



OCD- 1

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Commercial Division]

CS/113/2006

V. K. UDYOG LTD.
VS
NIAJ AHMED AND ORS.

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date: 3rd January, 2024

Appearance:

Mr. K. R. Thaker, Adv.

Ms. Sneha Singhanian, Adv.

...for the Plaintiff.

Mr. Ayan Dutta, Adv.

Ms. Sarmistha Das, Adv.

...for Defendant no. 2.

The Court: Additional Judges' brief of documents are disclosed by the Defendant. Both the parties file suggested issues. On the basis of rival pleadings, the following issues are framed:

1. Whether the suit is maintainable?
2. Whether the suit discloses any cause of action?
3. Whether this Court has jurisdiction to entertain the suit?



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4. Whether the instant suit is instituted in collusion with the Plaintiff and Defendant no. 1?
5. Whether the Plaintiff perpetrated any fraud upon the Defendant no. 2?
6. Whether compliance under clause (m) of the Letters of Credits could have been waived by the Defendant no. 1?
7. Whether the Defendant no. 2 is justified in refusal of payment by dishonoring the Letters of Credits in question?
8. Whether the Plaintiff is entitled to any or all the reliefs prayed for?
9. If the Plaintiff is entitled to the decree prayed for, what would be the applicable and effective date to determine the rate of exchange of currency and rate of interest, if any?

Fix the suit on 18th January, 2024 for “Witness Action”.

(SUGATO MAJUMDAR, J.)