

OCD-12

ORDER SHEET

CS/182/2021

IA NO: GA/1/2021, GA-COM/6/2024

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

NARSINGH ISPAT LIMITED
VS
JWALA COKE INDUSTRIES

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 1st February, 2024.

Appearance:

Mr. Jishnu Saha, Sr. Adv.
Mr. Dhruva Ghosh, Sr. Adv.
Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
Mr. Altamash Alim, Adv.
...for the plaintiff

Mr. Tapas Kumar Banerjee, Adv.
Ms. Suparna Mukherjee, Adv.
Mr. Rajarshi Dutta, Adv.
Mr. Sarbajit Mukherjee, Adv.
Mr. Shayak Mitra, Adv.
Mr. Triptimoy Talukder, Adv.
...for the defendant

The Court: The plaintiff and the defendant have placed before the Court their respective suggested issues.

After perusing the plaint, the written statement and taking note of the suggested issues, the following issues are framed:

1. Is the suit maintainable in its present form?

2. Does the plaint disclose any cause of action?
3. Was there any agreement between the plaintiff and the defendant for conversion of raw coal into coke as alleged in the plaint ?
4. Did the plaintiff place any purchase order on the defendant for supply of coke by the defendant under any conversion agreement ?
5. Was there any short supply of coke by the defendant as alleged in the plaint ?
6. Did the defendant receive the coal supplied by the plaintiff without any demur or protest ?
7. Was there any agreement between the parties for testing the quality of raw coal by MLS as alleged in the plaint ?
8. Are the test reports disclosed by the defendant binding on the plaintiff ?
9. Did the defendant raise nay debit notes on the plaintiff ? If so, are they binding on the plaintiff ?
10. Is the plaintiff entitled to a decree for a sum of Rs.2,04,55,043/- as claimed in the suit ?
11. Is the plaintiff entitled to any interest ? If so, at what rate ?
12. To what relief, if any, is the plaintiff entitled ?

IN RE:GA-COM/6/2024

This is an application by the plaintiff for examining and cross-examining its witness or witnesses, if there be more than one before the Commissioner.

By consent of the parties, Mr. Prabhakar Chowdhury, Advocate, a member of Bar Library Club is appointed as the Commissioner to record the evidence of the witness/witnesses of the plaintiff, as the case may be.

The cost and incidental expenses including the Commissioner's fees for the examination and cross-examination of the plaintiff's witness shall be borne by the plaintiff.

The Commissioner shall be paid Rs.15,000/- per sitting.

The plaintiff shall file the affidavit evidence of the first witness by 29th February, 2024 with a copy to the defendant.

The Commissioner shall fix a date in consultation with the parties within 10 days from the date of filing of the affidavit evidence.

The plaintiff on being informed about the date by the learned Commissioner to record evidence shall request the Registrar, Original Side of this Court to provide necessary assistance by deputing one or more officers to carry the records to the venue and bring back the same after completion of each day's sitting.

The examination-in-chief and cross-examination of the plaintiff's first witness shall be concluded by 17th June, 2024.

The learned Commissioner to record evidence shall file his report on the returnable date when the suit shall appear in the list.

The suit shall appear in the list on 27th June, 2024.

On the returnable date, further directions for examination and cross-examination of plaintiff's other witness or witnesses shall be given.

GA-COM/6/2024 is disposed of.

IN RE:GA/1/2021

Since the suit by consent of parties has been placed for trial, this application, inter alia, for injunction filed by the plaintiff stands disposed of by continuing the order dated 28th February, 2023 passed in GA 5 of 2022 filed by the plaintiff till disposal of the suit

(ARINDAM MUKHERJEE, J.)