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

+ **FAO(OS) (COMM) 274/2024, CM APPL. 68699/2024-Exp, CM APPL. 68700/2024-Direction to Ld. Single Judge to not pass any adverse orders against the appellants until the adjudication of the present appeal., CM APPL. 68701/2024-Lengthy synopsis and list of dates.**

MR NAGENDRAN KANDASAMY AND ANRAppellants

Through: Mr. Jai Sai Deepak, Mr. Utkarsh Joshi, Mr. Anirudh Suresh, Mr. Avinash Sharma, Advocates with appellants in person.

versus

NEOSKY INDIA LIMITED AND ANRRespondents

Through: Mr. Tanmay Mehta, Mr. Karan Nagrath, Ms. Nupur Kumar, Ms. Rashmi Gogoi, Ms. Niharika Nagrath and Mr. Ambuj Tiwari, Advocates

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.11.2024

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1. The present appeal filed under Section 13 of the Commercial Courts Act, 2015 seeks the following prayers:

“A. Direct issuance of notice in IA No.42839 of 2024, i.e., the application for vacation of stay filed on 19 October 2024 and first listed on 21 October 2024 and in which even notice has not yet been issued;

B. Direct the Hon’ble Ld Single Judge to hear the Contempt Petition with the Section 9 Petition and the ad-interim order dated 31 May 2024 to be able to determine whether there has been any wilful disobedience by the Appellants;

OR

Direct that the Section 9 Petition’s replies filed by the Appellants be



heard first before any contempt on ad-interim order is heard against the Appellants.

C. Pass any other orders that this Hon'ble Court may feel are just and fair in the present fact situation."

2. After some arguments, learned counsel for the appellant submits that since the present appeal is not maintainable under Section 13 of the Commercial Courts Act, 2015, he seeks leave to withdraw the same with liberty to avail of other appropriate remedies in accordance with law. As prayed for, the present appeal alongwith the pending applications, is dismissed as not pressed, with liberty to avail of such appropriate remedies as per law.
3. It is, however, made clear that this Court has not expressed any opinion on the grounds raised in the appeal and, therefore, it will be open for the respondent to raise all permissible grounds in law while initiating any other appropriate proceedings as per law.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 25, 2024/So