

Present: Sri Srikumar Goswami(IO code: WB00714)
Judge, Commercial Court at Alipore
Money Suit 10 of 2019
CNR No. WBSP18-000020-2019

Order No. 29
30.03.2021

In the matter of:
Suit for recovery of money
valued at
Rs. 24,72,00,000/-

And

In the matter of:
Bengal Industrial
Infrastructure Pvt. Ltd.

Vs.

In the matter of:
Bimala Kasliwal & anr. (26)

ORDERED

IA No. 01/2021

1. *This I.A No. 01/2021, relates to an application which is fixed today for passing Order in connection with acceptance of written statement filed by the defendant nos. 3 to 8, 13 and 14 filed on 06/01/2020 along with petition for acceptance of the same under Order VIII Rule 1 CPC, 1908.*
2. *On hearing it is submitted that after appearance on record in this court, and this case has been transferred under Section 15 of the Commercial Court Act, 2015 as amended. It appears from the record that the Defendant Nos. 3 to 8, 13 and 14 filed the written statement on 06.01.2020.*
3. *Record is taken up for hearing.*
4. *Heard the Ld. Counsels of both sides.*

5. *It appears from the record that the Defendant Nos. 3 to 8, 13, 14 and 25 had appeared in this case by filing Vakalatnama on 01.10.2019 and Defendant Nos. 3 to 8, 13 and 14 filed written statement on 06.01.2020 with acceptance petition under Order VIII Rule 1 of CPC, 1908.*
6. *The Plaintiff did not raise any objection to accept the written statement. On perusal, it appears that the written statement has been filed as per provisions of Section 15 of the Commercial Court Act, 2015, as amended. As the said written statement has been filed beyond 30 days but within 120 days but thus, written statement is hereby accepted.*
7. *Accordingly, the I.A. No. 01 of 2021 is disposed off.*
8. *Further, it appears from the record that the Defendant Nos. 10, 18 and 24 appeared in this Court on 28.08.2019 by filing Vakalatnama and filed written statement on 02.11.2019 but they did not filed any application for requesting the court to accept the written statement as they have filed the written statement beyond the period of 30 days.*
9. *Hence, the Defendant Nos. 10, 18, and 24 are directed to take steps by 4th April, 2021, otherwise necessary order shall be passed.*
10. *It is further appeared from the record that by the Order dated 01.10.2013 and 06.01.2020 the suit has already been fixed to proceed ex parte against the Defendant Nos. 2,9, 11, 12, 15, 16, 17, 19, 20, 21, 22, 23, 16, 27 and 28.*
11. *It appears from the record that although the Defendant no. 25 appeared by filing Vakalatnama but subsequently, Defendant No.*

25 neither takes any step nor file any application regarding filing of the written statement.

- 12.** *Hence, Defendant No. 25 is directed to show cause as to why the matter shall not be proceed against him as undefendant suit.*
- 13.** *The Defendant No. 1 has filed written statement on 27.07.2017 but subsequently, it has been submitted by the Ld. Counsel that the Defendant No. 1 has expired on 05.09.2020 and therefore, the written statement submitted by the Defendant No. 1 be struck off from the record.*
- 14.** *To 23.04.2021 on 01:00 pm for taking necessary steps by the Defendant Nos. 10, 18, 24 and 25.*

Dictated and corrected by me

*Sd/-
Judge
Commercial Court at Alipore
For South 24 Parganas, PurbaMedinipore
Paschim Medinipore & Jhargram*

*Sd/-
Judge
Commercial Court at Alipore
For South 24 Parganas, PurbaMedinipore
Paschim Medinipor & Jhargram*