



\$~30

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

+ **CS(COMM) 806/2016**

M/S ARRENA OVERSEAS PRIVATE LIMITEDPlaintiff

Through: Mr.Rajat Aneja, Ms.Chandika
Gupta, Ms.Alka Dwivedi,
Advs.

versus

M/S BATRA ART PRESSDefendant

Through: Mr.S.K.Sharma, Sr. Adv. with
Mr.Rahul Sharma, Mr.Tejas
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.09.2024**

1. This Suit has been listed before this Court pursuant to a note received from the learned Local Commissioner, appointed by this Court for recording the evidence of the parties, seeking certain clarifications.

2. The learned counsel for the plaintiff, drawing reference to the Orders dated 09.01.2019, 16.07.2020, and 14.09.2020, submits that the defendant had been directed to place on record the record of the two Company Petitions, that is, Co.Pet. 46/2016 and Co.Pet. 47/2016, that were pending before the learned National Company Law Tribunal, New Delhi (in short, 'NCLT'). He submits that though certain record of these Company Petitions was filed by the defendant, however, it was incomplete. He submits that the record of these



Company Petitions was sought to be produced before the learned Local Commissioner by summoning the witness.

3. On the other hand, the learned senior counsel for the defendant submits that the plaintiff cannot be allowed to produce on record the entire record of the above two Company Petitions, having not filed the same at an earlier stage, and without seeking leave of the Court.

4. I have considered the submissions of the learned counsels for the parties.

5. By the Order dated 09.01.2019, the defendant was directed to place on record the copy of the entire paper book of the above two Company Petitions pending before the learned NCLT. By the subsequent Order dated 16.07.2020, this Court recorded the statement of the learned counsel for the defendant to the effect that he shall also file the relevant order-sheets of the learned NCLT. By the Order dated 14.09.2020, it was recorded that in case the defendant does not place the documents relating to the aforementioned two Company Petitions on record, the matter shall proceed even in their absence. Therefore, the intent of the Court was that the entire record till 14.09.2020 should be placed before it in these proceedings.

6. Keeping in view the above intent, the plaintiff through the summoned witness of this Suit, is permitted to place on record the entire record of the abovementioned two Company Petitions, as standing till 14.09.2020, to prove the same on record.

7. The matter is now listed before the learned Local Commissioner on 19.09.2024. The further recording of the evidence shall take place in terms of the directions of this Court.



I.A. 32928/2024

8. List before the learned Joint Registrar (Judicial) on 20th November, 2024.

NAVIN CHAWLA, J

SEPTEMBER 13, 2024/Arya/VS

Click here to check corrigendum, if any