

OCD-26

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Commercial Division]

CS-COM/87/2024
[OLD NO CS/203/2017]

TATA STEEL UTILITIES AND INFRASTRUCTURE SERVICES LIMITED
VS
KOLKATA METROPOLITAN DEVELOPMENT AUTHORITY (KMDA)

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : APRIL 03, 2024.

Appearance

Mr. Rajarshi Dutta, Adv.
Mr. Debargha Basu, Adv.
Mr. Debraj Sahu, Adv.
...for the plaintiff

Mr. Avishek Guha, Adv.
Ms. Sonal Agarwal, Adv.
...for the defendant.

The Court : Mr. Rajarshi Dutta, learned Counsel, is appearing for the plaintiff and Mr. Avishek Guha, learned Counsel, is appearing for the defendant.

By an order dated 11th May, 2023 this Court has transferred the present suit from the Ordinary Original Civil Jurisdiction to this Court as the disputes between the parties are commercial in nature. After transferring the suit to this Court, the defendant has filed list of documents and statement of truth.

Counsel for the plaintiff raised objection and submitted that when the defendant filed the written statement before the Ordinary Original Division, in the written statement the defendant has only mentioned as list of documents of the defendant as No. 1 documents and No. 2 Correspondences

but when the defendant has filed list of documents before this Court after transfer of the suit, the defendant has disclosed altogether 19 documents.

Counsel for the plaintiff submits that as the defendant has not disclosed these 19 documents while filing written statement and as such, now the defendant is required to file application for seeking leave to disclose the said documents.

Counsel for the defendant submits that there is no requirement of filing the application for seeking leave as the defendant does not intend to disclose any additional documents as the documents are the same documents which were relied upon by the defendant in the ordinary suit.

This Court finds that the matter is to be decided after giving the parties an opportunity of hearing.

Let the matter appear on 18th April, 2024 under the heading “Adjourned Motion” for hearing on the point whether the application is required to be filed by the defendant to disclose the document after transfer of the suit from Ordinary Division to this Court and whether the documents which the defendant is relying upon by filing the list of documents before this Court can be allowed by this Court to rely on the same.

(KRISHNA RAO, J.)