

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA No. GA-COM/2/2025
In CS-COM/740/2024

VIKRAM SOLAR LIMITED
-VS-
ECGC LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : March 18, 2025.

Appearance :

Mr. Sarosij Dasgupta, Adv.

Mr. Samrat Mukherji, Adv.

Mr. Rik Mukherji, Adv.

Ms. Dakshayani Basu, Adv.

...for the plaintiff

Mr. Shounak Mukhopadhyay, Adv.

Ms. Shreyashee Das, Adv.

Mr. Rohan Kumar Thakur, Adv.

Mr. Tridibesh Dasgupta, Adv.

...for the defendant

1. The Court: Mr. Sarosij Dasgupta, learned counsel, is appearing for the plaintiff.

2. Mr. Sounak Mukhopadhyay, learned counsel, is appearing for the defendant.

3. The defendant has filed the present application being GA-COM/2/2025 praying for extension of time to file written statement.

4. Counsel for the defendant submits that the defendant has received the writ of summons on 27th January, 2025 and 30 days time for filing written statement was expired on 26th February, 2025.

5. Counsel for the defendant submits that the registered office of the defendant is situated at Mumbai and only the regional office is situated at Kolkata. After the receipt of writ of summons, to collect the documents to

prepare the written statement, the advocate on record for the defendant has contacted with the defendant for getting all the documents but in the meantime 30 days time for filling written statement was over but the defendant has prepared the written statement and affirmed the same on 11th March, 2025. Counsel for the defendant submits that though the defendant has not filed the written statement within 30 days but it has been filed within the outer period of 120 days and he prays for acceptance of the written statement.

6. Per contra, learned counsel for the plaintiff submits that the defendant has not shown any cause as to why the defendant has not filed the written statement within 30 days and he prays for rejection of the application.

7. Heard the learned counsel for the respective parties. Perused the application.

8. This Court finds that though the defendant has not filed the written statement within the prescribed period of 30 days but has affirmed the written statement within the outer period of 120 days and has also taken leave from this Court to file the written statement in the department and it was filed on 13th March, 2025.

9. Considering the above, this Court finds that the defendant has filed the written statement within the outer period of 120 days and has explained the delay as to why the defendant could not file the written statement within the prescribed period of 30 days.

10. In view of the above, this Court finds that one opportunity should be given to the defendant to file written statement subject to payment of costs of Rs. 2000/- to the State Legal Services Authority within a week and

the defendant is directed to produce the evidence before this Court after a week to show that the defendant has paid the cost to the State Legal Services Authority.

11. The department is directed to accept the written statement subject to scrutiny.

12. As the written statement of the defendant is accepted and is also served to the learned Counsel for the plaintiff, the parties are directed to complete the discovery and inspection of the documents within three weeks. Affidavit of admission and denial of documents be filed within a week thereafter. In the meantime, the parties are also directed to exchange their suggested issues.

13. List the matter on 22nd April, 2025 for framing of issues.

14. GA-COM/2/2025 is disposed of.

(KRISHNA RAO, J.)