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

+ **CM(M) 1894/2023**

TUF METALLURGICAL PVT. LTD. Petitioner

Through: **Mr. Vaibhav Mahajan, Adv.**

versus

NORTECH FERROALLOYS PVT. LTD. Respondent

Through: **Mr. Rajesh Khaware, Adv.**

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **16.01.2024**

CM APPL. 59343/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 1894/2023, CM APPL. 59342/2023 (stay)

3. After addressing some arguments, learned counsel for the respondent submits that he has no objection, in case the evidence of only PW-2 i.e. Deputy Commissioner of Customs at Mundra Port, Gujarat is allowed to be recorded. It is further submitted that apart from that the petitioner herein will not summon or get evidence of any other witness recorded.
4. Learned counsel for the petitioner submits that he shall abide by the terms and he be permitted only to record the evidence of PW-2. He further undertakes that in case, the said witness appears on the next date of hearing, he shall examine the witness on the next date of hearing itself.
5. In view of the submissions made, petitioner is allowed to get the



evidence of PW-2 i.e. Deputy Commissioner of Customs at Mundra Port, Gujarat recorded for which only single opportunity shall be granted to the petitioner, subject to convenience of the learned Trial Court and availability of PW-2.

6. Petition along with pending application(s) is disposed of accordingly.

SHALINDER KAUR, J

JANUARY 16, 2024/ss