UPLOADED ON 21.07.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT, EGMORE, CHENNAI

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

Dated this 21st day of July 2026, Tuesday

I.A.No. 9 of 2026 in I.A.No.8 / 2025 in C.O.S. No.169 / 2024

M/s. Sree Balaji Traders,
Represented by its Partner K. Sowmiya,
W/o Kiruthigan Lokesh,
having office at No.18/37A-6,
R.K.S. Building,
Paramathi Road,
Namakkal – 637 001. ..Petitioner/Petitioner/Plaintiff

-Versus-

1. M/s. National Industrial Corporation Pvt. Ltd,
Represented by its Managing Director,
Mr. Rakesh Gupta,
Office at No.801-803, Ashok Bhawan,
No.93, Nehru Place,
New Delhi 110 019.

2. M/s. Golden Vats Pvt. Ltd,
Represented by its Director,
New No.272, 3rd floor,
Avvai Shanmugam Salai,

Gopalapuram,
Chennai – 600 086.

3. The Additional Chief Secretary,
Home Prohibition and Excise Department,
State of Tamil Nadu,
Fort. St.George,
Chennai.

4. The Commissioner,
Office of the Commissionerate of
Prohibition and Excise Department,
Chepauk,
Chennai – 600 005.

5. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
Gandhi- Irwin Bridge,
Egmore,
Chennai – 600 008. Respondents/Defendants

This Petition coming this day for final hearing on 10.07.2026 before me in the presence of M/s. R.Rajarajan, R.Dillikumar and A. Nirmal Kumar, learned counsels for petitioner/petitioner/plaintiff; of M/s. Vijayan Subramanian, M.V. Bhaskar, N.C.Narindraadithyan, A.Murali amd Dhanush M, learned counsels for the 1st respondent/1st respondent/1st defendant and having stood over for consideration till this day, this court today delivers the following:

ORDER

The Petitioner/Plaintiff has come forward with this application under Section 148 read with Section151 of Code of Civil Procedure to extend time for payment of cost of Rs.20,000/- with the following facts.

1. The petitioner has filed an application in I.A.No.8 of 2025 seeking for condonation of delay in taking steps to restore the suit and it was ordered to be allowed on 15.04.2026 subject to payment of cost of Rs.20,000/- by plaintiff to District Mediation Centre, Chennai on or before 04.06.2026. The junior counsel informed his Senior office that the application was allowed without disclosing due to oversight and inadvertence the cost imposed by the Court. When his counsel casually rechecked the status of the case in online, he found cost of Rs.20,000/- and time can be extended for the payment of cost.

2. The 1st respondent has resisted this application with the following facts:-

The suit was originally dismissed for non prosecution and this Court has shown its indulgence to condone delay by its Order dated 15.04.2026 by imposing cost of Rs.20,000/-. Compliance of order is a condition precedent to avail benefits of restoration. The petitioner has not filed any affidavit either from junior counsel or senior counsel or by clerk and they have filed this application with self serving statement . The petitioner has not utilized 50 days time given by this Court to comply with the Order, As per the directions given in SCG Contracts India Private Limited

case, the provisions of Commercial Courts for timely disposal should be strictly followed.

3. The point for consideration in this application is whether the time can be extended for payment of cost by the plaintiff to Chennai District Mediation Centre?

Both side heard .

4. The plaintiff has filed I.A.No.8 of 2025 seeking for condonation of delay of 97 days in taking steps to restore the suit. This Court has ordered to allow the application on 15.04.2026 subject to payment of cost of Rs.20,000/- by the plaintiff to Chennai District Mediation Centre on or before 04.06.2026. As the order was not complied , the application was dismissed on 05.06.2026. On that day itself, the petitioner has filed this application to extend time after dismissal of above application.

5. It is the objection of the 1st Respondent that the plaintiff has already obtained the indulgence of this Court and deliberately failed to pay the cost. As correctly pointed out by the learned counsel for 1st respondent, the junior counsel was aware of the order passed by this Court even on 15.04.2026. The reason for non payment of cost is sufficient. This Court deems fit to give an opportunity to the petitioner to pay the cost. At the same time, the plaintiff cannot be permitted to loiter the proceedings.

6. In the result, considering the facts and circumstances of this case, this application will be allowed on payment of cost of Rs.10,000/- by Petitioner to the 1st Respondent on or before 30.07.2026 at 10:30 a.m failing which the application will stand dismissed. Call on 30.07.2026.

Dictated by me to the Steno-Typist, directly typed by him in the computer, corrected and pronounced by me in the open court, this 21st day of July 2026.

GANAPATHI SAMY

Digitally signed by GANAPATHI SAMY
Date: 2026.07.21 15:46:01 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Order in
I.A.No.9 of 2026
in
I.A.No.8 of 2025
in
C.O.S.No. 169 /2024
Date: 21.07.2026

Principal Commercial Court,
Egmore, Chennai.