

OCD-2

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

**CS-COM/309/2024  
[OLD NO CS/182/2021]**

NARSINGH ISPAT LIMITED  
VS  
JWALA COKE INDUSTRIES

**BEFORE:  
The Hon'ble JUSTICE ANIRUDDHA ROY  
Date : March 9, 2026.**

Appearance:  
Mr. Dhruba Ghosh, Sr. Adv.  
Mr. Nilay Sengupta, Sr. Adv.  
Mr. Altamash Alim, Adv.  
Ms. Sunanda Samanta, Adv.  
..for the petitioner.

Mr. Tapas Kr. Banerjee, Sr. Adv.  
Ms. Suparna Mukherjee, Sr. Adv.  
Mr. Rajashri Dutta, Adv.  
Mr. Sarbajit Mukherjee, Adv.  
Mr. Sayak Mitra, Adv.  
Mr. Triptimoy Talukdar, Adv.  
Ms. Archita Chel, Adv.  
..for the defendant.

The Court: Mr. Dhruba Ghosh, learned senior advocate appears for the plaintiff.

Ms. Suparna Mukherjee, learned senior advocate appears for the defendant.

Today, the matter has appeared under the heading "**To Be Mentioned**" at the instance of the plaintiff since the evidence on affidavit has not yet been filed by the defendant's witness, the time for which had already expired on **January 30, 2026**.

Today, learned senior advocate for the defendant submits that probably there will be the sole witness on behalf of the defendant, who is the accountant of the partnership firm and presently has been suffering from hepatitis. Thus, the witness concerned is not in a position to affirm the evidence on affidavit. She prays for an extension till **April 15, 2026**.

Learned senior advocate for the plaintiff has opposed this prayer for extension vehemently. He submits that in the process, hearing of the suit has been suffering. He further submits that time to file evidence on affidavit though had expired almost about **two months back** but the defendant has not taken any steps to pray for an extension thereof; only when today the matter has appeared at the instance of the plaintiff, then the defendant has come up with the prayer of extension.

Considering the above, for the ends of justice time to file evidence on affidavit stands peremptorily extended till **April 20, 2026** subject to payment of cost of **Rs. 25,000/-** to be paid in favour of **“The Calcutta High Court Legal Services Committee”** possibly within **a period of two weeks** from date.

Copy of the money receipt/s showing payment of cost shall also be forwarded to the learned advocate on record for the plaintiff. The parties, however, submits that the time for Commission has already expired on **November 28, 2025** as the cross-examination of the plaintiff's witness has been concluded.

However, immediately after filing of the evidence on affidavit by the defendant's witness, the same shall be tendered before the learned Commissioner and the Commissioner shall assume its authority from then

again and shall complete the cross-examination of the witness of the defendant positively within **a period of two months** from the first sitting of the Commission when the evidence on affidavit of the defendant's witness shall be tendered.

The original records shall be produced during the Commission, which shall be accompanied by and in presence of an officer of this Court in the Original Side to be nominated by the **Registrar, Original Side**. All Secretarial expenses to be fixed by the Commissioner and shall be paid by the defendant.

**(ANIRUDDHA ROY, J.)**

Arsad