

Money Suit (COM) 10 of 2023

Order No.23

Date:22-05-2025

Today is fixed for filing of show cause reply by the plaintiff in terms of order no.22 dated 22.04.2025.

Plaintiffs take steps and are further duly represented by their Ld. Counsel who files and presses a show cause reply supported by affidavit.

No steps taken by the defendant. It is now 12:15 PM.

Perused the show cause reply. No objection is raised against the show cause reply. Same is found sufficient in the eye of law and hence is accepted.

Perusal of the case record shows that instant is a Money Suit initiated before the Court of Ld. Civil Judge (Sr. Divn.), Darjeeling on 18.11.2013.

Subsequently, the suit got transferred to the present forum in the year 2023.

Hence, no satisfaction has been entered into with regards to section 12A of the Commercial Courts Act, 2015 in light of the dicta of the Hon'ble Supreme Court in **M/S. Patil Automation Pvt. Ltd. And others Vs. Rakheja Engineers Pvt. Ltd.;**

Yamini Manohar Vs. TKD Keerthi; M/S. Dhanbad Fuels Pvt. Ltd Vs. Union of India and another & Hon'ble Calcutta High Court in M/S. Odisha Slurry Pipeline Infrastructure Ltd. And another Vs. IDBI Bank Ltd. And others.

Fix **11.06.2025** for hearing in respect of Section 12A of CCA, 2015 in light of the decisions mentioned above.

Judge, Commercial Court,
Siliguri

(Later)

After the above order is passed, Ld. Counsel for the defendant files hazira at 12:25 PM.

Let the same be kept with the case record.

To date for hearing.

Judge, Commercial Court,
Siliguri