



2025:DHC:1735



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 17th March, 2025***

+ CM(M) 1/2025 & CM APPL. 34/2025

EKRA DECOR PVT LTD

.....Petitioner

Through: Mr. Monis Khan with Mr. Asad Iqbal
and Mr. Abuzar, Advocates.

versus

ALLIED TUBES PVT LTD

.....Respondent

Through: Ms. Jagriti Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The issue raised in the present writ petition is very short and precise.
2. Petitioner is defending a commercial suit.
3. The petitioner was served with the summons of suit on 08.06.2024 and, admittedly, the written statement was filed by him within the permissible outer limit i.e. on 04.09.2024.
4. However, since the written statement filed by the defendant was not strictly in terms of the requirements contemplated under Commercial Courts Act and Rules framed thereunder, the learned Commercial Court permitted him to file it afresh.
5. The written statement was, though, filed again but it seems that the



petitioner did not remove the infirmities and objections as pointed out earlier and, therefore, the learned Commercial Court, by virtue of order dated 27.11.2024, while dismissing the application moved under Order VIII Rule 1 read with Section 151 CPC, declined to take the written statement on record.

6. Learned counsel for the respondent/plaintiff submits that the conduct of the defendant is negligent and for the reasons best known to the defendant, despite being specifically pointed out by the learned Trial Court, the objections were not removed and the written statement was filed again without doing the necessary corrections and modifications in terms of the specific provisions under Commercial Courts Act.

7. However, after hearing arguments for some time, learned counsel for respondent/plaintiff submitted that in order to ensure that there is no further delay in the suit filed by her, she would have no objection if the petition is allowed, *albeit*, subject to payment of exemplary cost.

8. Needless to emphasise that the timelines given in the Commercial Courts Act with respect to the various stages of the case, including filing of written statement, are very strict and rigid. However, at the same time, it is admitted case that the written statement was filed, initially, within the prescribed outer limit.

9. Since the suit was commercial in nature, the petitioner should have been extra cautious and watchful, while submitting the written statement. However, keeping in mind the overall facts, the fact that the learned Trial Court itself had initially granted time to petitioner to do the needful and the concession given by Ms. Jain, learned counsel for respondent, the petition is



allowed with the following directions:-

- a. Let the written statement, after removing all the objections and infirmities as earlier pointed out by the Court and also strictly in compliance of the provisions contained in the Commercial Courts Act, be filed within seven days from today, with advance copy to the learned counsel for the respondent.
- b. For causing delay in the matter, the petitioner is also burdened with cost of Rs. 25,000/-, which he shall clear on the next date of hearing which is, reportedly, 19.03.2025.
- c. It will be entirely up to the learned Trial Court to consider whether such written statement, which is to be filed within one week as per the present order, is as per the requirement of Commercial Courts Act. In case, such filing is again found to be not in consonance with the statutory provisions, the learned Commercial Court would be at liberty to pass further order, as it may deem fit.
- d. In case, the written statement is found to be in consonance with the provisions of the Commercial Courts Act, the plaintiff would be at liberty to file replication, if any.

10. In view of the above, if the pleadings are complete, the learned Commercial Court would proceed further with the matter in accordance with law as it is apprised that, presently, the matter is fixed for plaintiff's evidence.



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11. The present petition, along with pending applications, stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 17, 2025/sw/SS