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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EFA(OS) (COMM) 1/2020 & C.M. APPL. 2407-08/2020**
TOPSGRUP SERVICES LTD Appellant
Through: Mr. P S Sridhar Raj, Advocate
versus
GEMS EDUCATION SOLUTIONS INDIA PVT LTD
..... Respondent
Through: Mr. Sanjiv Bahl, Mr. Eklavya Bahl &
Mr. Apoorva Bahl, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **22.01.2020**

1. The appellant/Judgment Debtor has filed the present appeal under Section 13 of the Commercial Courts Act, 2015 read with Section 10 of the Delhi High Court Act, 1966, assailing the orders passed by the learned Single Judge, dated 27.09.2019 & 10.12.2019.
2. At the outset, learned counsel for the appellant states that though the appeal assails two orders passed by the learned Single Judge in OMP (Enf.) (Comm.) 136/2019 i.e. orders dated 27.09.2019 and 10.12.2019, he proposes to confine the challenge in this appeal to the subsequent order dated 10.12.2019. Accordingly, the scope of this appeal is confined to the order dated 10.12.2019.
3. Vide order dated 10.12.2019, noting the request made by the learned counsel for the appellant/ Judgment Debtor, seeking extension of two weeks' time for filing of the affidavit of assets, as directed on 27.09.2019, while

granting it time as prayed, as the last opportunity, it was directed that an additional affidavit in a format attached with the said order, as Annexure B be filed along with the relevant documents.

4. At the outset, we have enquired from learned counsel for the appellant/ Judgment Debtor as to how the present appeal is maintainable, under Section 13 of the Commercial Courts Act, 2015, particularly when the said provision makes it clear that an appeal shall lie only from such orders which are passed by a Commercial Court that are specifically enumerated under Order XLIII CPC, as amended and Section 37 of the Arbitration and Conciliation Act, 1996.

5. Learned counsel for the appellant/ Judgment Debtor submits that the impugned order dated 10.12.2019, has been passed by the learned Single Judge in exercise of its inherent powers under Section 151 CPC.

6. Concededly, the said order is not appealable under Order XLIII CPC. In the above circumstances, we decline to entertain the present appeal which is dismissed along with the pending applications.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 22, 2020/sm