

OIPD-2

ORDER SHEET

IA No.GA-COM/3/2026

IN

IP-COM/37/2025

IN THE HIGH COURT AT CALCUTTA
INTELLECTUAL PROPERTY RIGHTS DIVISION

ITC LIMITED

VS.

SHRI BAIDYANATH AGRO PROCESSORS PRIVATE LIMITED & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 10th June, 2026.

Mr. Sarathi Dasgupta, Mr. Dipro Dawn, Mr. Bhavesh Garodia, Ms.
Manika Bothra, Advocates for the plaintiff.

Mr. Soumya Ray Chowdhury, Ms. Swapna Choubey, Mr. Arnab
Sardar, Ms. Sreeja Mukherjee, Advocates for defendant nos.1 to 5.

The Court : This is an application by the defendant nos.1 to 5 for extension of time to file the written statement.

The suit is one under the Commercial Courts Act, 2015. The amended provision of order VIII of the Code of Civil Procedure, 1908 which has been made applicable in respect of filing of written statement in a suit under the 2015 Act provides for an outer cut off date of 120 days from the date of receipt of the Writ of Summons. In the instant case the Writ of Summons has been received by the defendant nos.1 to 5 on 27th February, 2026 with a stipulation that the written statement has to be filed within 30 days from the date of receipt of such Writ of Summons. Although, in the petition it has been stated that the delay is 82 days but on a computation it appears that the delay is lesser than the said period.

The grounds cited by the defendant nos.1 to 5 in support of being prevented by sufficient cause to file the written statement within time are not very convincing, yet for the ends of justice, the time to file the written statement is extended till 25th June, 2026, subject to payment of costs assessed at Rs.5,000/-. Out of Rs.5,000/-, Rs.2500/- shall be paid to the High Court Legal Services Committee and the balance sum of Rs.2500/- shall be paid to the State Legal Services Authority. The payment of cost is pre-condition to the filing of the written statement. The department shall accept the written statement if the same is in proper order and form on being approached within the extended time period if the cost as directed is paid. Immediately upon filing of the written statement, the defendant nos.1 to 5 shall serve a copy of the written statement with all legible annexures to the plaintiff and its Advocate-on-Record.

Nothing further remains to be adjudicated in this application.

The application is, accordingly, disposed of.

Since I have not called for any affidavit, the allegations contained in the application are deemed to have not been admitted by the plaintiff.

(ARINDAM MUKHERJEE, J.)