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

+ CS(OS) 1969/2009

THE STATE TRADING CORPORATION OF INDIA LTD..... Plaintiff  
Through: Mr. D.Ray Choudhri, Senior Advocate  
with Mr. R.N. Yadav, Advocate and AR of the  
plaintiff in person.

versus

M/S RAJAT PHARMACHEM LTD & ORS ..... Defendants  
Through: Mr. Jay Savla, Advocate with  
Ms. Amrita Mishra, Ms. Ankita Jain, Mr. Rajpal  
Singh, Mr. Abhinav Sharma and Ms. Shilpi  
Choudhary, Advocates for D-3.

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**

% **ORDER**  
**20.03.2015**

**I.A. 4437/2014 (by the plaintiff for condonation of delay in filing the affidavit of admission and denial) and I.A. 4438/2014 (by the plaintiff for clarification/correction in the order dated 21.10.2013)**

1. Admission and denial of documents has been concluded.
2. Counsel for the plaintiff states that no further orders are required to be passed on these applications.
3. The applications are disposed of.

**I.A. 9159/2012 (by D-3 u/O VII R 11 r/w S 151 CPC)**

1. The present application has been filed by the defendant No.3 praying *inter alia* that the suit instituted by the plaintiff is liable to be rejected on the ground that this Court does not have the territorial jurisdiction to try and entertain the same.

2. Mr. Choudhri, learned Senior Advocate appearing for the plaintiff hands over a copy of an order dated 06.02.2015 passed by the Bombay High Court in Company Petition No.419/2013 filed by M/s Vidhya Pharchem Private Ltd. against M/s Rajat Pharchem Limited, the defendant No.1 herein, wherein the Company Court had permitted the defendant No.1 to pay a sum of ₹6,50,00,000/- to the petitioner in the said Company Petition, in full and final settlement of all its claim and had further clarified that in case the defendant No.1 commits a default in payment of the agreed installments, the Company Petition would stand revived and in those circumstances, the respondent/company would be wound up and an Official Liquidator shall be appointed to liquidate the company.

3. Counsel for the plaintiff states that it would be appropriate if orders in the present suit are deferred so as to verify as to whether the defendant No.1 has deposited the first installment of ₹70,00,000/- by 15.03.2015.

4. However, counsel for the defendant No.3 states that there would be no point in awaiting the outcome of the aforecited Company Petition for the reason the entire cause of action for instituting the present case has arisen in Mumbai. He submits that the transaction in question, which pertains to bills of exchange drawn by the defendant No.1, in favour of the defendant No.3 and accepted by the plaintiff had been prepared in Mumbai, the Agreement dated 04.11.2004 between the plaintiff and the defendant No.1 was executed in Mumbai and all the correspondence between the plaintiff and the defendant No.3 with regard to the bills of exchange, had also taken place between the plaintiff's branch office at Mumbai and the head office of the defendant No.3 situated in Mumbai.

5. After addressing arguments for some time, learned Senior Advocate appearing for the plaintiff states on instructions that the plaint may be returned to the plaintiff for being presented before the competent court in Mumbai. He states that as the pleadings *qua* the defendants No.1 and 3 are complete by now and admission and denial of documents has also taken place, the entire pleadings and the documents may be handed over to the plaintiff for being presented before the Principal Judge, City Civil Court, Mumbai.

6. Subject to filing the certified copies of the pleadings and the

documents, the same shall be returned to the plaintiff through counsel for being presented before the Principal Judge, City Civil Court, Mumbai. The parties shall appear before the said court on 24.4.2015, for further proceedings.

7. In view of the order passed above, the suit is disposed of alongwith the pending applications.

**HIMA KOHLI, J**

**MARCH 20, 2015**

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