

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Title Suit 30/2023
CNR No. WBSP18-000146-2023

Order No. 04

Date: 22.11.2023

In the matter of:

Suit for declaration, perpetual
and mandatory injunction and
other appropriate reliefs
valued at Rs. 1,20,00,000/-.

AND

In the matter of:

Prakash Bhutoria.

Vs.

Tirupati Carrier Limited and
02 Ors.

Order

Today is fixed for filing affidavit in opposition by the Defendants to I.A. No. 02 of 2023 and hearing of the said application.

All the parties file their respective haziras.

At this stage, Defendant no. 3 files written objection against the injunction application filed by the Plaintiff and also files a written statement but without any statement of truth annexed thereto.

So, the Defendant no. 3 is directed to file the statement of truth on the next date positively as well as the acceptance petition of the said written statement filed by them today.

Defendants no. 1 and 2 file two separate applications praying for time to file affidavit in opposition against the injunction application filed by the Plaintiff.

Ld. Lawyer for the Plaintiff vehemently raises objection against the prayer for granting time to file affidavit in opposition against the injunction application as taken by the Defendant nos. 1 and 2.

He further submits that let the order be passed in respect of prayer (b) in terms of their injunction application against the Defendant no. 3.

On the other hand, Ld. Lawyer for the Defendant no. 3 submits before this Court that the Plaintiff is already enjoining temporary electricity connection in their Bungalow, therefore, the question of urgency does not arise at all.

She further submits that a writ petition is pending before the Hon'ble High Court at Calcutta against the "Gems City" Bakrahat Road v. SEIAA, WB (State Level) Environment Impact Assessment and there is an advisory of the said SEIAA to this Defendant for not providing power supply to the said project before further order of the Hon'ble High Court at Calcutta.

Moreover, Ld. Lawyer for the Defendant no. 3 further submits that this is not an appropriate forum to agitate the issues of providing electricity before this Court as the disputes between the parties are not all commercial in nature. So, she submits that prior to passing any order full-fledged hearing is required in the instant matter.

So, considering all, I am not inclined to pass any order at this stage upon the Defendant no. 3 as prayed for by the Plaintiff.

The Defendant nos. 1 and 2 are given last chance to file affidavit in opposition against the injunction application filed by the Plaintiff.

Fix the matter on 21.12.2023 from 1:00 to 1:30 p.m. for hearing of the injunction application as well as the hearing on the point of maintainability of the instant suit and also for adherence of the directions given in this Order.

Parties are to act on the basis of the downloaded copy of the Order-sheet from the Web site/E-courts-app.

Dictated and corrected by me,

Sd/-

Judge, Commercial Court at Alipore,
for South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram

Sd/-

Judge, Commercial Court at Alipore,
for South 24 Parganas, Purba Midnapore,
Paschim Midnapore & Jhargram