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

Reserved on: 02.09.2026
Date of Decision: 15.09.2026
Date of Uploading: 15.09.2026

CNR No. DLHC010309282026

\+ CM(M) 1514/2026 & CM APPL. 45021/2026

PINNACLE INNOVATORY SERVICES PRIVATE LIMITED .....Petitioner

Through: Mr. Deepak K. Bansal, Mr. Akhil Mittal and Mrs. Yogita Bansal, Advs.

versus

SH. RAJ KUMAR SINGHAL .....Respondents

Through: Mr. Sajal Dutt Dixit, Ms. Gauri Dixit and Mr. Shashwat Dixit, Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. Through the present petition, the petitioner/defendant impugns the order dated 23.04.2026 in the underlying commercial suit bearing CS (COMM) 563/2023 titled *"Raj Kumar Singhal v. Pinnacle Innovatory Services Pvt. Ltd."* passed by the learned District Judge (Commercial Court)-02 North District, Rohini Courts, Delhi[1]. The order is impugned to the extent that the applications of the petitioner, under Order VIII Rule 1 read with Order V Rule 1(1) of the Code of

[1] Hereinafter "Trial Court"

Civil Procedure, 1908[2] and under Order XLVII Rule 1 read with Section 114 of the CPC, were dismissed.

2. The facts relevant for the adjudication of the present petition are that in 2023, the respondent/plaintiff instituted the underlying commercial suit for recovery of Rs. 39,37,880.64 together with *pendente lite* and future interest @18% p.a. till its realization and cost of the suit.

3. The matter was first taken up on 19.09.2023, whereupon the learned Trial Court issued summons to the petitioner through all permissible modes on filing of process fee within a week.

4. At the next date of hearing i.e., 27.01.2024, it was recorded by the learned Trial Court that the summons issued to the petitioner and RC had not been received back, although it was noted that the petitioner had been duly served on 06.12.2023 through email ID bearing *"bhaviksanghavi20@gmail.com".* Nevertheless, the learned Trial Court directed the petitioner to file the written statement and listed the matter for admission/denial of documents and settlement of issues. The relevant portion of the order dated 27.01.2024 reads thus:

> "Summons issued to the Defendant have not been received back as yet and RC is not received back.
>
> The Defendant has been duly served through e-mail bhaviksanghavi20@gmail.com on 06.12.2023.
>
> WS be filed by the Defendant alongwith documents and affidavit of admission/denial of documents of plaintiff in view of the provisions of Commercial Courts Act after supplying advance copy of the plaintiff through counsel."

5. Subsequently, the petitioner was served again. The learned Trial

[2] Hereinafter "CPC"

Court *vide* order dated 03.04.2024 recorded that the petitioner had been served on 20.03.2024 through e-mode *via* email ID *"bhaviksanghavi20@gmail.com"*, directed the petitioner yet again to file the written statement and listed the matter for framing of issues. The relevant portion of the aforesaid order reads thus:

> "The Defendant has been served through e-mode in the e-mail ID bhaviksanghavi20@gmail.com on 20.03.2024.
>
> WS be filed by the Defendant within a period of 30 days prescribed under the Commercial Courts Act alongwith documents and affidavit of admission/denial of documents of plaintiff within stipulated period in view of the provisions of Commercial Courts Act after supplying advance copy of the plaintiff through counsel."

6. At this juncture, no written statement had been filed by the petitioner within the timeline of 30 days, as stipulated by the Commercial Courts Act, 2015 and consequently, the learned Trial Court *vide* order dated 06.06.2024 closed the right of the petitioner to file its written statement and struck off its defence. However, considering that the outer limit of 120 days had not lapsed, liberty was granted to the petitioner to move an appropriate application seeking condonation of delay in filing its written statement within the said outer limit of 120 days. The relevant portion of the order dated 06.06.2024 is reproduced hereunder for ready reference:

> "The Defendant has been duly served on 20.03.2024 but the Defendant has not filed WS within the period of 30 days as prescribed under the Commercial Courts Act. No WS has been filed even today. As such the right of the Defendant to file WS is closed and defence of the Defendant is hereby struck off.
>
> In so far as 120 days are yet to elapse, Defendant is at liberty to move appropriate application seeking condonation of delay in filing WS within this window."

