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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 121/2019 & I.A. No. 3309/2019 (u/O XXXIX R 1 & 2 CPC)

INTEC INFRA-TECHNOLOGIES PRIVATE LIMITED

..... Plaintiff

Through Mr.Vinay Kumar Garg, Sr.Adv. with  
Mr.Sumit Roy, Adv., Mr.Varun Pandey,  
Adv. & Mr.Shubham Rathore, Adv.

versus

BIM INTEGRATED SERVICES PVT. LTD. & ORS....Defendant

Through Mr.Sanjay Sharma, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**14.02.2020**

1. The senior counsel for the plaintiff, under instructions, seeks to withdraw the suit with liberty to sue afresh and has frankly admitted that withdrawal is prompted by last line of para 4 of the order dated 15<sup>th</sup> January, 2020. It is also contended that there are other defects in the suit as filed and the defendants have also raised a plea of territorial jurisdiction of this Court and the plaintiff will re-consider whether to file fresh proceedings in this Court or any other Court.
2. I have heard the counsel for the defendants also.
3. The suit, along with the application being I.A. No. 3309/2019 (under Order XXXIX Rules 1 & 2 CPC) is dismissed as withdrawn.

4. Subject to the plaintiff paying costs of Rs.50,000/- to the counsel for the defendants, which the senior counsel for the plaintiff under instructions has agreed to pay on or before the 20<sup>th</sup> February, 2020, and on the condition that the plaintiff along with the fresh proceedings if any filed, files copy of the plaint and orders in this suit, and prominently pleads the factum thereof, the plaintiff is granted liberty to sue again on the same cause of action.

5. Needless to say that the defendants, in the fresh proceedings if any brought, would have all defences in law available to them in response thereto.

**RAJIV SAHAI ENDLAW, J**

**FEBRUARY 14, 2020/aa..**