

OD 1

ORDER SHEET
CS-COM/57/2025
IA NO:GA-COM/1/2025, GA-COM/2/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

JCC INDIA PRIVATE LIMITED AND ANR.
VS
TIL LIMITED

BEFORE:
The Hon'ble JUSTICE OM NARAYAN RAI
Date: 5th December, 2025.

Appearance:
Mr. Nirmalya Dasgupta, Adv.
Mr. R.L. Mitra, Adv.
Ms. Priyanka Dhar, Adv.
...for the plaintiffs

Mr. Sourojit Dasgupta, Adv.
Mr. Vishwarup Acharyya, Adv.
...for the defendant

The Court:

In Re: IA NO:GA-COM/1/2025 in CS-COM/57/2025:

1. Mr. Nirmalya Dasgupta, learned advocate appearing for the plaintiffs has pressed his application for judgment on admission.
2. Mr. Dasgupta has taken this Court through the application as well as the order dated June 18, 2025, by which this Court had granted an interim order of injunction in terms of prayer (b) of the application. The interim order of injunction granted on June 18, 2025 kept on being extended and is to continue till January 30, 2026.

3. Mr. Dasgupta submits that in view of the invincible case made out by the plaintiffs, this Court should pass a judgment and decree upon admission.
4. Mr. Sourojit Dasgupta, learned advocate, appearing for the defendant submits that although this Court had directed affidavit-in-opposition to the said application to be filed by a particular date, yet, the same could not be prepared and filed in time. It is further submitted that due to inadvertence on the part of the learned advocates representing the defendant, prayer for extension of time to file affidavit could not be made on the last two occasions when the matter was taken up by this Court. He submits that the affidavit-in-opposition is ready with him and seeks leave to file the same today.
5. Such prayer is opposed by Mr. Dasgupta. learned Advocate representing the plaintiff.
6. Although the request for leave to file the affidavit-in-opposition today has been opposed by the learned Mr. Dasgupta, learned advocate appearing for the plaintiffs, yet, keeping in view the fair admission by Mr. Dasgupta, learned advocate appearing for the defendant that the mistake in not seeking extension had been committed by the learned advocates representing the defendant, this Court is minded to grant leave to the defendant to file the affidavit-in-opposition. The affidavit-in-opposition is accordingly taken on record. A copy thereof has been served upon the learned Advocate for the plaintiff.
7. Mr. Sourojit Dasgupta, learned advocate for the defendant submits that the management of the defendant company was changed and the

process of taking over by the new management ultimately got concluded only by January 24, 2024. It is submitted that in such process, the bank account of the defendant which has been indicated in prayer (b) of the plaintiffs' application for judgment on admission (IA No.GA-COM/1/2025), was closed and the monies lying there were shifted to different account. It is submitted that at the time when the interim order dated June 18, 2025 was passed, the account indicated in payer (b) of the said application (Bank Account No.0728083000000017 maintained with South Indian Bank Limited, Corporate Branch at Church Lane, Kolkata – 700 001) did not exist in the name of the petitioner.

8. The defendant owes an explanation to the Court as to why this fact was not brought to the notice of the Court on the several occasions when the matter was taken up by Court subsequent to the order dated June 18, 2025 being passed.
9. Although the order dated June 18, 2025 was passed ex parte, yet, on all the subsequent dates starting from July 16, 2025 to November 26, 2025, the defendant was represented but it was never brought to the notice of the Court that the order of injunction which was passed on June 18, 2025 was actually ineffective because of the non-existence of the very account to which the said order applied.
10. The defendant shall therefore file an affidavit explaining as why the fact of non-existence of Bank Account No.0728083000000017 maintained with South Indian Bank Limited, Corporate Branch at Church Lane, Kolkata – 700 001 was not brought to the notice of the

Court. In the said affidavit the petitioner shall also disclose the balance in the bank accounts mentioned in paragraph 29 (Page 11 of the affidavit-in-opposition). Such affidavit shall be filed within two weeks from date.

11. Mr. Nirmalya Dasgupta submits that he reserves his right to file affidavit-in-reply to the affidavit-in-opposition used by the defendant and may seek time therefore upon seeing the affidavit directed to be filed by this order.

12. In view of the fact that the aforesaid account in respect whereof the order dated June 18, 2025 had been passed, does not exist anymore and that the Court had on being satisfied that the plaintiffs had made out a prima facie case passed an order of injunction thereby restraining the defendant from withdrawing any sum from the said bank account without keeping aside a sum of Rs.30,00,000/- towards the claim of the plaintiffs with regard to the principal sum claimed in the suit, in the changed fact situation, this Court directs that the defendant and/or its men and agents, shall stand restrained from withdrawing any sum from the following accounts without keeping aside a sum of Rs.30,00,000/- towards the claims of the plaintiffs with regard to the principal amount as prayed for in prayer (b) of the application for judgment on admission (IA No.GA-COM/1/2025):

a) Current Account bearing number 924030039680305, maintained with Axis Bank Limited, Shakespeare Sarani Branch.

- b) Current Account bearing number 650014156394, maintained with Indusind Bank, Upper Wood Street Branch.
- c) Current Account bearing number 20500032351770, maintained with Bandhan Bank, Hazra Branch.
13. It is clarified that such sum of Rs.30,00,000/-, may be set apart/kept aside either as a whole in any one of these three accounts or cumulatively in all the three accounts.
- In Re: IA NO:GA-COM/2/2025 in CS-COM/57/2025:**
14. Affidavit-in-opposition filed on behalf of the plaintiffs to the application and the affidavit-in-reply filed on behalf of the defendant to the opposition filed by the plaintiffs are taken on record.
15. List this matter for further consideration on December 19, 2025.

(OM NARAYAN RAI, J.)