

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Commercial Division]

IA NO. GA-COM/1/2024
IN CS-COM/564/2024

BRAVO SPONGE IRON PRIVATE LIMITED
-VS-
BIRAT CHANDRA DAGARA

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : April 12, 2024.

Appearance:

Mr. Kumarjit Banerjee, Adv.
Ms. Sanchari Chakraborty, Adv.
Mr. Sourojit Dasgupta, Adv.
Ms. Tanishika Khandelwal, Adv.
...for the plaintiff

Mr. Avinash Kankani, Adv.
Mr. Suman Majumder, Adv.
...for the defendant

The Court: Mr. Kumarjit Banerjee, learned advocate, is appearing for the plaintiff and Mr. Avinash Kankani, learned advocate, is appearing for the defendant.

Counsel for the plaintiff submits that it is admitted by the defendant that the defendant is liable to pay Rs.6.80 crore to the plaintiff. In spite of the admission and/or several requests made by the plaintiff, the defendant has not paid the said amount to the plaintiff.

Counsel for the plaintiff further submits that the company of the defendant has already been struck off, mines have also become un-operational and as such there is every apprehension that the amounts which are lying with the defendant will be siphoned off. He prays for an ad interim order for securing the amount.

Counsel for the defendant prays for three weeks time to file affidavit in opposition and raised objection to the jurisdictional point.

This Court finds that the transaction between the plaintiff and the defendant from 2018 to 2022 and now the plaintiff has filed the present application praying for ad interim order.

This Court is of the view an opportunity should be given to the defendant to file affidavit and this application can be decided only after exchange of the affidavits, thus this Court is not inclined to pass ad interim order at this stage.

The defendant is directed to file affidavit in opposition within three weeks from date; reply, if any, be filed within a week thereafter.

Let the matter appear on 14th May, 2024 under the heading 'New Motion'.

The point of jurisdiction raised by the defendant is kept open.

(KRISHNA RAO, J.)

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