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

+ **W.P.(CRL) 1379/2024**

ROYALE RESINEX PVT LTD

..... Petitioner

Through: Mr. Bharat Arora and Mr. Hardik Nagpal, Advocates.

versus

STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for the State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **03.05.2024**

CRL.M.A. 13544/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 1379/2024

3. The present writ petition under Article 226/227 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973 has been filed by the petitioner seeking the following reliefs:-

“I. Issue Appropriate writ/orders/directions to Respondent No. 1 for regularization of listing of Criminal Complaint being CC NI Act/619/2024 Titled Royale Resinex Pvt. Ltd Maverick Flexi Kem Pvt. Ltd for Admission filed Under the Negotiable Instruments Act, 1881.

II. Issue appropriate directions to the Respondent No. 1 for monitoring the dates which are given in the fresh matters which are e-filed”



4. In the present case, on 23.02.2024, the petitioner had filed a complaint under Section 138/141 of the Negotiable Instruments Act, 1881 (NI Act) against the respondent no. 2 company, which got registered on 05.03.2024 as *Royale Resinex Private Limited vs. Maverick Flexi Kem Private Limited*, bearing filing. no. CC NI ACT/3258/2024 as per the information available on the e-Courts Services Mobile Application. Furthermore, the same was listed for 25.11.2024 for consideration.

5. As per the contents of petition, the petitioner had filed the aforesaid complaint before the Court of learned CMM, North District, Rohini Court, Delhi. It is stated that in accordance to the *e-Court Services Mobile Application* the matter was filed, and on 05.03.2024, the matter bearing filing no. CC NI ACT/3258/2024 was given a registration number being 619/2024 and first hearing date and next date of hearing was given as 25.11.2024 and same can be corroborated from the case status as available on the official website of the Rohini Courts as well as the message received. It is also stated that as a matter of procedure, the Complaints under Section 138 of NI Act are e-filed and thereafter an SMS is received as to filing, registration and listing of the same. It is stated that in the present matter, the counsel received an SMS on 05.03.2024 from DDCSMS that next date of hearing is 25.11.2024. It is submitted that different dates are given in different matters which are filed at the same time. Also, there is no reason whatsoever for listing of fresh cases after such long interval of filing. For the purpose of illustration, it is submitted that one another matter titled "*Royale Industries vs. Maverick Flexi Kern Private Limited*" bearing filing no. CC NI ACT/7551/2024 was filed on 24.02.224, it was given registration number on 28.02.2024 and thereafter was listed on 29.02.2024 for consideration. It



is further submitted that once a matter is filed and same is scrutinized and registered, the Complainants or their Counsels have no role in the listing of the same. Hence in the present matter, the same is listed on 25.11.2024 when the matter would be taken up for consideration. The date assigned/allotted is 9 months after the filing the same which is against the provisions of the Act itself. It is further submitted that Section 143(3) of NI Act provides for the expeditious trial i.e., the trial to be concluded within six months from the date of filing of the complaint. It is stated that the first of date hearing is 25.11.2024 wherein the aforesaid matter will be taken up for the consideration for the first time is after 9 months of its filing and same shall cause grave injustice to the petitioner herein.

6. Learned counsel for the petitioner submits that since the complaint filed by the petitioner, i.e. CC NI ACT/619/2024 has been listed for admission and consideration after 9 months of filing, the same defeats the very purpose of filing it in the Digital Court and the same is against the mandate of law. It is also stated that the petitioner has incurred losses due to the default in payment of the outstanding amount on behalf of Maverick Flexi Kern Private Limited and further, listing the matter after 9 months of its filing is prejudicial to the rights of the petitioner. Learned counsel further makes an oral prayer that the date fixed before the learned Trial Court be cancelled and the Court may be directed to prepone the date of hearing in the interest of justice. It is further prayed that the directions be issued to the concerned District Court for monitoring the dates which are given in fresh matters which are e-filed, especially those filed under Section 138 of NI Act. It is further stated that there is a lack of system for listing of fresh matters through this computerized system.



7. Having gone through the case file and having considered the submissions made before this Court, this Court is of the opinion that it will be necessary to call for a *report from the learned Trial Court concerned*, as to why the date of 9 months was given for consideration of the matter filed under Section 138 of the Negotiable Instruments Act, 1881.

8. *A report be also called from the learned Principal District & Sessions Judge (Head Quarters), Delhi* regarding the protocol being followed in cases filed under the Negotiable Instruments Act, 1881 by all the District Courts in Delhi. Learned Principal District & Sessions Judge (HQs) will file a report received from the learned District & Sessions Judges of all the District Courts, and will send the same through the learned Registrar General of this Court, a day prior to the next date of hearing.

9. This Court, at present, is not inclined to issue notice to any of the respondents, as it deems it appropriate to first call for the reports, as directed in previous paragraphs.

10. List on 21.05.2024.

11. A copy of this order be sent to the learned Principal District & Sessions Judge (Head Quarters), Delhi, as well as learned Trial Court concerned for information and compliance.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 03, 2024/A

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