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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 39/2025 and CM Nos.13762/2025 and 13763/2025**

BALCORP LIMITED

.....Appellant

Through: Mr. Rakesh Tiku, Sr. Advocate with
Ms. Arpan Wadhawan & Mr.
Devashish Mishra, Advocates.

versus

M/S GANGA RAM BRIJ MOHAN

.....Respondent

Through: Mr. Ankit Jain, Sr. Advocate with Mr.
Shiven Khurana, Mr. Manjit Singh,
Mr. Eish Kesorwomi & Adv.
Divyanshu Rathi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

06.03.2025

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1. The appellant has filed the present appeal impugning an order dated 14.11.2024 passed by the learned Commercial Court in CS(COMM.) 1318/2018 captioned *Balcorp Limited v. M/s. Ganga Ram Brij Mohan*.
2. In terms of the said order, the learned Commercial Court allowed an application (being IA No.37751/2024) filed by the respondent for permitting Shri Brij Mohan Goel, to adopt the written statement filed by one Mr Ankit Goel as a sole proprietor of the respondent. However, the application filed by the appellant to strike off the written statement filed by Sh. Ankit Goel was dismissed.
3. The impugned order is not one of the orders as enumerated in Order XLIII of the Code of Civil Procedure, 1908 and therefore, the present appeal



is not maintainable under Section 13(1A) of the Commercial Courts Act, 2015.

4. The said issue is no longer *res integra*. As held by the Hon'ble Supreme Court in ***Kandla Export Corporation v. OCI Corporation: (2018) 14 SCC 715*** and by this court in ***H.P Cotton Textile Mills Ltd. V Oriental Insurance Co. Ltd: 2023 SCCOnLine Del 511; Arrena Overseas Private Limited v. Batra Art Press: Neutral Citation:2023:DHC:7446-DB***; and ***Odeon Builders (P) Ltd vs NBCC(India) Ltd: 2021 SCCOnLine Del 4390***, appeals under Section 13(1A) of the Commercial Courts Act, 2015 are now limited to the orders that are specifically enumerated in Order XLIII of the Code of Civil Procedure, 1908.

5. The present appeal is, accordingly, dismissed. All pending applications are also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 06, 2025

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