs are at liberty to file replications thereto within thirty days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendant, failing which the replications shall not be taken on record.
9. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
10. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
11. List before the Joint Registrar for completion of service and pleadings,



marking of exhibits and admission/denial of documents on 16th April 2025.

12. List before the Court on 31st July 2025.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 10, 2025/ak/tk