

OCD-2

ORDER SHEET

IA No.GA 3 of 2022
IN
CS 42 of 2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

ZILLION INFRAPROJECTS PRIVATE LIMITED
VS.
SASHASTRA SEEMA BAL (SSB) & ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 15th May, 2023.

Mr. Dhruba Ghosh, Sr. Advocate, Mr. Soumen Das, Mr. Altamash
Alim, Advocates for plaintiff.
Mr. Mohit Gupta, Mr. Jit Ray, Mr. A. A. Chakraborty,
Advocates for defendant no.2.

The Court : Perused the report filed by the Master and Official Referee of this Court. It appears that the defendant no.2 despite getting the matter adjourned on 4th April, 2023, 19th April, 2023 and 3rd May, 2023 has not filed its affidavit of documents. This is a commercial suit which has specific timeframe as per the Commercial Courts Act, 2015. It is apparent that the defendants are trying to delay the proceedings and as such the affidavit of documents could not be filed despite three adjournments before the learned Master and Official Referee.

The matter is adjourned till 17th May, 2023 as a peremptory chance to the defendant no.2 to file its affidavit of documents.

It is made clear that in the event no affidavit of documents is filed on or before the next date fixed, the defendant no.2 shall be debarred from disclosing and/or relying upon any of its documents.

The plaintiff has filed its suggested issues. The defendant no.2 shall on the next date bring its suggested issues. Needless to mention that the plaintiff has no claim against the defendant no.1 and as such the defendant no.2 is the effective defendant in the suit.

(ARINDAM MUKHERJEE, J.)