

Present: Sri Srikumar Goswami(JO Code.WB00714)
Judge, Commercial Court at Alipore

Money Suit 33 of 2019

CNR No.WBSP18-000088-2019

Order No.47
25.02.2022

In the matter of:
recovery of money Rs.
18,05,85,144/-

And

In the matter of :
Intellisys
technologies &
Research Pvt. Ltd.

Vs.

In the matter of:
Techno Teaching Info
Solutions Pvt. Ltd.

ORDERED

I.A No. 02/2021

Today is fixed for hearing of the petition for acceptance of written statement against counter claim being I.A. No. 02/2021.

Defendant files hazira.

Plaintiff does not take steps.

I.A. no. 02/2021

The instant I.A. for acceptance of written statement against counter claim being I.A. no. 02/2021 is taken up for hearing.

Heard.

Perused and considered the present application as well as the written objection.

It appears from the record that the Plaintiff had received the copy of Counter claim in the instant suit on 20.09.2019 and the Plaintiff had filed the written statement against the counter claim 18.11.2019 i.e 59 days.

*However, in **Miscellaneous Application No. 665/2021 in SMW(C) No. 3/2020**, the Hon'ble Supreme Court of India has been pleased to extend the period of limitation with effect from 27.04.2021 until further orders, considering the Covid-19 Pandemic situation.*

Further, the Hon'ble Supreme Court of India in **Prakash Corporates vs. Dee Vee Projects Ltd.** as reported in 2022 LiveLaw (SC) 162, wherein the Hon'ble Court has been pleased to observe that:

"...20.2. In other words, the orders passed by this Court on 23.03.2020, 06.05.2020, 10.07.2020, 27.04.2021 and 23.09.2021 in SMWP No. 3 of 2020 leave nothing to doubt that special and extraordinary measures were provided by this Court for advancing the cause of justice in the wake of challenges thrown by the pandemic; and their applicability cannot be denied in relation to the period prescribed for filing the written statement. It would be unrealistic and illogical to assume that while this Court has provided for exclusion of period for institution of the suit and therefore, a suit otherwise filed beyond limitation (if the limitation had expired between 15.03.2020 to 02.10.2021) could still be filed within 90 days from 03.10.2021 but the period for filing written statement, if expired during that period, has to operate against the defendant..."

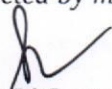
Accordingly, in view of the above direction of the Hon'ble Apex Court of India, the written statement as filed by the Plaintiff is hereby accepted.

The instant I.A. no. 02/2021. is disposed off.

Fix 23.03.2022 at 11.30 a.m. for fixing further case management hearing of the suit in presence of both sides.

Both parties are to act accordingly with the downloaded copy of order sheet from Ecourts App / Website.

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