

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/242/2024
[OLD NO. CS/33/2021]
IA NO: GA-COM/5/2024

RASANDIK ENGINEERING INDUSTRIES INDIA LIMITED
VS
WEST BENGAL INDUSTRIAL DEVELOPMENT CORPORATION LIMITED AND
ANR.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: May 08, 2025.

Appearance :

Mr. Soumabho Ghose, Adv.
Ms. Tiana Bhattacharyya, Adv.
Mr. Soumitra Datta, Adv.
... for the plaintiff

Mr. Suman Kr. Dutt, Sr. Adv.
Ms. Samhita Mukherjee, Adv.
Mr. S. Chowdhury, Adv.
... for the defendant no.1

Mr. Paritosh Sinha, Ld. AoR
Ms. Noelle Banerjee, Adv.
Mr. Arindam Mandal, Adv.
Mr. Jaydeep Roy, Adv.
... for the defendant no.2

1. Mr. Soumabho Ghose, Learned Counsel, is appearing for the plaintiff.
2. Mr. Suman Kumar Dutt, Learned Senior Counsel, is appearing for the defendant no.1.
3. Mr. Paritosh Sinha, Learned Counsel, is appearing for the defendant no.2.
4. Counsel for the plaintiff has drawn the attention of this Court to the Order dated 17th April, 2025 wherein this Court has directed the defendant to disclose their documents to the plaintiff on or before 28th April, 2025 and

on receipt of the documents the plaintiff was directed to complete the inspection of the documents by 5th May, 2025.

5. Counsel for the plaintiff submits that in terms of the order passed by this Court dated 7th April, 2025, the defendant No.1 has disclosed documents for inspection but after going through the said documents, the plaintiff found that the defendant has not disclosed any document in their written statement and as such by letter dated 25th April, 2025 the plaintiff has informed the learned Advocate-on-record of the defendant No.1 that on perusal of the written statement filed on behalf of the defendant No.1 affirmed on 7th April, 2025 it appears that the defendant No.1 has neither relied on documents as specified in the affidavit of documents nor have those documents been annexed or produced with the written statement and as such the plaintiff has not inspected the said documents.
6. Counsel for the plaintiff further submitted that the State has not disclosed the document for inspection and as such the chance for disclosing the document by the defendant No.2, that is, the State shall be closed.
7. Counsel for the defendant No.2 submits that defendant No.2 has filed the written statement. After going through the written statement, the plaintiff had filed an application for disclosure of additional document.
8. This Court has granted leave to the plaintiff for disclosure of additional document only after the written statement filed by the defendant and as such the defendant No.2 is also intending to disclose certain document and the defendant is going to file an application for disclosure of additional document.

9. Heard the learned Counsel for the respective parties.
10. This Court finds that the State, that is, the defendant No.2, has disclosed three documents in the written statement but the defendant No.2 has not disclosed the said document to the plaintiff for inspection in spite of specific directions.
11. Accordingly, the disclosure of the documents by the defendant No.2 to the plaintiff is closed and the defendant only can rely upon the written statement and this Court will not allow the defendant No.2 to rely upon the document as disclosed in the written statement.
12. As regards the defendant No.2 is concerned, the defendant No. 2 has submitted that they are going to file an application for additional document and as such this Court is of the view that one opportunity should be given to the defendant No.2 so that he can file an application. If application is filed, the same will be decided on merit.
13. Let the matter appear on 24th June, 2025.
14. Counsel for the defendant No.2 has filed the affidavit of admission and denial of the documents. Let the same be kept with the record.

KRISHNA RAO, J.)