

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 25TH DAY OF MARCH 2018

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

A. No.2297 of 2019
in
C.S.D.No.7162 of 2019

Bhadreshwar Vidyut Private Limited,
Formerly know as
OPGS Power Gujarat Pvt Ltd.,
through its authorized signatory
Mr.S.Swaminathan, Senior Manager Accounts
No.6, Sardar Patel Road, Guindy,
Chennai 600 032

...Applicant/Plaintiff

-VS-

1.M/s. R.L.Steels & Energy Limited,
Having its Corporate office address at
Gut Nos.78 to 81, Pangra Shivar
Paithan Road, Chitegaon,
Aurangabad 431107

2.Mr.Raghunandanlal Gupta,
Director
No.58-59, N-1, CIDCO,
Aurangaba, Maharashtra 431003 ...Respondents/Defendants

Application praying that this Hon'ble Court be
pleased to grant leave to the applicant to institute the
present suit against the respondents/defendants on the
file of this Honble Court.

This Application coming on this day before this court
for hearing and the court made the following order:

The present Application has been filed *inter alia*
under Clause 12 of Letters Patent seeking 'Leave to Sue'
the Defendants/Respondents before this Court.

2. A perusal of the proposed plaint that has been placed before this Court reveals that the entity shown as 'Plaintiff' in the proposed plaint is the 'Applicant' herein. Entities shown as 'Defendants' in the proposed plaint are 'Respondents' respectively in the instant Leave to Sue Application.

3. For the sake of convenience, parties in the instant Application are referred to by their respective ranks in the proposed plaint.

4. According to the Plaintiff, they have filed the above Suit for recovery of money to the tune of Rs.8,02,77,678/- including the Principal amount of Rs.6,02,91,089/- and interest thereon at 15% per annum from 30.08.2016 to 18.12.2018, amounting to a sum of Rs.1,99,86,589/- together with future interest at 15% per annum from the date of filing of the Suit till the date of actual payment. It is their case that the Respondent has failed to make payments to the Plaintiff, despite repeated reminders regarding the same.

5. Learned counsel for the Plaintiff submitted that substantial part of the cause of action for the above Suit has arisen at Chennai and that the above Suit relates to a commercial dispute within the meaning of Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015.

6. Having perused the proposed plaint and the

Affidavit filed in support of the instant Leave to Sue Application and in the light of the submissions made by the learned counsel for the Plaintiff, this Court is convinced that cause of action has arisen for invoking the territorial jurisdiction of this Court and therefore, the Plaintiff is entitled to Leave to Sue as prayed for.

In the result, this Application is ordered as prayed for.

Sd./-S.V.N.J

25.03.2019

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

R.s/26.03.2019

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

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