

Court No. 19
(265719)

CO 2187 of 2026

10.07.2026
(AD 19)
(S. Banerjee)

The West Bengal State Electricity Distribution Company
Limited
Vs.
Universal Cables Limited

Mr. Mrinal Kanti Ghosh

...for the petitioner

Mr. Chayan Gupta
Mr. Raja Baliyal
Mr. Vidhya Upadhyay

...for the opposite-party

On the prayer of Mr. Ghosh, learned advocate appearing for the petitioner, leave is granted to Mr. Ghosh to correct the typographical errors in the cause-title of the civil revision application, here and now.

This application under Article 227 of the Constitution of India is at the instance of the West Bengal State Electricity Distribution Company Limited and is directed against an order being no. 49 dated May 13, 2026 passed by the learned Judge, Commercial Court, Rajarhat, North 24 Parganas. By the order impugned, the prayer for adjournment was allowed subject to payment of cost.

Mr. Ghosh, learned advocate appearing for the petitioner submits that May 12, 2026 was fixed for cross-examination of PW-1. However, on that date an

adjournment was prayed for on the ground of serious illness of the learned advocate for the petitioner. He submits that the prayer for adjournment has been allowed subject to payment of cost. He submits that the litigant should not be penalized for the illness of the learned advocate.

Heard Mr. Gupta, learned advocate appearing for the opposite party.

Record reveals that the petitioner filed an application dated May 12, 2026 praying for adjournment. After going through the said application this Court finds that it was specifically stated therein that the learned advocate is physically unwell and shall not be able to attend Court on May 12, 2026 and May 13, 2026 of illness.

Learned trial judge by an order dated May 12, 2026 allowed his prayer for adjournment as a last opportunity and fixed May 13, 2026 for cross-examination of PW-1.

However, after going through the order dated May 12, 2026, this Court is of the considered view that the learned trial judge after being satisfied with the ground for adjournment, i.e., the illness of the learned advocate, allowed the prayer for adjournment on May 12, 2026. The learned trial judge failed to

appreciate that the prayer for adjournment was made for two dates i.e., on 12.05.2026 and 13.05.2026.

This Court is, therefore, of the view that the learned trial judge ought to have fixed a date after May 13, 2026. That apart, the ground cited for adjournment is illness of the learned advocate.

A litigant should not be penalized for the illness of the learned advocate.

On a query of the Court whether the petitioner has made arrangement for cross-examination of PW-1 on the next date fixed, i.e., on July 13, 2026, Mr. Ghosh submits that an advocate has been appointed in the meantime to conduct the case of the petitioner and the learned advocate for the petitioner shall cross-examine the PW-1 on the next date.

In the light of the submission made by the learned advocates for the respective parties, this Court is inclined to interfere with the order dated May 13, 2026 insofar as the imposition of cost for adjournment is concerned.

Accordingly, the order dated May 13, 2026 is modified only to the extent by deleting the cost of adjournment imposed upon the petitioner to the extent of Rs. 25,000/-.

The petitioner is directed to conduct the cross-examination of the PW-1 on the next date fixed, i.e., on July 13, 2026.

With the above observation CO 2187 of 2026 stands disposed of.

(Hiranmay Bhattacharyya, J.)