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

+ **CS(COMM) 299/2017**

**M/S IVRCL LIMITED & OTHERS**

..... Plaintiffs

Through: Dr. Swaroop George, Ms. Sindhu  
Mohan, Mr. Tanmay Cheema &  
Mr. Sarthak Gupta, Advocates.

versus

**M/S. IRCON INTERNATIONAL LIMITED**

..... Defendant

Through: Ms. Leena Tuteja & Ms. Ishita  
Kadyan, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**20.04.2023**

1. By an order dated 06.04.2018, the statement of learned counsel for the parties was recorded that they wish to move applications for summary judgment under Order XIII A of the Code of Civil Procedure, 1908 [“the Act”]. It was, however, recorded in the order dated 20.09.2018 that the defendant does not wish to file such an application and the plaintiff has taken several opportunities thereafter to file the application.
2. In the meanwhile, pursuant to orders of the National Company Law Tribunal/National Company Law Appellate Tribunal, a liquidator was appointed and the company has now been sold as a going concern.
3. In these circumstances, learned counsel for the parties do not suggest that there is any impediment to proceedings in the suit.



4. Although the suit is at the stage of framing of issues, Dr. Swaroop George, learned counsel for the plaintiffs, seeks a deferment to enable him to file an application under Order XIII A of the Act, if he is so instructed.
5. The defendant has not filed a response to the affidavit filed on behalf of plaintiff No. 1 on 25.11.2022. At the request of Ms. Leena Tuteja, learned counsel for the defendant, it is made clear that the defendant does not admit the contents of the said affidavit.
6. List on 14.09.2023.

**PRATEEK JALAN, J**

**APRIL 20, 2023**  
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