

**In the High Court at Calcutta
Commercial Division
Original Side**

**CS-COM/244/2024
[Old No. CS/42/2021]**

ZILLION INFRAPROJECTS PVT LTD
VS
SASHASTRA SEEMA BAL (SSB) AND ANR

**BEFORE:
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : April 10, 2026.**

Appearance :
Mr. Soumen Das, Adv.
Mr. Altamash Alim, Adv.
... for the plaintiff

Mr. Arik Banerjee, Adv.
Mr. Jit Ray, Adv.
...for the defendant no. 2

The Court : Today is the date fixed for commission. The commission is fixed at **4:00 pm** within the Court hours. Upon being pointed out the same to this Court, the Court has directed the matter to be placed under the heading "**To Be Mentioned**" today.

The commission cannot and should not be held within the Court hours as the original records are required to be produced before the learned Commissioner which shall have to be accompanied by the Court Officers.

Mr. Soumabho Ghose, learned Commissioner was already appointed to hold the commission insofar as the witness action of the

plaintiff was concerned, since at the time of completion of the witness action of the plaintiff no evidence on affidavit was filed by the defendant no.2, as the plaintiff does not have any claim against the defendant no.1, informed by Mr. Soumen Das, learned Advocate appearing for the plaintiff in Court today. Mr. Soumabho Ghose was discharged by an order dated **November 6, 2025**.

Subsequently, on **December 22, 2025** on the prayer of the defendant no.2, time to file evidence on affidavit by the defendant no.2 was extended and the same has been filed. Accordingly, on **February 26, 2026** another learned Advocate, a member of the Bar was appointed as Commissioner to hold the commission and the commission has been fixed today.

On perusal of the records, this Court is of the view that since Mr. Soumabho Ghose, has already held commission in the matter, he shall hold the commission as the Commissioner.

The appointment of learned Advocate as Commissioner by an order dated **February 26, 2026** stands **recalled**.

The plaintiff today submits that they shall try to complete their cross-examination by **six sessions**, if each session goes for two continuous hours.

Learned Commissioner shall fix the Stenographer charges and rest of the secretarial expenses shall be **Rs.2500/-** per day.

It is clarified that if two sessions are held in a day, these charges will be fixed for the day.

Each session shall be **not less than two continuous hours**.

Learned Commissioner shall be paid a sum of **Rs.20,000/-** for each session as his remuneration for holding the commission.

The present witness action for cross-examination of the witness of the second defendant shall conclude within **two months** from the date of the first sitting and the learned Commissioner shall file his report thereafter.

The order dated **February 26, 2026** also stands **modified** to the effect indicated herein.

It is clarified once again for the cross-examination of the witness of the defendant no.2 in the instant case, the expenses for the purpose of holding commission shall be borne by the plaintiff.

The plaintiff shall be at liberty to mention the matter after the cross-examination of the witness of the second defendant is over, upon notice to the defendants for further direction.

Accordingly, today's commission stands cancelled.

Parties shall serve a copy of this order upon the learned Commissioner appointed on **February 26, 2026** and shall inform him forthwith.

(ANIRUDDHA ROY, J.)

RS