

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Money Suit 20 of 2022
CNR No: WBSP18-000064-2022

Order No. 09
04.03.2023

In the matter of :
Suit for recovery of
money valued at
Rs.13,82,04,932/-.

And

In the matter of :
Grandeur Infratech Pvt.
Ltd.

Vs.

In the matter of :
LTB Infra Consultants Pvt.
Ltd. & 04 ors.

ORDERED

Today is fixed for hearing of the application praying for leave under Section 12A of the Commercial Courts Act, 2015 being I.A. no. 01/2022 in presence of both sides and for filing rejoinder by the Plaintiff, if any, to the application under Order XXXVIII Rule 5 read with Section 151 of CPC being **I.A. No. 02 of 2022 and** also for filing rejoinder by the Defendant no. 3 if any, to the application under Order VII Rule 11 of Code of Civil Procedure, 1908, being I. A no. **05 of 2022** by the Plaintiff

Today is also for filing written objection to the acceptance petition being **I. A no. 07/2022** by the Plaintiff and also for appearance of the remaining Defendants.

Plaintiff and Defendant no. 3 file haziras.

Defendant No 4 and 5 appear in this case by filing Vakalatnama.

Defendant No 4 and 5 file a petition praying for a direction for proper service of annexures of the plaint as well as the application of the instant suit .

Accordingly, Plaintiff is directed to serve copy of all annexures to the plaint as well as the application upon the Defendant No 4 and 5 positively within 72 hours and to serve an affidavit of service on the next date fixed.

Defendant No 3 files affidavit in reply to the application under Order VII Rule 11 of Code of Civil Procedure, 1908, being I. A no. 05 of 2022. Copy served through email.

However, in compliance to order dated 22.11.2022, Plaintiff does not file legible copy of the said Annexure-P10 (pages 39-47) of the plaint before this Court.

Accordingly, Plaintiff is further directed to furnish the legible copy of the said Annexure-P-10 (Pages-39-47) of the plaint before this Court on the next date fixed positively.

I.A.No. 01/2022

At this stage, the above application praying for leave under Section 12A of the Commercial Courts Act, 2015 being I.A. no. 01/2022 is moved by Ld. Counsel of the Plaintiff.

The apropos application is filed by the Plaintiff for exhausting the remedy of pre-institution mediation in accordance with such manner and procedure as prescribed by rules .

On bare perusal of the said application as well as application under Order XXXVIII Rule 5 read with Section 151 of CPC, this Court, prima facie, opinies that there is contemplation of urgent interim relief which may be granted by this Court with due disposal of the application under Order XXXVIII Rule 5 read with Section 151 of CPC.

*As such, the application being **I.A. No. 01 of 2022** is hereby **disposed of**.*

*It also appears from the record that an application under order 7 rule 11 CPC being **I. A no 05/2022** is pending. Accordingly the application under order 7 rule 11 CPC being I. A no 05/2022 is required to be adjudicated first before dealing with other pending applications.*

*Fix **12.04.2023 at 10.45 a.m.** for fixing date of hearing of the application under order 7 rule 11 CPC being I. A no 05/2022 in presence of both sides.*

To date** for filing rejoinder by the Plaintiff, if any, to the application under Order XXXVIII Rule 5 read with Section 151 of CPC being **I.A. No. 02 of 2022.

To date also for filing written objection to the acceptance petition being I. A no. 07/2022 by the Plaintiff.

To date also for appearance of the remaining Defendants.

Written Statement within statutory period.

Both parties are to act on the basis of the downloaded copy of the Order Sheet from the website / E-court App.

Dictated & corrected by me,



Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

JUDGE
COMMERCIAL COURT AT ALIPORE



Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

JUDGE
COMMERCIAL COURT AT ALIPORE