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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 253/2024**

O.P. KHANDELWALAppellant
Through: Mr. Anupam Srivastava and
Mr. Vipul Sharma, Advs.

versus

STEEL AUTHORITY OF INDIARespondent
Through: Mr. Sharat Kapoor, Mr. Shubh
Kapoor and Ms. Bhavya Garg, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AMIT BANSAL

% **ORDER**
30.01.2025

AMIT BANSAL, J.

CM APPL. 5890/2025 (Exemption)

1. Allowed subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 5889/2025 (clarification of order dated 24 September 2024)

3. This application has been filed on behalf of the applicant/appellant seeking clarification of the order passed by this Court on 24



September 2024.

4. With consent of learned counsel for the parties, we proceed to dispose of the application.

5. By way of the said order, the appeal filed by the appellant was allowed. The operative part of the judgment is set out below:

“27. In our considered view, the issue of limitation in the present case could not have been decided by the Commercial Court as a preliminary issue. The same could only have been decided after parties were given an opportunity to lead evidence.

28. In view of the discussion above, the present appeal is allowed. The findings in the impugned judgment cannot be sustained and are therefore, set aside. The matter is remanded back to the Commercial Court for deciding the suit on merits after giving the parties an opportunity to lead evidence.

6. It is the case of the appellant that when the matter was remanded pursuant to the aforesaid order, the Trial Court interpreted this order in a manner that evidence is to be led on behalf of the parties on the issue of limitation and only after the issue of limitation is decided, would the suit proceed on the merits of the matter.

7. We are unable to accept this interpretation in terms of the order passed above. The intent of the Court was clear that the suit is to be adjudicated afresh after leading evidence on all aspects of the suit including limitation.



8. The application is disposed of.

AMIT BANSAL, J.

C.HARI SHANKAR, J.

JANUARY 30, 2025/yg