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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

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THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

A.No.4470 of 2025

in C.S.(Comm.Div)No.75 of 2025

and A.Nos.4059 & 4060 of 2025

M/s.The Kinetic Green Energy & Power Solutions,
Having its Registered Office at Kinetic Innovation
Parks, Pune, Maharashtra-411 019.

Represented by its Authorised Signatory, Mr.Ritesh
Ramesh Mantri, Director.

..Applicant/1st Defendant

Vs

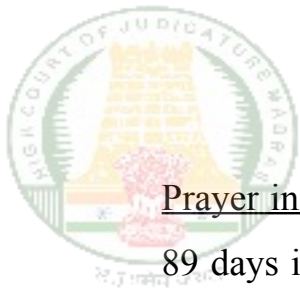
1. Chennai Enviro Solutions Private Limited,
Represented by its Assistant General Manager,
Mr.Ch.Anji Reddy, Having Registered Office,
No.323, Poonamallee High Road, Level 4, Diamond
Dune, Aminjikarai, Chennai-600 029.

2. M/s.Iconpro Tech Private Limited,
Represented by Mr.Veda Prakash, Having its Office
at Sardar Patel road, Guindy, Chennai-600 032.

..1st Respondent/Plaintiff

... 2nd Respondent/

2nd Defendant



Prayer in A.No.4470 of 2025: This application is filed to condone the delay of 89 days in filing the accompanying written statement filed by the 1st defendant in the suit and take the written statement on record.

For Applicant: Mr. Thriyambak J.Kannan

For Respondents: Ms.B.Maheswari for R1

ORDER

Application No.4470 of 2025 is filed to condone the delay of 89 days in filing the accompanying written statement filed by the 1st defendant in the suit.

2. According to the 1st defendant, after the lapse of 30 days, there is a delay of 89 days in filing the written statement. The time limit as per the proviso for filing the written statement is 120 days. It is further submitted that the 1st defendant has e-filed the written statement with the Registry on 14.08.2025.

3. According to the plaintiff, after the e-filing is completed, the Registry has to verify the same. Thereafter, only a hard copy of the written statement will be accepted.



4. Learned counsel for the 1st defendant has furnished the High Court Website details showing that the written statement was uploaded on 14.08.2025 at 15:41:04.

5. In the counter filed by the plaintiff, it is stated that the written statement was filed beyond the period of 120 days. It is not in dispute that 120 days is the outer limit.

6. Now it is appropriate to extract Rules 8 & 12 of the Tamil Nadu Government Gazette Notification No.47, dated 18.11.2020, which are extracted hereunder:

8. Retention of signed pleadings and original documents.

8.1 The original (s) of the signed vakalatnama, notarized/attested affidavit and pleadings or any other document presented in an action at the time of e-filing through online shall be filed in the Registry of the court concerned as and when directed by the Registry.

8.2 In all cases, unless exempted, the originals of the documents relied as evidence that are scanned and digitally signed by the Advocate or the litigant in person, as the case may be, presented at the time of e-filing, should be filed in the Registry at the earliest point of time, preferably before the commencement of trial or hearing.



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8.3 *The Registry shall ensure the originals of the signed pleadings/documents involved in an action are received for its safe custody. Any destruction of the records so received and preserved shall be only in accordance with the applicable rules for destruction.*

.. ..

12. Computation of Time

12.1 *Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) as in the Registry Portal will apply.*

12.2 *E-filing through Designated Counters will be permissible up to 16.00 hours on any court working day. On-line e-filing carried out after midnight, i.e. 24.00 hours of the day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.*



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12.3 The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e-filing during court hours on working days or take recourse to physical filing along with soft copies in CD or pen drive.

12.4 Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions shall commence from the date when e-filing is made as per the procedure prescribed in these Rules. ”

As per Rule 12.1 of the above notification, e-filing is to be done by a party before the cut-off date. Accordingly, the defendants have e-filed the written statement before the Registry on 14.08.2025 i.e. on the 119th day. As the defendants have filed the written statement well within the time, I am inclined to condone the delay. Accordingly, A.No.4470 of 2025 for condoning the delay of 89 days in filing the written statement is ordered and the delay stands condoned.



7. List the suit and other applications on 08.12.2025. Learned counsel for the respondents in A.Nos.4059 & 4060 of 2025 shall file counters by then.

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N.SENTHILKUMAR,J.

Kj

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