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

+ **CS(COMM) 1305/2016 & I.As. 10442/2017, 12547/2018**

EXSCHAIN LOGISTICS INDIA PVT LTD Plaintiff
Through: Mr. Humraz Bir Singh, Advocate.

versus

SHREE HARI OVERSEAS PVT LTD Defendant
Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **06.04.2023**

1. Further to order dated 28.11.2022, Mr. Humraz Bir Singh, learned counsel for the plaintiff, has filed an affidavit of service in which it is stated that a copy of the said order has been sent to the defendant through email at the email address mentioned in the Master Data of the defendant-company, as available in the database of the Ministry of Corporate Affairs, Government of India. Mr. Singh has affirmed that email has not bounced back. An attempt has also been made to serve at the registered office through Speed Post but the service was unsuccessful with the report that no such person was available at the address.

2. Under Sections 12 and 20 of the Companies Act, 2013, service upon a company may be effected by sending communications to its registered address. In such circumstances, order dated 28.11.2022 has been complied with by learned counsel for the plaintiff.

3. In the said order, it was also noted as follows:-

“3. Summons have already been served in the suit and the

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defendant has entered appearance. A written statement has also been filed through Mr. Mukesh Sharma and Mr. Sumit Malhotra, learned counsel. The electronic copy of the written statement shows the address of the learned counsel [A-12, Naraina Vihar, New Delhi-28], enrolment number of one counsel, and their telephone numbers. The defendant has also filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 ["CPC"] through Mr. Mukesh Sharma and Mr. Abhishek Chhabra, learned counsel [I.A. 10442/2017]. Learned counsel's telephone number also appears on the said application and in the reply filed by the defendant to the plaintiff's application under Order VIII Rule 1 of the CPC [IA 12547/2018]."

4. The Registry was directed to forward a copy to the learned counsel named above. The office report is unclear as to the status of the service upon counsel.
5. In the interest of justice, Mr. Singh is requested to sent a copy of this order to learned counsel by Speed Post at the address mentioned above and by WhatsApp at the telephone numbers available on the written statement filed by the defendant, application filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 ("CPC") [I.A. 10442/2017] and the reply filed by the defendant to plaintiff's application under VIII Rule 1 of CPC [I.A. 12547/2018].
6. Learned counsel for the plaintiff may file a further affidavit of service within two weeks.
7. List on 25.05.2023.

PRATEEK JALAN, J

APRIL 6, 2023

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