

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3713 of 2025**

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THE COTTON CORPORATION OF INDIA LTD

Versus

MALPRABHA CO-OPERATIVE SPINNING MILLS LTD.

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Appearance:

MR JF MEHTA(461) for the Appellant(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 11/11/2025****ORAL ORDER**

1. Heard the learned advocate Mr.J.F.Mehta for the appellant.
2. Learned advocate Mr. Mehta submits that cotton bales of various types were selected by the representative of the defendant, and the selection reports were duly signed by the said representative. Learned advocate Mr. Mehta submits that thereafter, a contract dated 06.03.1992 was forwarded to the defendant for signature, along with a demand for immediate payment of 10% of the value of the bales. Despite the lapse of the grace period of 30 days, the defendant failed to take delivery of the said bales, compelling the plaintiff to sell the same at a lower rate to another party, thereby suffering loss, for which the suit for recovery came to be filed. Learned advocate Mr. Mehta submits that the said suit was dismissed on the ground that there was no concluded contract

between the plaintiff and the defendant. Learned advocate Mr. Mehta submits that the selection report/approval letter, having been signed by the authorized representative of the defendant, amounts to a concluded contract, and the learned trial Court has committed a grave error in treating the same as a mere offer and dismissing the suit therefore, the impugned judgment warrants interference.

3. Considering the above submissions, let Notice be issued, making it returnable on 16.12.2025.

M.M.MIRZA

(M. K. THAKKER,J)