7. The learned Trial Court *vide* the same order dated 06.06.2024 framed notional issues, appointed a Court Commissioner, directed the respondent to appear before the Court Commissioner for recording of evidence and listed the matter for final arguments. Accordingly, the plaintiff's evidence was recorded and part arguments were heard on 03.08.2024.

8. During the pendency of the suit, on 21.08.2024, the petitioner purportedly first became aware of the underlying suit through an unrelated e-courts search, whereupon the petitioner applied for certified copies; that were received on 28.08.2024.

9. Pursuant thereto, on 06.09.2024 the petitioner moved an application under Order IX Rule 7 read with Section 151 of the CPC seeking to recall the order dated 03.04.2024. Apart from this, the petitioner also moved an application under Order VII Rule 10 of the CPC seeking return of the plaint and another application under Order VII Rule 11 read with Section 151 of the CPC seeking dismissal of the underlying suit at the outset.

10. Meanwhile, on 01.10.2024 the respondent filed an application under Section 151 of the CPC seeking to place on record corrected/updated plaint, statement of truth and declaration under Order XI Rule 6 of the CPC.

11. The learned Trial Court *vide* order dated 21.12.2024 dismissed the application of the petitioner under Order IX Rule 7 read with Section 151 of the CPC, observing that the summons had been duly served upon the petitioner.

12. Following such dismissal, on 27.12.2024 the petitioner filed its written statement and supporting documents. The petitioner also moved an application under Order VIII Rule 1 read with Order V Rule 1(1) of the CPC along with condonation of delay and a review application under Order XLVII Rule 1 read with Section 114 of the CPC seeking review of the order dated 21.12.2024.

13. The learned Trial Court *vide* the impugned order dated 23.04.2026 dismissed the applications filed by the petitioner under Order VIII Rule 1 read with Order V Rule 1(1) of the CPC, Order VII Rule 10 of the CPC, Order VII Rule 11 read with Section 151 of the CPC and Order XLVII Rule 1 read with Section 114 of the CPC. Whereas, the application of the respondent under Section 151 of the CPC was allowed and the updated plaint along with other documents were taken on record.

14. Aggrieved by the dismissal of, its application under Order VIII Rule 1 read with Order V Rule 1(1) of the CPC and application for review under Order XLVII Rule 1 read with Section 114 of the CPC, the petitioner has preferred the present petition.

15. Mr. Deepak K. Bansal, the learned counsel appearing for the petitioner submits that no valid service was effected upon the petitioner, as the notice was sent to *"bhaviksanghavi20@gmail.com"*, an email address belonging to the petitioner's erstwhile Chartered Accountant, whose association with the petitioner ceased after 2022-23.

16. Mr. Bansal further submits that any commercial correspondence between the parties herein was conducted through the petitioner's official email addresses, namely *"production@ecosac.co"*, *"anil.chowta@ecosac.co"* and *"saisudersan@ecosac.co"* and despite being aware of the petitioner's designated email addresses, the respondent deliberately served summons to an incorrect email address, thereby rendering the service invalid and ineffective.

17. It lastly contended that in any case, the purported service was vitiated as ineffective as the summons were not accompanied by complete copies of the plaint and other necessary documents.

18. *Per contra*, Mr. Sajal Dutt Dixit, the learned counsel appearing for the respondent submits that the email ID *"bhaviksanghavi20@gmail.com"* had been used by the petitioner not only during the course of business but also in its statutory filings before the Ministry of Corporate Affairs.

19. Mr. Dixit submits that the petitioner being a corporate entity cannot first represent an email ID to regulators and commercial stakeholders and then disown it when process is duly served. It is further submitted that the respondent did attempt service upon the alternative email addresses of the petitioner but communication could not be established as those addresses were found to be non-existent.

