

**Present: Sri Srikumar Goswami (JO Code WB00714)**

**Judge, Commercial Court at Alipore.**

**Money Suit 48/2019**

**(CNR no. WBSP18-000176-2019)**

Order no. 15

08.03.2021

*In the matter of :*

*Suit for recovery of money  
valued at Rs.3,56,77,274/-.*

*And*

*In the matter of :*

*M/S Darcl Logistics Ltd.*

*Vs.*

*In the matter of :*

*M/S Tata Global Beverages  
Ltd.*

**Appearance for the Plaintiff:**

*Mr. Suman Ganguly ... Ld. Counsel.*

**Appearance for the Defendant:**

*Ms. Anju Chakraborty ... Ld. Counsel.*

**ORDERED**

- 1. Today is fixed for passing necessary order in connection with the application under Order VIII Rule 10 being I.A. no. 88/2020.*
- 2. Both parties file their respective haziras.*
- 3. At this stage, the Defendant files another application under Section 151 CPC praying for recalling the order dated 12.02.2021 for ends of justice. Let the same be registered as **I.A. no. 01/2021.***

**I.A. no. 01/2021**

- 4. The instant I.A. is taken up for hearing.*
- 5. Heard both sides.*
- 6. On perusal of the record, it appears that on 12.02.2021, since the Defendant did not appear inspite of repeated calls, the application as*

*filed by the Defendant under Order VII Rule 11 CPC being I.A. no. 87/2020 has been kept out of the record as not being pressed.*

7. *Hence, the present application has been made by the Defendant for recalling the said order dated 12.02.2021.*
8. *It has been argued on behalf of the Defendant that due to “All Bengal General Strike”, the Ld. Counsel failed to appear before this Court on 12.02.2021 due to transport difficulties.*
9. *However, it appears from the record that the Defendant also did not appear before this court on 21.09.2020, 19.10.2020 as well as on 11.12.2020.*
10. *The reasons which have been submitted by the Ld. Counsel for the Defendant are not acceptable to this Court as this Court has the proper infrastructure for virtual hearing and many other cases had been heard on 12.02.2021.*
11. *The object of the Commercial Courts Act, 2015 is to expedite the commercial cases for the proper growth of the national economy as well as in the ease of doing business, being one of the most important Govt. economic policies. The said Act specifically stipulates the period within which a commercial suit is to be disposed off without any delay and also prescribes the policy of three adjournments and has also prescribed by amending the Code of Civil Procedure, the manner in which speedy disposal can be ensured.*
12. *In such circumstances, the reasons as advanced by the Ld. Counsel for the Defendant, is not at all acceptable to this Court.*
13. ***However, for ends of justice, opportunity is given to the Defendant to represent their case, but subject to payment of cost of Rs.15,000/-, out of which, Rs. 10,000/- to be payable to***

***the Plaintiff and the rest Rs.5,000/- to be payable in favour of the Ld. Secretary, DLSA, South 24 Parganas at Alipore.***

***14.The order dated 12.02.2021 is hereby recalled, subject to payment of the abovementioned costs.***

*15.Accordingly, the instant I.A. no. 01/2021 is disposed off.*

*16.Let a copy of this order be forwarded to the Ld. Secretary, DLSA, South 24 Parganas at Alipore for his kind information.*

*17.The record further shows that I.A. nos. 87/2020 & 88/2020 are pending for disposal.*

*18.Both parties are directed to file affidavit-in-opposition, if not filed earlier.*

*19.Fix **05.04.2021 at 1 p.m.** for hearing of I.A. nos. 87/2020 & 88/2020.*

*20.If the abovementioned cost is not paid, both the I.A. nos. 87/2020 & 88/2020 shall be taken up for passing order on the next date fixed.*

*21.Both parties are to act on the basis of the downloaded copy of the ordersheet from the Website /Ecourts App.*

Dictated & corrected by me,

Sd/  
Judge, Commercial Court at Alipore  
For South 24 Parganas, Purba Medinipore  
& Paschim Medinipore

Sd/  
Judge, Commercial Court at Alipore  
For South 24 Parganas, Purba Medinipore  
& Paschim Medinipore