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

CNR No. DLHC010138762026

+ **CS(OS) 297/2026**

BPTP LIMITED

.....Plaintiff

Through: Mr. Rajiv Nayar, Senior Advocate
alongwith Mr. Aseem Chaturvedi, Mr.
Milind Jain, Mr. Shivank Diddi and Mr.
Anuj Shrotriya, Advocates.

versus

NITIN NARESH & ORS.

...Defendants

Through: Defendant no.1 in person (through VC).

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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22.09.2026

I.A. 26162/2026 (U/o XXXIX Rule 2A CPC)

1. This is an application under Order XXXIX Rule 2A read with Section 151 of the Code of Civil Procedure (hereinafter referred to as '*CPC*'), 1908 filed on behalf of the plaintiff alleging wilful disobedience and breach by the defendants of the order dated 03.09.2026 passed by this Court.
2. Mr. Nayar, learned Senior Counsel appearing for the plaintiff states that after having passed the order dated 03.09.2026, the defendant no.1 allegedly had a conversation on mobile phone with Mr. Jai Shankar, who is the authorised representative of the plaintiff, appearing to be call of extortion for some money, which is clearly violative of the order passed by this Court.
3. Learned Senior Counsel also handed over an I-pad and requested this Court to hear the entire conversation which is approximately for a length of about 12 minutes.

CS(OS) 297/2026

Page 1 of 3



4. This Court has heard the recorded phone call alleged to have been exchanged between the defendants and Mr. Jai Shankar, the authorised representative of the plaintiff.

5. Mr. Nayar, learned Senior Counsel for the plaintiff prays that the entire episode captured in the recording is clearly contumacious and requires this Court to take immediate action under the provisions of Order XXXIX Rule 2A of CPC.

6. On his part, Mr. Nitin Naresh, defendant no.1 in person, states that in the era of highly developed AI generated clone recording software, the recording that is placed before this Court is, in all probabilities a mere AI generated cloned recording of his voice, which has been modulated. According to him, there is no such conversation which has ever happened. He further states that the application is bereft of the requisite statutory certificate under Section 65B of the Cr.P.C, 1973 and therefore, such recording cannot be received in evidence. He refutes the allegations made in the application. However, to vindicate his defence, he states that the said recording may be sent to the FSL/CFSL for scientific analysis for ascertaining the truthfulness of the said recording.

7. This Court has heard the submission of both the parties.

8. The allegations made in this application may have serious repercussions, and even before this Court can come to any conclusion, it would be apposite to ascertain as to the truthfulness and veracity of the said recording, which has been placed on record.

9. In these circumstances, this Court is constrained to take the services of the FSL/CFSL, which is a specialised agency for conducting scientific analysis of the said recording.

10. The said recording shall be placed in a pen drive and handed over to the Registrar General of this Court, who shall seal the same and forthwith transmit



it to CFSL attached to CBI Headquarters, Lodhi Road, New Delhi. The plaintiff shall also enclose therewith the requisite certificate under Section 65B of the Cr.P.C. 1973.

11. The original recording as also the original device, in which the said recording is alleged to have been made, shall be immediately be surrendered to the CFSL, CBI Headquarters, for the purpose of ascertaining the truthfulness and veracity of the recording as also to ascertain the hash value.

12. The Director, CFSL, CBI Headquarters, is requested to give priority to the present request to generate a report within four weeks from date and furnish it to the Registrar General of this Court. The Registrar General is directed to place the same before this Court in a sealed cover alongwith the report.

13. In view of the aforesaid, Mr. Nitin Naresh, defendant no.1 in person, voluntarily states that a gag order against him may be passed. In view of the voluntary statement, the defendant no.1 shall maintain silence on the subject matter of the suit till the next date of listing.

CS(OS) 297/2026

14. List on the date already fixed i.e. 02.11.2026.

15. The date already fixed i.e. 24.09.2026 is cancelled.

TUSHAR RAO GEDELA, J

SEPTEMBER 22, 2026

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