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APOT/160/2025
WITH EC-COM/9/2025
IA No.GA-COM/2/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

ALOK SARAF AND ORS.

-VERSUS -

SHYAM SUNDAR NANGALIA AND
ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE PRASENJIT BISWAS
Date : 12th August, 2025.

Appearance :
Mr. Ishaan Saha, Adv.
Ms. Rishika Goyal, Adv.
...for appellant.

Mr. Rudraman Bhattacharyya, Sr. Adv.
Mr. Saptarshi Banerjee, Adv.
Ms. Amrita Panja Moulick, Adv.
...for the respondent.

The Court :- Issue of maintainability of the appeal is raised and is taken up for hearing.

Heard learned Advocate appearing for the appellant on the issue of maintainability of the appeal. Learned Advocate for the appellant relies on order dated December 7, 2021 passed in APOT/171/2021 (Damodar Valley Corporation vs. Reliance Infrastructure Ltd.); order dated July 8, 2024 passed in APOT/244/2024 (R. Piyarelall Iron & Steel Pvt. Ltd. vs. Ram Prasad Agarwala & Ors.) and 2024 SCC Online Cal 8835 (Kolkata Metropolitan



Development Authority vs. Dagcon (India) Pvt. Ltd.) support of his contention that the appeal is maintainable.

Learned senior Advocate appearing for the respondent relies upon (2018) 14 SCC 715 (Kandla Export Corporation & Anr. vs. OCI Corporation & Anr.); (2020) 4 SCC 234 (BGS SGS Soma JV vs. NHPL Ltd.); 2017 SCC Online Bom. 360 (Sushila Singhania & Ors. vs. Bharat Hari Singhania & Ors.); (2011) 8 SCC 333 (Fuerst Day Lawson Ltd. vs. Jindal Exports Ltd.) and 2010 (1) Mh.L.J. (R. S. Jiwani (M/s.), Mumbai vs. Ircon International Ltd., Mumbai) to contend that the appeal is not maintainable.

Hearing concluded.

Judgment reserved.

(DEBANGSU BASAK, J.)

(PRASENJIT BISWAS, J.)