



ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/38/2024
[OLD NO CS/113/2006]

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

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: April 21, 2025.

Appearance:

Ms. Rishita Sarkar, Adv.

Mrs. S. Thaker, Adv.

... for the plaintiff

Mr. Ayan Dutta, Adv.

Ms. Sarmistha Das, Adv.

...for the defendant no. 2

1. Ms. Rishita Sarkar, learned Advocate, is appearing for the plaintiff.

2. Mr. Ayan Dutta, learned Advocate, is appearing for the defendant no. 2.

3. The matter is listed as to be mentioned on the prayer made by the learned Counsel for the plaintiff.

4. By an order dated 26th March, 2025, this Court has appointed Mr. Aniruddha Mitra, learned Senior Advocate, Bar Library Club, as Commissioner for examination of the plaintiff witness no. 1 namely, Mr. Prabir Kumar Saha.

5. Counsel for the plaintiff informs this Court that Mr. Aniruddha Mitra, who have been appointed as Commissioner to record the evidence of the plaintiff no. 1 is not in a position to hold the commission for



examination of the witness and as such Counsel for the plaintiff prays for **2023:CHC-OS:4919** change of the Advocate Commissioner.

6. Learned Counsel for the defendant has raised no objection.

7. Accordingly, as per the prayer made by the Counsel for the plaintiff, in place of Mr. Aniruddha Mitra, learned Senior Advocate, Mr. Vivek Basu, learned Advocate, (Bar Library Club, Mobile No. 9830014375) is appointed as commissioner for examination of the plaintiff witness on commission.

8. By an order dated 26th March, 2025, the remuneration of the Commissioner is already fixed at 3000 G.Ms at the first instance. Let the same be continued. The final remuneration shall be decided at the time of filing of the report by the Commissioner.

9. The learned Commissioner is directed to inform the date of the examination of the witness on commission to the Assistant Registrar of this Court so as to enable the Officer of this Court to produce the documents at the time of commission.

10. The Commissioner is directed to complete the examination of the plaintiff witness within a month from the date and to file the report before this Court on 10th June, 2025.

11. It is made clear that the Commissioner is appointed on the prayer made by the Counsel for the plaintiff. Accordingly, remuneration of the Commissioner shall be paid by the plaintiff only.

12. To the above extent, the order dated 26th March, 2025 is modified.

(KRISHNA RAO, J.)