

**In the High Court at Calcutta
Commercial Division
Original Side**

CS-COM/76/2026

ORIENT EXPORTS (PRIVATE) LIMITED
VS
ISLAMI BANK BANGLADESH PLC AND ORS.

BEFORE:
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : June 17, 2026.

Appearance:
Mr. Rupak Ghosh, Adv.
Mr. Sourath Dutt, Adv.
Ms. Abhipriya Sarkar, Adv.
...for the plaintiff

The Court: Mr. Sourath Dutt, learned Advocate led by Mr. Rupak Ghosh, learned Advocate appears for the plaintiff.

At the threshold, the plaintiff prays for dispensation of requirement under **Section 12A of the Commercial Courts Act, 2015** (for short “**CC Act**”).

The plaint case is that the plaintiff has sold and delivered goods to defendant No. 2 who situates at Bangladesh. The plaintiff raised two proforma invoices. The defendant No. 2 executed two letters of credit covering the entire value of the two invoices amounting to **Rs.91,73,000/-** though, in equivalent US dollar. The banker was defendant No. 1 and negotiating bank is defendant No. 3.

Further plaint case is that though the negotiating banker, the defendant No. 3 had submitted the documents for negotiation before the defendant No. 1 but the defendant No. 1 failed and neglected to honour

the same and thereby to transfer the fund to the credit of the said two invoices. The plaintiff, therefore, claims the unpaid sale consideration.

In **paragraph 51** of the plaint, the plaintiff further states that there is a *bona fide* apprehension on the part of the plaintiff that, the defendant No. 1 might close down all its accounts maintained with the respective bankers within the jurisdiction of this Court and in that event, the plaintiff might suffer irretrievable jeopardy.

The plaintiff has already delivered its goods and the goods have already been received by the defendant No. 2, pursuant to the no objection given by the defendant No. 1. Hence, the plaintiff contemplates an urgent interim relief.

In view of the above, requirement of **pre-litigation mediation**, as contemplated under **Section 12A of the Commercial Courts Act, 2015** stands **dispensed with**.

In view of the averments made in **paragraphs 4, 9, 19, 23 and 46**, leave granted under **Clause 12 of the Letters Patent, 1865**.

Plaint stands admitted, subject to scrutiny by the department.

(ANIRUDDHA ROY, J.)

Sbghosh