

OCD-23

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
COMMERCIAL DIVISION

CS-COM/740/2024

VIKRAM SOLAR LIMITED
VS
ECGC LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : SEPTEMBER 26, 2025.

Appearance:
Mr. Sarosij Dasgupta, Adv.
Mr. Somraj Mukherjee, Adv.
Mr. Rik Mukherji, Adv.
...for the plaintiff

Ms. Shrayashee Das, Adv.
Mr. Shounak Mukhopadhyay, Adv.
Mr. Roham Kumar Thakur, Adv.
Mr. Tridibesh Dasgupta, Adv.
...for the defendant

1. Both the parties have filed their suggested issues and affidavit of admission and denial of the document after exchanging the same between the parties.

4. Let the same be kept with the records.

4. Heard learned Counsel for the parties and perused the pleadings and the suggested issues.

5. The following issues have been framed as follows :

I S S U E S

1. Is the rejection of the claim of the Plaintiff by the Defendant not illegal and void?
2. Is the claim of the plaintiff barred by limitation?

3. Whether the relationship of JAS Forwarding Worldwide, Belgium and the Plaintiff are of a principal and agent?
4. Whether the defendant waived its right to challenge the claim of the plaintiff under the ETP policy dated 16th April, 2014 in respect of Total Green Energy, Ireland?
5. Was the plaintiff made aware of the nature of risks which are covered by the defendant under the consignment (global) export policy?
6. Is the plaintiff not entitled to a decree for Rs. 79,54,042.72 (Rupees Seventy Nine Lakhs fifty-four thousand and forty-two and paisa seventy two only) in respect of ETP Policy No. 0050009297 dated 16th April, 2014?
7. Is the plaintiff not entitled to interest @ 18% or at any other rate?
8. To what reliefs is the plaintiff entitled?
9. Was the policy dated 16th April, 2014 on [ETP] Export Turnover Policy which covered shipment other than to associates or agents?
10. Does the claim of the plaintiff arise in respect of a transaction of shipping goods to its associate or agent on consignment basis and not to direct customer and/or purchaser?

11. Was the defendant entitled to reject the claim lodged by the plaintiff?

12. Was the consignment shipped to JAS or EMS Plus GmbH?

13. Are the letters of rejection dated 10th April, 2018, 21st February, 2019 and 4th June, 2020 illegal and void?

14. Was the plaintiff claim for insurance made in respect of EMS Plus GmbH?

6. The plaintiff is directed to file Judge's Brief of Documents by disclosing all the documents within a period of three weeks after Puja Vacation after serving the copy of the same to the learned Counsel for the defendant.

7. The plaintiff is also directed to file affidavit of evidence within a week thereafter.

8. List the matter for witness action on 18th December, 2025 at 3:00 p.m.

(KRISHNA RAO, J.)