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

+ CS(COMM) 1222/2018 & CC(COMM) 7/2020, I.A. 13481/2019, I.A. 13482/2019, I.A. 10917/2021, I.A. 11351/2023, I.A. 25057/2023, I.A. 801/2024, I.A. 3157/2024, I.A. 8574/2024, I.A. 31639/2024, I.A. 36658/2024, I.A. 36665/2024, I.A. 45777/2024, I.A. 45778/2024

COMMUNICATION COMPONENTS ANTENNA INC.Plaintiff

Through: Mr. J. Sai Deepak, Mr. Mohit Goel,
Mr. Sidhant Goel and Mr. Vivek
Pratap Singh, Advs.
M: 9818432059

versus

ACE TECHNOLOGIES CORP. AND ORS.Defendants

Through: Mr. Suraj Kr. Singh, Mr. Bharat
Singh, Mr. Shubham Kanshik, Mr.
Akshay Singh and Ms. Julie Singh,
Advs.
M: 9810329829
Email: suraj@skspartners.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **21.11.2024**

I.A. 45778/2024 (Application seeking condonation of delay of 7 days in filing the statement of assets)

1. The present application has been filed on behalf of the defendants seeking condonation of delay of seven days in filing the statement of assets.
2. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff.
3. Considering the submissions made in the present application, the



delay of seven days in filing the statement of assets is condoned.

4. With the aforesaid directions, the present application is disposed of.

I.A. 45777/2024 (Application seeking appointment of expert)

5. The present application has been filed under Section 115 of the Indian Patents Act, 1970, seeking appointment of an expert to determine whether the defendants are infringing the suit patent.

6. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff, who submits that he has instructions to file reply to the same.

7. Accordingly, let reply be filed within a period of four weeks.

8. Rejoinder thereto, if any, be filed within two weeks, thereafter.

9. Re-notify on 22nd January, 2025.

CS(COMM) 1222/2018

10. Statement of assets has been filed on behalf of the defendants.

11. Mr. J. Sai Deepak, learned counsel appearing for the plaintiff draws the attention of this Court to the summary of assets filed on behalf of the defendants to submit that as per the said affidavit, the defendants have assets equivalent to amount of ₹34,91,84,556/-. He further submits that in terms of directions passed by this Court, the Bank Guarantee of Rupees Forty Crores stands deposited by the defendants and Rupees Fourteen Crores stands deposited as Fixed Deposit. He submits that the said Bank Guarantee already stands expired on 17th October, 2024.

12. Learned counsel appearing for the plaintiff submits that the plaintiff has raised a claim to the tune of approximately ₹1100 Crores, and therefore, in case any decree is passed in favour of the plaintiff, the same may not remain a paper decree. Thus, he submits that the interest of the plaintiff needs to be secured so that the decree in favour of the plaintiff is satisfied in



India. Thus, he submits that it is imperative that further amounts be deposited by the defendants.

13. Learned counsel appearing for the plaintiff also draws the attention of this Court to the document to show that value of the shares of the defendants and submits that the said document clearly shows that the value of the shares of the defendants has fallen to a great extent. He further submits that the statement of assets is a self-serving statement.

14. Per contra, learned counsel appearing for the defendants submits that the bank guarantee already stands extended till October, 2025.

15. Learned counsel appearing for the defendants further submits that the financial health of the defendants is sound and any decree, that may be passed in favour of the plaintiff, can be successfully executed in India.

16. He further submits that the defendants have been defending the present case since long and therefore, it is not a case that the defendants are winding up their business or activities in the country.

17. Considering the submissions made before this Court, the defendants are directed to file document with respect to extension of the bank guarantee till 2025. Further, in order to allay the concerns raised by learned counsel appearing for the plaintiff, and considering the earlier orders passed by this Court, it is deemed it fit to issue directions to the defendants, to file on affidavit their documents, reflecting the financial health of the defendant company.

18. The audited balance sheet of the defendants, along with other requisite documents, shall be filed along with the affidavit of a responsible officer of the defendant company before this Court, who is in the know-how of the financial condition of the company.



19. In the affidavit, it shall also be specified that the defendants have a sound and healthy financial condition in order to satisfy any decree passed, in India.
20. Learned counsel appearing for the defendants submits that time of eight weeks may be granted for this purpose, as records have to be collated.
21. Accordingly, let the needful be done within a period of eight weeks.
22. Accordingly, re-notify on 22nd January, 2025.

MINI PUSHKARNA, J

NOVEMBER 21, 2024/kr