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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 885/2023 & I.A. 25089/2023 I.A. 8507/2024 I.A. 42726/2024 I.A. 42815/2024 I.A. 48425/2024**

M/S CRESCENT TECHNO SOLUTIONS PVT. LTD.

.....Plaintiff

Through: **Mr. D.K. Rustagi, Mr. J Karan Malhotra, Advocates**

versus

LOTUS POWERGRID PVT. LTD. & ORS.Defendants

Through: **Mr. Samdarshi Sanjay, Mr. Sushil Kumar Dubey, Ms. Monika Sharma, Mr. Ashish Kumar Sharma and Mr. Rabindra Nath Mukherjee, Advocates**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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23.12.2024

CS(COMM) 885/2023

1. The present suit has been filed under Section 26 and 39 of the Specific Relief Act, 1963 ('the Act of 1963') with respect to rectification of the agreement to sale (ATS) and purchase dated 14.07.2022 executed between the parties qua the suit property i.e., industrial plot bearing Unit No. 3F & 3G, Udyog Vihar Ecotech-2, Greater Noida, Gautam Budh Nagar, U.P.
2. Learned counsel for the defendants has raised an objection under Section 16 of the Code of Civil Procedure, 1908 (CPC) to the effect that the suit with respect to the said ATS can only be maintained in the Court at



Greater Noida, Uttar Pradesh since the immovable property is located in Greater Noida.

3. Learned counsel for the plaintiff states that in view of the objection on territorial jurisdiction raised by the defendant, plaintiff seeks leave of this Court for return of plaint under Order VII Rule 10 CPC for presenting the same before the concerned Commercial Court in District Court at Greater Noida, Uttar Pradesh.

3.1 He prays that in addition to the return of the plaint, directions be issued under Order VII Rule 10-A (2) CPC for fixing a date for the appearance of the parties and specifying the Court in which the plaintiff proposes to present the plaint after its return.

4. Accordingly, with the consent of the parties the date of **20.01.2025** is hereby fixed and parties are directed to appear before the concerned Commercial Court, at District Courts at Greater Noida, Uttar Pradesh on the said date at **10:00 A.M.**

5. Upon the plaintiff taking appropriate steps within one (1) week, the registry is directed to take all necessary steps for return of the plaint in accordance with the rules. Keeping in view the date of 20.01.2025, the registry is directed to act expeditiously.

6. The plaintiff will be at liberty to rely upon the pleadings and documents served on him by the defendants in these proceedings, while presenting the return plaint before the District Court at Greater Noida.

7. In view of the above, the plaint stands returned under Order VII Rule 10 CPC. The suit is accordingly disposed of.

8. Pending applications stand disposed of.

9. The digitally signed copy of this order, duly uploaded on the official



website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 23, 2024/mt/sk

[Click here to check corrigendum, if any](#)