

**TS (Com) – 60/2024**

**TS – 5/2023(CC)**

M/s ABS Fujitsu General Private Limited Vs M/s NKG Infrastructure Ltd.

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

**CNR: WBNP19-000053-2023**

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**13.11.2025**

1. Today is fixed for case management hearing and framing of issues.
2. The learned Advocate for the plaintiff appears and files hazira.
3. The defendant takes no steps. No one appears on behalf of the defendant in support of the instant suit when the matter is called on for hearing. No adjournment is sought, nor has any application been made to represent the defendant through virtual mode.
4. Heard the learned Advocate for the plaintiff. It is submitted by the learned Advocate for the plaintiff that, in compliance with the earlier orders of this Court, the defendant has not made any effort to enable completion of inspection of the documents relied upon by themselves, either at this Court or at any place convenient to them.

It is further submitted that the plaintiff has already filed its *Statement of Admission/Denial of Documents* as required under the provisions of the *Commercial Courts Act, 2015*, as recorded in this Court's earlier order dated 30.07.2025.

5. It is also submitted that the documents sought to be produced by the defendant through the application dated 28.04.2025 consist mostly of email correspondences, and as such, many of those documents cannot be considered "originals" in the strict sense and are in the nature of electronic documents.

Considering this, this Court had earlier directed both parties to inspect the documents relied upon by themselves, either at this Court or at a mutually convenient place, and to file their respective *Statements of Admission/Denial of Documents*, duly signed and affirmed, in compliance with the provisions of the *Commercial Courts Act, 2015*, on the next date, i.e., today.

Since the defendant has failed to respond and facilitate such inspection, the learned Advocate for the plaintiff prays that necessary orders be passed recording the conduct of the defendant.

The conduct of the defendant reflects lack of diligence, as no steps have been taken by them, nor has any representative appeared before this Court today.

Hence, the defendant is asked to file **show-cause** as to why the suit shall not be **proceed ex-parte** against him.

6. However, to ensure that the matter is not further delayed, both parties are still permitted to inspect the documents relied upon by themselves, either at this Court or at a place mutually convenient to them, within **fifteen (15) days prior to the next date of hearing**.
7. Both parties are directed to exchange and file their respective *Statements of Admission/Denial of Documents*, duly signed and affirmed, in compliance with the provisions of the *Commercial Courts Act, 2015*. The same shall be filed before this Court on the next date of hearing.
8. **Fix 03.02.2026** for filing of show-cause by the defendant and for first case management hearing, subject to acceptance of the show-cause; in default, the matter shall proceed *ex parte*.

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