

In the High Court at Calcutta
Commercial Division
Original Side

IA No. GA-COM/5/2026
In CS-COM/712/2024

SKIPPER LIMITED
VS
PRABHA INFRASTRUCTURE PRIVATE LIMITED

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

Appearance:

Ms. Manisha Das, Adv.
Mr. Shounak Mukhopadhyay, Adv.
Mr. Sayantan Bose, Adv.
... for the plaintiff

Md. Dilawar Khan, Adv.
Mr. Subhrajyoti Dey, Adv.
Ms. Apple Mughali Jimo, Adv.
...for the defendant

The Court: Ms. Manisha Das, learned Advocate appears for the plaintiff.

Md. Dilawar Khan, learned Advocate appears for the defendant.

This is an application filed by the plaintiff for holding the witness action by way of commission and consequently, to appoint a Commissioner.

Md. Dilawar Khan, learned Advocate appearing for the defendant has vehemently opposed this application. He submits that no ground has been made out in the application as to why there shall be the commission

for holding the witness action. He further submits that there is no reason at all to hold the witness action through commission.

After considering the content of the application and after considering the submissions made on behalf of the parties, this Court thinks it fit that to expedite this commercial suit, by keeping the object of promalgamation of the Commercial Courts Act and the relevant amendment in the CPC in consonance therewith, in mind, the suit can be expedited by holding a commission. The entire witness action can be concluded before the learned Commissioner.

Learned Advocate appearing for the plaintiff submits that the plaintiff shall file its evidence on affidavit on or before **June 30, 2026**.

In the event, any further witness would be there, the plaintiff shall inform the same before the Court so that, direction can be given for filing evidence on affidavit.

Learned Advocate appearing for the defendant submits that on the basis of the existing records, to cross-examine the existing witness of the plaintiff, the defendant may not take more than four sessions.

In view of the above, the following directions are passed:

- a) **Mr. Vivek Basu, learned Advocate, Bar Library Club** is appointed as the Commissioner to hold the commission;
- b) Remuneration of the learned Commissioner shall be **Rs.15,000/-** per session and each session shall continue at least for **two hours**;

- c) Learned Commissioner shall be at liberty to appoint a Stenographer and fix the remuneration reasonably for recording the evidence;
- d) An additional secretarial expenses is fixed for a sum of **Rs.3000/-** per session;
- e) The original records shall be produced before the learned Commissioner under the supervision and custody of an Officer in the Original Side, to be nominated by the Registrar, Original Side;
- f) The entire costs and expenses, as directed herein, shall be borne by the examining party concerned, i.e. the defendant during its cross-examination;
- g) Plaintiff shall take one session to tender its evidence on affidavit and to conclude the relevant evidence on the same for which the entire costs and expenses for that session shall be paid by the plaintiff. It is needless to mention that the plaintiff tendering of evidence on affidavit shall be the first session.
- h) The learned Commissioner shall commence the commission, positively within **two weeks** from the date of communication of this order, upon notice to the parties.
- i) The commission shall be concluded, positively within **two months** from the date of first sitting of the commission.

After entire exercise is carried out, as directed above, parties shall be at liberty to mention the matter, upon notice to each other, for further direction.

On the next day, the learned Commissioner shall file his report.

It is needless to mention that the venue of the commission shall be fixed by the parties mutually in consultation with the learned Commissioner.

In the event, any costs and expenses is required to be incurred for the venue, the same shall be shared equally by the parties.

With the above observations and directions, this application **IA GA-COM/5/2026** stands **disposed of**, without any order as to costs.

(ANIRUDDHA ROY, J.)

Sbghosh