20. It is lastly contended that under the second proviso to Order VIII Rule 1 of the CPC as amended by the Commercial Courts Act, 2015, the prescribed outer timeline to file a written statement is capped at 120 days and any delay beyond such outer limit cannot be condoned.

21. Heard. Perused the record.

22. The narrow question which falls for adjudication herein is whether the learned Trial Court committed an error by dismissing the application of the petitioner under Order VIII Rule 1 read with Order V Rule 1(1) of the CPC and consequently also dismissing the application of the petitioner seeking review under Order XLVII read with Section 114 of the CPC.

23. The contention of the petitioner that service on the email ID *"bhaviksanghavi20@gmail.com"* was invalid cannot be countenanced. A bare perusal of the record reveals that the said email

ID is not only linked to the petitioner in public domains, but it has also been used by the petitioner in its statutory filings before the Ministry of Corporate Affairs namely, Form CHG-1 and Form DPT-3 filed on 26.07.2023 and 29.07.2023 respectively, thereby negating the contention of the petitioner that owner of the said email ID was disengaged from service after 2022-23 and had no communication with the petitioner. In view thereof, it is essential to refer to the order dated 21.12.2024 whereby the learned Trial Court has made observations pertaining to the statutory filings of the petitioner. The relevant observations made by the learned Trial Court *vide* order dated 21.12.2024 read thus:

> "The defendant had furnished information to the Ministry of Corporate Affairs by filing form No.DPT-3 on 03.03.2023 and 30.06.2023 in which the mail ID is mentioned as bhaviksanghvi20@gmail.com. It shows that the mail ID, as per defendant himself on 31.03.2023, 14.06.2023 and 30.06.2023, was bhaviksanghvi20@gmail.com i.e. same mail ID on which summons were sent. **It shows that the defendant is utterly wrong to argue that the said mail ID is of its auditor Bhavika Sanghvi whose service was not renewed by it after 31.03.2022**."

24. Thus, the petitioner cannot be permitted to disown an email ID reflected in its own regulatory filings, to evade the service of court process. Once process was duly dispatched to the email ID furnished in the filings, service was complete as per law.

25. As regards the petitioner's contention that service was effected exclusively by electronic means, the same is unsustainable and has been negated by the learned Trial Court, as evident from a bare perusal of the order dated 21.12.2024. The relevant portion of the order dated 21.12.2024 reads thus:

> "Perusal of PF form filed by plaintiff for 27.01.2024 shows that he had filed PF for registered cover also and it belies the arguments of counsel for defendant that the plaintiff had filed PF for service of

defendant only thorugh e-mode."

26. Furthermore, the alternate plea of defective service made by the petitioner, on account of summons being served without the plaint and other documents, is equally untenable. The learned Trial Court *vide* order dated 21.12.2024 categorically recorded that complete summons were served upon the petitioner. The relevant observations made by the learned Trial Court *vide* the said order are reproduced hereunder:

> "9. It is correct that that summons are to be accompanied by copy of plaint and documents etc and if the summons remain unserved due to non furnishing of requisite number of copies, the suit may be dismissed U/o 9 Rule 2 CPC. **But in the case in hand, the summons were served upon the defendant and hence that provisions is not applicable."**

27. It is established that the petitioner was served as early as 06.12.2023, however, even if for the benefit of the petitioner the date of service is reckoned from the second date of service i.e., 20.03.2024, the outer limit of 120 days nonetheless expired in July 2024. However, the petitioner filed its written statement only on 27.12.2024. In view thereof, it is essential to emphasize on the principles laid down by the Hon'ble Apex Court in the case of ***SCG Contracts (India) (P) Ltd. v. K.S. Chamankar Infrastructure (P) Ltd.***[3] where it was laid down that the outer limit of 120 days prescribed by the Commercial Courts Act, 2015 is mandatory and cannot be condoned. The petitioner herein filed its written statement after a gross delay of about five months from the date when the outer limit of 120 days had also expired.

