

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Commercial Appeal No.04 of 2023

Rungta Projects Ltd through its duly authorized representative Sri
Kamal Kishore Prasad **... Appellant(s).**

Versus

Central Coalfields Limited through its Chairman cum Managing
Director **... Respondent(s).**

.....
CORAM : SRI ANANDA SEN, J.
SRI GAUTAM KUMAR CHOUDHARY, J.

For the Appellant(s) : Mr. Pandey Neeraj Rai, Advocate
Mr. Rohit Ranjan Sinha, Advocate
Mr. Atul Vivek, Advocate
For the State : Mr. Anoop Kumar Mehta, Advocate
Mr. Manish Kumar, Advocate
Mr. Pratyush, Advocate
.....

10 /09.09.2024: The order challenged in this appeal is the order passed by the Commercial Court, Dhanbad in O.S. No. 50 of 2018/Miscellaneous Case No. 30 of 2014. The Court which passed this order is District and Additional Sessions Judge-I-cum-Commercial Court, Dhanbad which is apparent from the impugned order.

2. As per the Commercial Court's Act any order passed by the Commercial Court has to be challenged before the Commercial Appellate Division of the High Court. The Commercial Appellate Division has to be notified as per the Act. Admittedly there is a notification by the Chief Justice notifying a Bench of this Court as the Commercial Appellate Division. It is also admitted that this Division Bench is not the notified Commercial Appellate Division Bench of this High Court. Thus this Court lacks jurisdiction to hear this appeal even if the same is assigned to this Bench. Unless there is a notification under the Act, this Bench cannot hear the commercial appeals. Assignment of the Chief Justice on the administrative side cannot over-ride the provision of law.

3. Thus let this case go out of our list and be placed before the notified Commercial Appellate Division Bench after taking permission of the Hon'ble Acting Chief Justice.

(ANANDA SEN, J.)

(GAUTAM KUMAR CHOUDHARY, J.)

Tanuj/-