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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1968/2023 & CM APPL. 61663/2023**
FOOD CORPORATION OF INDIAPetitioner

Through: Ms. Richa Kapoor, Mr. Kamal Anand,
Ms. Udipti Chopra and Mr. Sandesh
Kumar, Advocates through VC.

versus

SHIVALAYA CONSTRUCTION COMPANY PVT LTD
.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **25.02.2026**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed under Article 227 of the Constitution of India, assailing the impugned order dated 09th October, 2023, passed by the learned Trial Court in CS (COMM) No. 685/2022, whereby the petitioner's right to file the written statement has been closed.
3. Nobody has appeared on behalf of the respondent.
4. Heard. Record perused.
5. Learned Counsel for the petitioner submits that the present petition be disposed of in accordance with paragraph no. 3 of the order dated 30th November, 2023, passed by this court and he is not challenging the impugned order, as to the closing of his right to file the written statement.
6. The said paragraph of the order reads as follows:
"3. The matter is listed before the Trial Court on



06.12.2023 for consideration of an application under Order VIII Rule 10 CPC, and it is clarified that the Petitioner will be at liberty to raise all legal defences permissible in law including reliance on the reply dated 25.06.2019.”

7. Keeping in view of the submissions made by learned Counsel for the petitioner, the present petition is disposed of with liberty to the petitioner as granted in paragraph no. 3 of the order dated 30th November, 2023. All pending applications, if any, are also disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 25, 2026/MR/ABK