

**IN THE COMMERCIAL COURT AT ALIPORE**

**Present: Smt. Suparna Ray (JO Code: WB00711)**

Misc Arb (Com) 59 of 2025  
CNR No. WBSP18-000175-2025

M/s. Triabeni Construction Limited.

....Petitioner

vs.

Damodar Valley Corporation.

....Respondent

Order: 06

Date: 13.01.2026

**Order**

Today is fixed for further hearing of the instant misc case and parties were also directed to file written notes of argument positively.

Both sides file their respective haziras.

Petitioner files a supplementary affidavit. Copy served through email. Let the same be kept on record.

Respondent files a petition praying for time to file objection to the said supplementary affidavit.

However, at this stage, learned Advocate appearing for the petitioner proceeds with the hearing of the instant misc case.

During the course of argument, petitioner files General Condition of Contract pertaining to the instant case by way of firisty. Let the same be kept on record.

Learned Advocate appearing for the petitioner prays for granting the prayers (g) and (h) of the instant Section 9 application at this stage, before completion of the hearing of the instant misc case, inasmuch as, as per the learned Advocate for the petitioner, if the said prayers be allowed without consent of the respondent, the respondent will not at all be prejudice.

But, the learned Advocate appearing for the respondent submits that there will be sheer prejudice on the respondent if any order is passed in respect of prayer nos. (g) and (h) without hearing the respondent at large. He further submits that joint measurement is already being carried on.

However, it is stated that in the written objection, the respondent has specifically taken the plea of Section 20A of the Specific Reliefs Act, 1963 and in pursuance to that, the issue of maintainability of the instant application has been raised.

Hence, in view of above, this Court is not inclined to pass any order in respect of prayers (g) and (h) at this stage without hearing the respondent.

Fix the matter on **14.01.2026 from 03:00 p.m. to 03:30 p.m.** for further hearing of the instant misc case and parties were also directed to file written notes of argument positively.

To date also for filing affidavit in opposition by the respondent to the supplementary affidavit filed by the petitioner today positively.

Parties are to act forthwith on the basis of the downloaded copy of this Order.

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