



\$~O-4

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

+ **CS(COMM) 45/2024**

ALPHA CORP DEVELOPMENT LIMITEDPlaintiff

Through: Mr.Raghav Rajmalani and Mr.Rahul
Sagar Sahay, Advocates.

versus

YES BANK LIMITEDDefendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **10.02.2025**

I.A. 43539/2024 (seeking clarification of order dated 10.07.2024)

1. The Court takes into consideration the orders dated 12.02.2024, the order dated 08.04.2024 passed in CS(COMM) 922/2023 titled *Smt. Kanwal Jeet Kaur Bawa v. Punjab and Sind Bank*, the order dated 08.01.2024 in CS(COMM) 20/2024 titled as *Dex Enterprises Pvt. Ltd. v. Egypt Air*, order dated 21.03.2023 in CS(COMM) 151/2023 titled as *Larsen And Turbo Limited v. Ireo Victory Valley Private Limited*, order dated 14.03.2024 in CS(COMM) 227/2024 titled as *Imberatek LLC v. Apple Inc & Anr*, and order dated 08.05.2023 titled as *Amit Jain v. Mahavir International Pvt. Ltd & Ors.*¹, and finds force in the submission made by learned counsel appearing on behalf of the plaintiff that he is entitled for refund of full Court

¹ 2023:DHC:3090-DB



fee.

2. It be noted that the instant civil suit came to be withdrawn on the first date of hearing i.e., on 18.01.2024. The withdrawal was sought with liberty to institute a fresh civil suit after complying with the provisions of Section 12A of the Commercial Courts Act, 2015.

3. It is, thus, seen that in the instant civil suit, there was no formal adjudication of the dispute brought by the plaintiff. Therefore, the Court is of the considered opinion that the plaintiff is entitled for refund of full Court fee.

4. Let the Registry to do the needful accordingly.

5. Ordered accordingly.

6. The application stands disposed of.

FEBRUARY 10, 2025

Nc/sp

PURUSHAINdra KUMAR KAURAV, J

Click here to check corrigendum, if any