

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/94/2025

BINAY KUMAR AGARWAL

-VS-

UNITECH FABRICATORS AND ENGINEERS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : July 23, 2025.

Appearance :

Ms. Pooja Sah, Adv.

... for the plaintiff

1. The plaintiff has filed the present suit praying for a decree of a sum of Rs.13,39,986/- along with interest at the rate of 18% per annum.
2. Counsel for the plaintiff submits that the plaintiff is within the jurisdiction of this Court and the defendant is outside the jurisdiction of this Court. He further submits that part cause of action arose within the jurisdiction of this Court and part cause of action arose outside the jurisdiction of this Court and he further submits that the plaintiff has already initiated pre-institution mediation process but the defendant failed to come forward and accordingly, on 20th December, 2024 a non-starter report has been filed.
3. Counsel for the plaintiff prays for leaver under Clause 12 of the Letters Patent, 1865.
4. Heard the Learned Counsel for the plaintiff.
5. Perused the materials on record. This Court find that plaintiff is within the jurisdiction of this Court and defendant is outside the jurisdiction of

this Court and part cause of action arose within the jurisdiction of this Court and part cause of action outside the jurisdiction of this Court.

6. Considering the above, leave under Clause 12 of the Letters Patent is granted. Plaint is admitted subject to scrutiny by the department.

(KRISHNA RAO, J.)

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