

Commercial Suit 01 of 2017

Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)

Order No. 39/ Dated 02.04.2024

Parties have taken their respective steps.

Date is fixed for order.

It appears from the record that both sides were heard on the petition dated 01.02.2024 filed by the defendant with the prayer for recalling the order fixing for ex-parte hearing.

The said petition has been filed on the plea that one of the creditor namely, Busilink Associates moved an insolvency petition before National Company Law Tribunal, Kolkata (NCLT) and failure on the part of the defendant to appear before the NCLT, the said petition was allowed and an ad-interim resolution professional was appointed who took over the management and control of the insolvent company and invited the claims of the creditor as well as tenders for financial reconstruction of financially sick defendant company and after getting approval of the resolution plan new management has taken over the management of the defendant company and since the interim resolution professional has taken the management of the company this suit could not be pursued and it is prayed to recall the Order dated 09.01.2019 fixing the case for ex-parte hearing.

However, the said petition does not accompany the written statement and no practical purpose will be served even if the delay is condoned.

Hence, it is

ORDERED

that the petition dated 01.02.2024 filed by the defendant stands rejected in the line of the aforesaid observation.

Fix 11.02.2025 for ex-parte hearing.

D/c by me,

Judge, Bench-V,
City Civil Court, Calcutta.

Judge.