

**MS (Com) –69/2024**

**MS-37/2022(CC)**

**Progressive Construction Co vs Westinghouse Saxby Farmer Limited**

**Present :: Ishani Chakravarty Banerjee (J.O Code.WB00890)**

**Judge, Commercial Court at Rajarhat**

**North 24 Parganas.**

**CNR: WBNP19-000120-2022**

**22**

**13.02.2026**

1. Today is fixed for hearing of the application under Order VII Rule 11 of the Code of Civil Procedure read with Section 12A of the Commercial Courts Act, 2015.
2. The learned Advocate for the plaintiff appears and files hazira.
3. The learned Advocate for the defendant appears and files hazira along with a rejoinder to the written objection. Though there was a direction to serve an advance copy upon the other side at least seven days prior to the next date of hearing, the same has been filed only today.
4. The matter is taken up for hearing of the application under Order VII Rule 11 of the Code of Civil Procedure read with Section 12A of the Commercial Courts Act, 2015. Heard the learned Advocates for the defendant and the plaintiff. The learned Advocate for the plaintiff submits that he needs time to go through the rejoinder before advancing submissions on behalf of the plaintiff. The matter is heard in part on behalf of the defendant.  
The learned Advocate for the defendant relies upon the following decisions:
  - *Dhanbad Fuels Private Limited vs. Union of India and Another*, (2025) SCC 424 : 2025 SCC OnLine SC 1129
  - *Laxmi Polyfab Pvt. Ltd. vs. Eden Realty Ventures Pvt. Ltd. and Another*, 2021 SCC OnLine Cal 1457 : AIR 2021 Cal 190 : (2021) 3 ICC 425 : (2021) 2 Cal LT 214
  - *Patil Automation Private Limited and Others vs. Rakheja Engineers Private Limited*, (2022) 10 SCC 1 : (2023) 1 SCC (Civ) 545 : 2022 SCC OnLine SC 1028
5. Fix **31.03.2026** for further hearing of the application under Order VII Rule 11 of the Code of Civil Procedure read with Section 12A of the Commercial Courts Act, 2015.
6. The parties are at liberty to file their respective written notes of argument on the next date of hearing, with advance copies to the other side.

**Sd/- Ishani Chakravarty Banerjee**

**Judge**

**Commercial Court,  
Rajarhat, North 24 Parganas**