

IA NO. GA/2/2025
IN
CS/137/2024

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

THE GOLDEN SOAP FACTORY PRIVATE LIMITED
VS.
SHAILJA CRAFT PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 18th August, 2025

Appearance:
Mr. Saunak Sengupta, Adv.(VC)
Ms. Mandeep Kaur, Adv.
For plaintiff
Mr. Ritoban Sarkar, Adv.
Mr. Barnik Ghosh, Adv.
For defendant

The Court :- The defendant has commenced its argument in support of the application for return of the plaint on the ground that the transaction between the plaintiff and the defendant will give rise to a commercial dispute as enumerated under Section 2 (1) (c) of the Commercial Court Act, 2015 (hereinafter referred to as 2015 Act) and in particular under Section 2 (1) (c) (i) thereof.

The defendant by relying upon the Division Bench judgment reported in **2022 SCC OnLine Cal 3010 (Venkatesh Vincom Private Limited Vs. Spice of Joy, Multicuisine Restaurant Cum Bar and Others)** argue that

the document at page 24 of the application is a mercantile document. The defendant has also relied upon bank balance sheet of the plaintiff to contend that going by the volume of loan it is to be concluded that the plaintiff's main business is lending money against interest.

In order to counter this, the plaintiff has relied upon a judgment reported in **2021 SCC OnLine Bom 13984 (Bharat Huddanna Shetty Vs. Ahuja Properties & Developers & Ors.)** and has submitted that the document at page 24 of the application does not conform the requirement of a mercantile document and, as such, the transaction will not give rise to a commercial dispute under Section 2(1) (c) (i) of the 2015 Act.

Hearing could not be concluded.

Let this matter appear on 20th August, 2025.

(ARINDAM MUKHERJEE, J.)

Sb/