IN THE COURT OF PRINCIPAL COMMERCIAL COURT, EGMORE, CHENNAI

Present: Thiru. S.GANAPATHISAMY, B.A.B.L., Principal Judge

Dated this 15th day of April 2026, Wednesday

COS SR No.112 of 2026

M/s. ALG India Enterprises Private Limited,
(formerly known as Shibin Nutercitiual Pvt. Ltd)
No.2/4A2, No.118, R.P.Nagar,
Seepalakottai Road,
Chinnamnur,
Theni 625 540 and also
at
No.88 F.D. No.5 E, 2nd block,
5th floor,
Vijayashanthi Towers,
Saligrammam,
Vadapalani,
Chennai – 600 093.
represented by its P.O.A.
Mr. A. Jasper New Prabhu,
Office at No.229/1, Royal Park Apts,
Konnur High Road,
Ayanavaram,
Chennai -600 023 Plaintiff

-Versus-

M/s. Siddhi Vinayak Engineering,
Represented by its Managing Partner,
Mr. Siddharth Nayak,
registered office at No.235, Pushpam Industrial Estate,
Near Nika Tube Cross Road,
Phase I,
GIDC, Vatva,
Ahmedabad – 382 445.
Gujarat.

This COS SR is coming on this day for final hearing on 13.03.20256 in the presence of M/s.Delight Law Associates, C. Sugumar, P. Vennitharan, S. Karthick and S.Varun the learned counsels for the plaintiff and upon perusing the documents and hearing the arguments of the plaintiff side and having stood over for consideration of till this day, this court today doth deliver the following:

ORDER

The plaintiff has filed this plaint for recovery of a sum of Rs.22,26,980/- along with interest alleging that the plaintiff made payments of Rs.3,20,000/- on 15.06.2019, Rs.3,00,000/- on 19.06.2019, Rs,.9,50,000/- on 09.07.2019 and Rs,.6,50,980/- on 04.09.2019, thus a total sum of Rs.22,26,980/- seeking for supply of spray dryer system from the defendants and in spite of several reminders made by the plaintiff, the defendant did not manufacture, supply and install the product. The plaintiff has further stated in the plaint that it has instituted a consumer complaint in C.C No.156 of 2024 and it was dismissed on 18.12.2024 with observation that

plaintiff is not a consumer and he was verbally advised to approach the Commercial Court. It has produced a copy order of consumer forum as document No.15. Nowhere the above observation is found in the order.

The learned counsel for the plaintiff submitted that in view of Section 14 of Limitation Act, the period spent before Consumer Forum should be excluded. The learned counsel relied on a decision reported in (2008) 7 SCC 169 to contend that where proceedings are prosecuted with due diligence and in good faith and the failure of such proceedings was due to defect of jurisdiction or other parts of like nature , the period spent before forum should be exempted.

At this juncture, I want to rely on a decision reported in (2021) 4 LW 544 in M/s. Genshipping Pacific Land Pte Ltd Vs M/s, Thangam Traders. our Hon'ble High Court has excluded the period spent before the Consumer Forum by invoking Section 14 of Limitation Act. Therefore, it is obvious that the period spent before the consumer forum in prosecuting with due diligence and good faith can be excluded while computing the period of limitation. But the plaintiff approached the Consumer Forum only on 22.08.2024 after expiry of period of limitation from 04.09.2019. According to the plaintiff on 04.09.2019, he paid a sum of Rs.6,51,980/-. He approached the Consumer Forum beyond the period of limitation. Therefore, the suit is ex-facie barred by limitation. The consumer complaint was dismissed on 18.12.2024. After lapse of 1 year, it has filed this suit. The plaint is barred by limitation. Therefore, the plaint is rejected. The Entire court fee should be refunded as per rules.

In the result, the plaint is rejected. The Entire court fee should be refunded as per rules.

Dictated by me to the Steno-Typist, transcribed and directly typed by him in the computer, corrected and pronounced by me in the open court, this 15th day of April 2026.

GANAPATHI SAMY

Digitally signed by GANAPATHI SAMY
Date: 2026.04.15 19:57:12 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft / Fair Order in
C.O.S.SR No.112 / 2026
Date: 15.04.2026
Principal Commercial Court
Egmore , Chennai