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

+ **TR.P.(C.) 89/2025, CM APPL. 31436/2025**

JAY COLOURS COMPANY

.....Petitioner

Through: Mr. Harshit Jain and Mr. Deepak
Yadav, Advs.

versus

M/S SURENDER KUMAR JAIN

.....Respondent

Through: Mr. S.B. Sharma, Mr. Tushant Jai
Narain and Mr. Abhilash, Advs. along
with respondent in-person.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **22.05.2025**

This matter has been received on transfer since the Roster Bench is on leave today.

CM APPL. 31437/2025 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of, accordingly.

TR.P.(C.) 89/2025 along with CM APPL. 31436/2025 (Stay)

1. This petition has been filed under Section 24 seeking transfer of **CS(COMM.) 714/2023**, which is pending adjudication before *DJ (Commercial Courts)-04, Central District, Tis Hazari Courts, Delhi* to the Court of *Sh. M.K. Nagpal DJ (Commercial Courts)-13, Central District, Tis Hazari Courts*, where another matter, being **CS(COMM.) 897/2023** titled as “*VDR Colours and Chemical Pvt. Ltd. through its managing director*”



Surender Kumar Jain v. M/s Jay Colour Company through its partner Gaurav Bansal” is pending.

2. Counsel for the petitioner states that they are the defendants in both these matters and the matters have been effectively filed by *Mr. Surender Kumar Jain*, who is the managing director of *VDR Colours*, for recovery amounts in the transactions with the parties.

3. He states that the evidence in both the matters may be similar, particularly relating to the GST issue.

4. The Court is not convinced by this argument considering that ***CS(COMM.) 714/2023*** is at the stage of final arguments, whereas, ***CS(COMM.) 897/2023*** is at the stage of plaintiff’s evidence.

5. Moreover, the juristic entity, *VDR Colours*, is the company as a plaintiff, whereas *Surender Kumar Jain* plaintiff in ***CS(COMM.) 714/2023***, is as a proprietor, and these relate to different transactions, *albeit* with the same defendant.

6. The petition is, therefore, dismissed.

7. Pending applications, if any, are rendered infructuous.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 22, 2025/MK/kp