

ODC 3 & 4

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

IA NO: GA/5/2021  
IN CS/142/2020

ANUMATI CONSULTANCY AND SERVICES PVT. LTD.  
VERSUS  
WELLSIDE GLOBAL PVT. LTD.

AND

IA NO: GA/4/2021  
IN CS/142/2020

ANUMATI CONSULTANCY AND SERVICES PVT. LTD.  
VERSUS  
WELLSIDE GLOBAL PVT. LTD.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 17<sup>th</sup> November, 2021.

[Via Video Conference]

*Appearance:*

*Mr. Ratnanko Banerjee Sr. Adv.*

*Mr. Shaunak Mitra, Adv.*

*Mr. S. Manot, Adv.*

*Mr. Surajit Nath Mitra Sr. Adv.*

*Mr. Sankarsan Sarkar, Adv.*

*Mr. Mayank Kakrania, Adv.*

*Mr. Shayak Mitra, Adv.*

The Court: GA/5/2021 relates to an application for rejection of plaint filed by the defendant. GA/4/2021 relates to summary judgment sought by the plaintiff.

The plaintiff/respondent in GA/5/2021 is directed to file its affidavit in opposition within four weeks from date. Reply thereto, if any, within one week thereafter. In GA/4/2021, with regard to filing of affidavit in opposition, Mr. Ratnanko Banerjee, senior advocate appearing on behalf of the plaintiff, submits that the time to file such affidavit in opposition has expired. Such submission is opposed vehemently by Mr. Mitra senior advocate appearing on behalf of the defendant.

In my view, affidavit in opposition in GA/4/2021 may be filed without prejudice to the rights and contentions of the parties. Affidavit in opposition may be filed within four weeks from date; reply thereto, if any, may be filed within a week thereafter. Short notes of argument may be filed by December 24, 2021.

For ease of going forward, this Court is highlighting the issues that are before this Court in both these applications:-

- a) Whether the present dispute falls under the Commercial Courts Act, 2015?
- b) Whether the defendant/respondent has a right to file its affidavit in opposition in this matter?

Both the matters are made returnable in the first week of January, 2022 under the heading "Chamber Application for Final Disposal".

(SHEKHAR B. SARAF, J.)