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

+ **CS(OS) 2054/2012**

BHARAT HEAVY ELECTRICALS LTD

..... Plaintiff

Through: Mr. Adarsh Ramakrishan, Advocate
alongwith Mr. Prashant Mehta,
Advocate.

versus

PUBLIC POWER CORPORATION S.A & ORS

..... Defendant

Through: Mr. Ashish Mohan, Advocate for D-
2.
Mr. Shah Usman, Advocate for D-3.

CORAM:

SH. RAJESH KUMAR SINGH (DHJS), JOINT REGISTRAR

ORDER

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31.08.2016

Learned Counsel for the plaintiff submits that the additional court fee as well as amended plaint have been filed by the plaintiff. The same has not come on record.

Learned Counsel for the defendant No. 2 has filed a copy of order dated 28.04.2016 passed by the Hon'ble Division Bench in FAO (OS) 281/2015. By this order Hon'ble division Bench directed that the plaint in this case be returned to the plaintiff for presentation before the Court of Jurisdiction in Athens.

Before passing of the order dated 28.04.2016 the suit file was

sent to the District Court in pursuance of Notification No. 27187/DHC/Orgl. Dated 24.11.2015 The suit file was returned by the Court of learned District and Sessions Judge New Delhi vide order dated 30.05.2016 on the ground of valuation of the suit. After the suit file was received by this Court, no proceedings could have been conducted as plaint was already ordered to be returned vide order dated 28.04.2016.

In view of the abovementioned facts, it is ordered that plaintiff may take back the additional court fee as there is no suit pending before this Court at this stage. Learned counsel for the plaintiff submit that as SLP has been filed before the Hon'ble supreme Court in which order dated 10.05.2016 was passed against encashment of the Bank Guarantee by defendant No. 1. Copy of the order filed by learned counsel. I have perused the order. Hon'ble Supreme Court has not permitted the plaintiff to proceed with the matter before Hon'ble High Court and therefore no proceedings can be conducted. If Hon'ble Supreme Court allows the plaintiff to proceed with the suit before Hon'ble High Court, the proceedings may be revived.

Suit file be consigned to Record Room.

RAJESH KUMAR SINGH
JOINT REGISTRAR (DHJS)

AUGUST 31, 2016/p