

TS (Com) –60/2024

TS-05/2023(CC)

M/s. ABS Fujitsu General Private Limited Vs M/s NKG Infrastructure Ltd & 1 Anr

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

CNR: WBNP19-000053-2023

29

03.02.2026

1. Today is fixed for filing show cause by the defendant and for the first Case Management Hearing, subject to acceptance of the show cause; in default, the matter shall proceed ex parte, and for filing of deficit court fees by the plaintiff.
2. The learned Advocate for the plaintiff appears and files hazira along with deficit court fees amounting to Rs. 3/-, in compliance with the order dated 29.01.2026.
3. The defendant takes no steps. None 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 filed seeking permission to represent the defendant through virtual mode. Even on second call, none appears.
4. Heard the learned Advocate for the plaintiff. It is submitted that the conduct of the defendant reflects lack of diligence, as no steps have been taken and no representative has appeared before this Court despite direction to file show cause as to why the suit shall not proceed ex parte. Even pursuant to such direction, the defendant has taken no steps. It is further submitted that despite service of the plaintiff's application dated 29.01.2026 praying for permission for sale of the pump and mitigation of loss through email, the defendant has not responded. In such circumstances, the plaintiff is directed to serve hard copies of the said application upon the defendant and to file affidavit of service on the next date.

In light of the resolution adopted by the District Bar Association, North 24 Parganas, at Barasat, requesting '**NOT TO PASS ANY ADVERSE ORDER,**' I am not inclined to pass any adverse order against the litigants.

5. **Fix 09.03.2026** for filing show cause by the defendant as last chance and for hearing of the application dated 29.01.2026, subject to acceptance of the show cause; in default, the matter shall proceed ex parte.
6. The parties are put on notice that no further adjournment shall be granted on the next date under any circumstances.

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