

OCD-27

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA No. GA-COM/1/2024
In CS-COM/663/2024

USKOM KOMUNIKASYON SISTEMLERI TAHUT VE TICARET A S
-VS-
TECHNO ELECTRIC AND ENGINEERING CO

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : October 4, 2024.

Appearance :

Mr. Samriddha Sen, Adv.
...for the plaintiff

Mr. Aritra Basu, Adv.
Mr. Sanket Sarawgi, Adv.
...for the defendant

The Court: Mr. Samriddha Sen, learned advocate, is appearing
for the plaintiff.

Mr. Aritra Basu, learned advocate, is appearing for the defendant.

The defendant has filed an application being GA-COM/1/2024
praying for extension of time to file written statement.

Counsel for the plaintiff submits that though in the application it
is mentioned that the writ of summons was served on 15th May, 2024 but
after receipt of the service report from the Deputy Sheriff of Calcutta dated
2nd September, 2024, it reveals that the writ of summons was served upon
the defendant on 18th May, 2024.

Defendant says that though there is a delay in filing the written
statement within 30 days but the defendant has affirmed written

statement and filed with the leave of this Court before the outer limit of 120 days and prays for acceptance of written statement.

Counsel for the plaintiff submits that the writ of summons was served upon the defendant on 18th May, 2024 and the defendant ought to have filed the written statement within 30 days but has not shown any cause as to why the defendant has not filed written statement within prescribed time.

Counsel for the plaintiff further submits that the defendant has also filed the counter claim along with the written statement and if this Court allows to file the written statement along with the counter claim, the maintainability of the counter claim may be kept open.

In view of the submission made by the counsel for the respective parties, this Court finds that though the defendant has not filed the written statement within the period of 30 days but has affirmed the written statement and filed the same with the leave of the Court within the outer limit of 120 days and this Court also finds that the defendant has shown sufficient cause for not filing of the written statement within 30 days. Accordingly, time to file written statement is extended.

The department is directed to accept the written statement subject to scrutiny by the department within two weeks after the Puja Vacation.

The defendant has already served the written statement along with the counter claim to the counsel for the plaintiff.

The maintainability of the counter claim is kept open.

GA-COM/1/2024 is disposed of.

As by this order the department is directed to accept the written statement along with the counter claim subject to scrutiny by the department, the plaintiff is directed to file the written statement to the counter claim within 30 days from date.

(KRISHNA RAO, J.)