

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/2/2025
In CS-COM/6/2025

INDIAN TRADING BUREAU PRIVATE LIMITED
Vs
AMBO AGRITEC PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 15th September, 2025.

Appearance:

Mr. Satyaki Mukherjee, Adv.
Mr. Bhavesh Garodia, Adv.
Mrs. Amrita Panja Moulick, Adv.
...for the plaintiff

Mr. Dipranjan Mukhopadhyay, Adv.(vc)
Mr. D. Basu Ray, Adv.
Ms. Rakhi Mondal, Adv.
...for defendant

1. The defendant has filed the present application being GA-COM/2/2025 praying for acceptance of written statement.
2. Learned Counsel for the defendant submitted that the defendant has received the writ of summons on 4th June, 2025 and has entered appearance on 26th June, 2025.
3. He submitted after receipt of the writ of summons, the defendant has contacted the present Advocate on record and the Advocate on record has instructed the defendant for providing supporting document for preparing written statement. He submitted that the claim made by the plaintiff is an old one and as per the instruction of the defendant, the transaction between the parties were closed and settled a long

back due to the amicable settlement arrived between the parties. Now the plaintiff has initiated the present case. For the purpose of tracing out the old document, the defendant has taken some time due to which the defendant could not file the written statement within the period of 30 days but has affirmed the written statement on 6th September, 2025, that is, within the outer period of 120 days.

4. Learned Counsel for the plaintiff raised objection and submitted that the defendant has received the writ of summons on 4th June, 2025 but has not shown any reason why the defendant has not filed the written statement within the period of 30 days. Though the defendant has taken the plea with regard to the old document but the defendant has not disclosed the documents for which the defendant took time to trace the same within the period of 30 days.
5. He submitted that as the defendant has not shown any cause for condoning the delay for acceptance of the written statement, and prayed for rejection of the present application.
6. Heard the Learned Counsel for the respective parties. Perused the materials on record.
7. The defendant in open Court has handed over the copy of the written statement which was affirmed on 6th September, 2025. Counsel for the defendant in the present application has categorically stated that after the receipt of the writ of summons, the defendant has taken some time to trace out the documents. As the transaction between the plaintiff and the

defendant was old one, due to which the defendant could not file the written statement within the period of 30 days. Though the defendant has not filed the written statement within a period of 30 days but has filed written statement within the outer period of 120 days.

8. Under such circumstance, this Court is of the view one opportunity should be given to the defendant to file the written statement subject to payment of cost of Rs. 5,000/- to be paid to the High Court Legal Services Authority within a week from date.
9. The written statement filed by the defendant in Court today is accepted subject to scrutiny by the department.
10. The defendant is directed to serve the copy of the written statement to the Counsel for the plaintiff in course of the day.
11. The defendant is directed to produce the evidence showing the payment of cost, as directed above, to the Learned Master within a week from date.
12. GA-COM/2/2025 is disposed of.

(KRISHNA RAO, J.)