

OCD-2

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

IA NO. GA 4 OF 2023
IN
CS 33 OF 2021
IN THE MATTER OF:
RASANDIK ENGINEERING INDUSTRIES INDIA LIMITED
VS
WEST BENGAL INDUSTRIAL DEVELOPMENT CORPORATION LIMITED AND
ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 24th August, 2023.

Appearance:
Mr. Soumabho Ghosh, Adv.
Ms. Tiana Bhattacharya, Adv.
Mr. S. Datta, Adv.
For plaintiff/petitioner
Mr. Suman Kumar Dutt, Adv.
Mr. Paritosh Sinha, Adv.
Mr. Sauvik Chowdhury, Adv.
Mr. Tirthankar Das, Adv.
For defendant no.1
Mr. Priyankar Saha, Adv.
Mr. Arindam Mandal, Adv.
Mr. Paritosh Sinha, Adv.
For defendant no.2/State

The Court : This is an application by the plaintiff seeking leave to disclose additional documents. The documents, which the plaintiff seeks to disclose, are divided into two parts. The first part contains documents which the plaintiff could not lay hand at the time of filing the plaint as they were lying at a place wherein due to government restrictions owing to pandemic the documents could

not be collected. The second part contains the post suit documents.

On behalf of the defendant no.1, it is argued that under the amended provisions of Order XI of the Code of Civil Procedure, 1908, the scope of disclosing additional documents post filing of a commercial suit or suit in the commercial division has been minimised. The discretion left to Court to permit such additional disclosure is within a limited periphery. The plaintiff in the instant case is seeking to disclose additional documents, which, in effect, will expand the scope of the suit without there being any consequential amendment prayed for.

The defendant no.1 points out to the claims made in paragraph 36 of the plaint and further submits that the amounts are clearly quantified. These are all special damages and not unquantified general documents and should be backed by documents disclosed with the plaint as required to be done in case of a suit instituted under the Commercial Courts Act, 2015. The additional documents are sought to be relied to increase the quantum of claim but without even seeking to amend the plaint. The application, therefore, should be rejected.

However, the arguments could not be concluded.

Let this matter appear in the list on 29th August, 2023.

(ARINDAM MUKHERJEE, J.)

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