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

+ **CS(COMM) 467/2017**

TSW CAPITAL SERVICES PVT. LTD. Plaintiff
Through Mr. Sudhanshu Batra, Sr. Adv. with
Mr. Bhuvan Gujnani, Adv.
versus
PTC INDIA FINANCIAL SERVICES LTD. Defendant
Through Mr. Rajeev Mehta, Sr. Adv. with
Mr. Mayank Mishra, Ms. Pallavi Kumar and Ms.
Niti a. Sachar, Adv.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **24.04.2019**

CS(COMM) 467/2017

The following issues are framed:-

- (i) Whether there was an oral or written agreement between the parties for the advisory services to be provided by the plaintiff? OPP
- (ii) Whether the plaintiff provided advisory services to the defendant and if so, did the same result in conclusion of contract between the defendant and the FMO & OEB? OPP
- (iii) Whether the plaintiff is entitled to any amount of fee? If so, at what rate and on what amount? OPP
- (iv) Whether the plaintiff is entitled to interest? If so, at what rate and for what period? OPP
- (v) Relief.

It is agreed by the parties that a Local Commissioner may be



appointed to record the evidence of the parties.

Accordingly, Mr.P.C.Ranga, Retd. Additional District Judge, Delhi (Mobile No.: 9868905228) is appointed as the Local Commissioner to record the evidence of the parties. His fees is fixed at Rs. 75,000/- plus out of pocket expenses for the first three witnesses. For every subsequent witness, he will be paid an additional sum of Rs. 20,000/- plus out of pocket expenses per witness. The expenses for recording of evidence shall be subject to cost at the time of adjudication of the suit.

The parties may file their list of witnesses within two weeks. The plaintiff will file its affidavit by way of evidence within three weeks thereafter.

List before the Local Commissioner on 22.05.2019 at 3.00 P.M. for fixing dates for cross-examination of plaintiff's witnesses.

IA No. 12975/2018

In view of the fact that the issues have been framed and the matter has been set out for recording of evidence, learned senior counsel for the plaintiff states that he does not press this application at this stage.

The application is dismissed as withdrawn.

IA No. 7946/2017

Allowed subject to just exceptions.

JAYANT NATH, J

APRIL 24, 2019

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