28. Importantly, the learned Trial Court *vide* the order dated

[3] **(2019) 12 SCC 210**

06.06.2024, while closing the right of the petitioner to file its written statement expressly granted liberty to the petitioner to move an appropriate application seeking condonation of delay in filing written statement within the outer limit of 120 days. The petitioner, however, did not avail this liberty by filing its written statement within such time.

29. Even on its own admission, the petitioner acquired knowledge of the underlying proceedings on 21.08.2024 and received certified copies on 28.08.2024. Yet, rather than filing its written statement and seeking condonation of delay, the petitioner moved applications under Order IX Rule 7 and Order VII Rules 10 and 11 of the CPC in September 2024, withholding its defence until December 2024. This passive attitude displayed by the petitioner demonstrates its lack of *bona fides*.

30. Insofar as the dismissal of the petitioner's review application is concerned, this Court is of the considered view that the impugned order does not suffer from infirmity. A perusal of the record indicates that the contentions raised by the petitioner in its review application had already been dealt with by the learned Trial Court *vide* its order 21.12.2024, and that no novel material which warranted review had been placed on record by the petitioner. The relevant observations made by the learned Trial Court *vide* the impugned order are reproduced hereunder for ready reference:

> "34. Order 47 rule 1 of Code provides for one of the ground for review is discovery of new and important matter or evidence which, after the exercise of due diligence was not within knowledge of applicant at the time when decree or order sought to be reviewed was passed. Another ground for review is some mistake or error apparent on the face of record. The requirement of entertaining a review petition against decree or order is that the order, review of which is sought, suffers from any error apparent

on the face of the order and permitting the order to stand will lead to failure of justice. In the absence of any such error, finality attached to the judgment/order cannot be disturbed.

35. Having heard the submissions of ld counsels for the parties and having gone through the record, in view of the legal proposition as noted above, since the issues as raised in the present application have been duly taken into consideration by ld. Predecessor of this court while disposing off the application of defendant under Order IX Rule 7 CPC by order dated 21.12.2024. Para 6 of the order makes it clear that ld. Predecessor of this court had noted that on 27.01.2024 service was effected upon defendant by e-mail and opportunity was given to defendant to file the WS. Still service of summons was again effected to defendant by email as is reflected from order dated 03.04.2024. It was also noted that email ID on which service was effected was very much of defendant."

31. It is settled that the remedy of a review application cannot be preferred as an appeal in disguise or for a fresh hearing, especially where neither new material evidence has been discovered and nor there is an error apparent on the face of the record. In light of this observation, it is pertinent to refer to the observations made by the Hon'ble Apex Court in ***S. Murali Sundaram v. Jothibai Kannan***[4] where it was observed that:

"**18.** In *Shanti Conductors (P) Ltd.* [*Shanti Conductors (P) Ltd.* v. *Assam SEB*, (2020) 2 SCC 677 : (2020) 2 SCC (Civ) 788] , it is observed and held that **scope of review under Order 47 Rule 1CPC read with Section 114CPC is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue questions which have already been addressed and decided**. It is further observed that an error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review under Order 47 Rule 1CPC."

32. Accordingly, this Court finds no merit in the petitioner's plea of defective service, as it has been established that the petitioner was duly served on 20.03.2024, at the latest. Reckoned from the said date,

[4] **(2023) 13 SCC 515**

the outer limit of 120 days lapsed in July 2024, whereas the petitioner filed its written statement belatedly on 27.12.2024. The learned Trial Court, adhering to the mandate of the Commercial Courts Act, 2015 rightly forfeited the right of the petitioner to file its written statement. This Court is also of the considered view that since no new material warranting review had been placed on record by the petitioner, the learned Trial Court rightly dismissed the review application moved by the petitioner. The impugned order is thus reasoned, and without any patent illegality or jurisdictional error warranting exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

33. Accordingly, the present petition, stands dismissed along with all pending applications, if any.

34. The judgment be uploaded on the website forthwith.

AJAY DIGPAUL, J.

SEPTEMBER 15, 2026/*AS/as*