

**MS (Com) – 35/2025**

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

**CNR: WBNP19-000143-2025**

*Dilip Kumar Chatterjee*

*.... Plaintiff*

vs.

*State of West Bengal & Ors.*

*.... Defendants*

5  
**22.12.2025**

The learned Advocate for the petitioner files a put-up application along with an injunction petition under Order XXXIX Rules 1 and 2 of the CPC, and an application under Order XXVI Rule 10A read with Section 151 of the CPC as well as additional document in support of the injunction application by way of firisti praying that the matter be put up for hearing of the injunction application filed today.

The learned Advocate had also filed an affidavit of service showing that the instant injunction petition was served upon the defendants on 19.12.2025 by e-mail and intimation regarding the hearing of the injunction application was served on 19.12.2025 to the defendants' email addresses. Even though the cause title does not reflect the e-mail address of the defendant, it is seen from the communications made by the defendant to the plaintiff in the documents annexed with the plaint, that the service was effected by the plaintiff in the e-mail i.d. of the defendants.

The learned Advocate for the plaintiff/petitioner pressed for hearing of the injunction petition filed on 22.12.2025.

5. None appears before this Court on behalf of the defendants today.

6. The record is taken up for hearing of the application under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC, dated 22.12.2025.

7. Perused the plaint and the instant injunction application along with the annexures.

8. Heard the learned Advocate for the plaintiff/petitioner.

This is the third injunction application filed by the petitioner since the filing of the suit. The petitioner being an experienced contractor under P.W.D. Department having at least 50 years experience in execution of infrastructure construction works and having performed contractual obligations diligently all through, is under an apprehension that coercive steps might be taken against him by the respondent for not redoing the entire work of redoing of the subject work being strengthening of Simlapal-Benagoria via Raipur Road, even though, as per the petitioner, the reason for the damage of such road was faulty design.

On the earlier occasions, the petitioner had prayed for an interim injunction so that the respondent be restrained from giving effect to the letter of show-cause dated 01.12.2025 with regard to termination of contract and/or forfeiture of the security deposit and/or black listing the petitioner and such prayer of interim injunction was rejected vide Order No.4 dated 06.12.2025. Such order of this Court was affirmed by the Hon'ble High Court, Calcutta in AO-COM 64 of 2025 with CAN 1 of 2025 and CAN 2 of 2025 dated 18.12.2025.

The injunction application filed today has been necessitated in view of subsequent development being letters dated 11.12.2025 of the respondent by which the petitioner has been show-caused as to why an action should not be taken against him under Clause 2 of Agreement No.2911(II).

In view of the above, the petitioner submitted that it is necessary and in the interest of justice that an order of injunction be granted restraining the respondents, their men, agents, servants, and/or assigns from taking any action, coercive steps, or giving effect to the letters dated 11.12.2025 bearing Memo No.1774 and Memo No.1780, failing which the petitioner will suffer irreparable loss, injury, and severe prejudice to its reputation, goodwill, and ongoing projects across the State and prayed for passing an order restraining the respondents from taking any step or further steps in terms of the letters dated 11.12.2025 bearing Memo No.1774 and Memo No.1780.

The Court has carefully examined the materials on record, including the instant petition, annexures, and the submissions of the learned Advocate for the petitioner and upon perusal, it is apparent that Memo No.1780 was issued subsequent to Memo No.1774 and the crux of such letter is extension of time

for completion of the project up to 30.06.2026. The issuance of Memo No.1780 does not reflect immediate apprehension to the petitioner as the respondents themselves are extended the date till 30.06.2026, and as such, no exceptional circumstances are made out to justify an order of interim injunction specially in the absence of the other side. Furthermore, the instant suit being a money suit, the question of irreparable loss does not arise.

Having regard to the discussions made above, it is apparent that the plaintiff has failed to establish the necessary ingredients for grant of a temporary injunction at this stage. The application under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC dated 22.12.2025 stands **rejected**.

To date (**07.01.2026**) for appearance of the respondents and written objection against all the applications under Order XXXIX Rules 1 and 2 of the CPC, and under Order XXVI Rule 10A read with Section 151 of the CPC.

Dictated & Corrected by me

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

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Judge  
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