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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 290/2024**

M/S. BREWFORCE TECHNOLOGIESAppellant

Through: **Mr. Amarjeet Singh Sahni, Ms.**
Vanshika Goyal, Advocates.

versus

M/S. RAJA KAIMOOR BREWERIES PVT.LTD.Respondent

Through: **None.**

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

17.12.2024

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CM APPL. 74059/2024 CM APPL. 74060/2024

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

FAO(OS) (COMM) 290/2024

1. The petitioner has filed the present appeal impugning an order dated 11.11.2024 passed by the learned Single Judge rejecting the appellant's application (I.A. 44554/2024 in CS(COMM) 675/2023) seeking condonation of delay in filing its replication.
2. The present appeal is not maintainable as the impugned order is not an appealable order under Order 43 Rule 1 of the Code of Civil Procedure, 1908, and therefore in terms of Section 13(1A) of the Commercial Courts Act, 2015 the present appeal would not be maintainable.
3. This issue is covered by the decision of Supreme Court in **Kandla**



Exports Corporation & Another vs. OCI Corporation Pvt Ltd. & Another, (2018) 14 SCC 715 as well as in a number of decisions of this court including *Odeon Builders Pvt. Limited vs. NBCC (India) Limited: Neutral Citation No.2021:DHC:2822-DB.*

4. The appeal is, accordingly, dismissed.
5. All pending applications also stand disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 17, 2024

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Click here to check corrigendum, if any