

MS (Com) – 10/2025

Tega McNally Minerals Limited Vs Mogli Labs India Pvt Ltd

**Present :: Ishani Chakravarty Banerjee(J.O Code.WB00890)
Judge, Commercial Court at Rajarhat
North 24 Parganas.**

CNR: WBNP19-000029-2025

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15.11.2025

1. Today is fixed for hearing of the application under Section 151 CPC for condonation of delay in filing the Written Statement and for hearing on the point of acceptance of the Written Statement.
2. The learned Advocates for the plaintiff and the defendants appear and file haziras respectively.
3. The case is taken up for hearing of the application under Section 151 CPC for condonation of delay in filing the Written Statement and for hearing on its acceptance. Heard the learned Advocates for the respective parties.
4. It is submitted by both parties that the Written Statement was filed by the defendants on 07.11.2025, within the extended statutory period of 120 days, though beyond the initial period of 30 days.
5. The learned Advocate for the defendant submits that there is a delay of 86 days, for which condonation has been prayed for on bona fide grounds. It is submitted that the delay was neither willful nor deliberate. The matter being old, the authorized personnel earlier dealing with the plaintiff's affairs had left the defendant organization, which caused difficulty in collecting and verifying all relevant documents, resulting in the delay.

The learned Advocate for the plaintiff raises objections and prays for imposition of cost. The plaintiff, however, also prays that the delay of 86 days in filing the Written Statement be condoned.

6. Considering the rival submissions and the reasons assigned, this Court is of the considered view that the delay deserves to be condoned. Accordingly, the delay of 86 days in filing the Written Statement is condoned. The Written Statement filed by the defendants is accepted subject to payment of cost of **Rs. 5,000/-**.

7. Both parties are directed to carry out the exercise of admission and denial of documents disclosed and relied upon by each other, specifically indicating which documents are admitted; which documents are denied, along with reasons for such denial; whether the authenticity or existence of any document is disputed.
8. This exercise may be conducted either at a mutually convenient venue or before this Court.
9. Both parties shall exchange and file **their respective Statements of Admission/Denial of Documents**, duly signed and affirmed, in terms of the Commercial Courts Act, 2015. The same shall be placed on record prior to the next date of hearing, failing which necessary order shall be passed.
10. Fix **20.01.2026** for case management hearing and framing of issues and filing money receipt.
11. Both parties are at liberty to file suggestive issues, if any, on or before the next date of hearing.

Sd/- Ishani Chakravarty Banerjee
Judge
Commercial Court,
Rajarhat, North 24 Parganas