



\$~71

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

+ **LPA 68/2025**

MODERN CATERERS

.....Appellant

Through: Mr. Praveen Kumar Singh, Ms. Ishita Goel, Mr. Sanal Nambiar and Ms. Chetna Singh, Advocates

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Puhumi Aditya, Proxy Advocate for Mr. Jawahar Raja, ASC, Civil, GNCTD for R-1 & 2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

29.01.2025

%

CM APPL. 5431/2025

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

LPA 68/2025 & CM APPL. 5432/2025

3. Present letters patent appeal has been preferred under Clause X of the Letters Patent seeking setting aside of the impugned/interim order dated 10.12.2024 passed by learned Single Judge of this Court whereby the Civil Miscellaneous Application being C.M. Appl. No. 41534/2024 (*seeking to place on record additional documents*) filed by the appellant in the underlying writ petition being W.P.(C) No.5679/2023 titled '*Satpal Caterers & Anr. vs. Govt. of NCT of Delhi & Anr.*' was dismissed.
4. Mr. Praveen Kumar, the learned counsel for the appellant submits that the appellant had, in order to substantiate the claim and ledger, which was



already on record and to make the things handy, filed certain bills/documents additionally which were already part of the ledger and the claim amount. He submits that the appellant did not place any fresh claims on record rather supplemented the already filed ledger and the claim amount.

5. The learned counsel for the appellant submits that by way of the impugned/interim order, the learned Single Judge had wrongly dismissed the C.M Appl. 41534/2024 of the appellant observing that the additional documents in the form of Bills were of the year 2021 and thus, *prima facie*, barred by limitation. He submits that the appellant had already placed on record the ledger entries corresponding to the transactions conducted in respect of the South-East, East and North Districts. He submits that he sought leave to file the corresponding bills pertaining to these ledger entries only to the extent it substantiates and verifies the accuracy of the claim entries which are already on record.

6. He also brought attention to the order dated 28.02.2024 whereby the learned Single Judge had taken note of this fact and in pursuance thereto, the application was filed.

7. We have heard learned counsel for parties and perused the records. From a perusal of the order dated 28.02.2024, particularly para 2, it is apparent that the appellant was required to file the additional documents in order to substantiate its claim. For clarity the order dated 28.02.2024 is reproduced herein under:-

“1. Learned ASC appearing for the Respondents informs this Court that as far as Petitioner No.2 is concerned, the Petitioner No.2 has claimed an amount of Rs.5,54,48,106/- for providing meals/snacks/food packages to officials deployed in delhi International Airport and for various passengers



during the COVID-19 pandemic in respect of South District. He states that as per the accounts of the Respondents, a sum of Rs. 5,06,68,681/- is found to be due and payable. He states that out of total amount, a sum of Rs.4,53,43,441/- have been released and the remaining amount would be released latest by 01.05.2024.

2. Learned Counsel appearing for the Petitioners states that the amount claimed by the Petitioner No.2 is more than Rs.5,54,48,106/-. Learned Counsel appearing for the Petitioners is directed to file a tabulated chart of the entire statement (district wise) along with a copy of the bills in respect of Petitioner No.2 in the Court with an advance copy once again to the learned ASC appearing for the Respondents.

3. As far as the balance amount of Rs.1,01,04,665/- of Petitioner No.2 in respect of South District is concerned, let a reply be filed by the Respondents. Let a similar exercise be also done for the other districts as well.

4. As far as Petitioner No.1 is concerned, as per Respondents, an amount of Rs.4,41,98,261/- is due and payable qua the Central District. Let the said amount be released by the Respondents latest by 01.05.2024.

5. Learned Counsel appearing for the Petitioners is also directed to file a tabulated chart of the entire statement (district wise) along with a copy of the bills in respect of Petitioner No.1 in the Court with an advance copy once again to the learned ASC appearing for the Respondents.

6. Let a reply be also filed by the Respondents in respect of the balance amount regarding the bills submitted by Petitioner No.1 for Central District and also in respect of other districts.

7. List on 02.05.2024.”

(emphasis supplied)

8. Moreover, the application was only sought to place on record certain additional documents without any consequential direction. The examination of their intrinsic value can be ascertained at a later stage.

9. In that view of the matter, we are of the considered opinion that the appeal can be allowed and the appellant be permitted to place on record the additional documents subject to final orders to be passed by the learned



Single Judge.

10. In view of the aforesaid terms, the appeal stands disposed of along with pending applications.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JANUARY 29, 2025/*rl*