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

+ **CRL.M.C. 5140/2019 & CRL.M.A. 37881/2019**

M/S. SWADESHI POLYTEX LIMITEDPetitioner

Through: Mr. Sanjay Ghose, Senior
Advocate with Mr. Naman
Jain, Mr. Rohan Mandal
and Mr. Mohit Garg,
Advs.

versus

M/S. INDIAN PETROCHEMICALS
CORPORATION LIMITED & ANR.Respondents

Through: Mr. Manoj Arora, Adv.
(through VC)
Mr. Simarjeet Singh Satia,
Adv.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

04.09.2024

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1. After some arguments, the learned counsel for the parties are at *ad idem* that the impugned orders be set aside and the respondent be given liberty to file an appropriate application for restoration of the complaint filed under Section 138 of the Negotiable Instruments Act, 1881 (**NI Act**) along with an application seeking condonation of delay up to 21.12.2017.
2. The learned counsel for the parties also agree that the said application can be filed before the concerned Metropolitan Magistrate, South East District, Saket District Courts, New Delhi, having the jurisdiction.
3. In view of the above, the impugned orders are set aside and the present petition is disposed of with liberty to the



respondent to file an application seeking restoration of the complaint under Section 138 of the NI Act, originally numbered as Complaint Case No. 9182/2001 titled as *M/S Indian Petrochemicals Corporation Ltd. v. M/S Swadeshi Polytex Ltd. & Ors.*

4. If such application is filed within a period of four weeks, the learned Metropolitan Magistrate shall consider the application seeking restoration and condonation of delay without being influenced by the time taken by the parties after 21.12.2017.

5. The learned Metropolitan Magistrate is directed to pass an order after considering the arguments on behalf of the parties, without being influenced by any observation that may have been made by this Court in the present petition.

6. All rights and contentions of the parties are open.

7. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 4, 2024

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