

OCD-6

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 SUGATO MAJUMDAR
Date : 16th July, 2024.

Appearance:

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

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

The Court:- In terms of Order dated 3rd April, 2024 passed by a Co-ordinate Bench, the matter was fixed on 18th April, 2024 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 to the Commercial Division and whether the documents which the defendant was relying upon by filing the list of documents before this Court, can be allowed to be relied upon.

Spate of Orders were passed earlier. In terms of the Order dated 11th May, 2023, the suit was transferred to Commercial Division and the Co-ordinate Bench in terms of Order dated 19th June, 2023 granted two weeks time to the plaintiff for taking appropriate steps. In terms of Order dated 14th December, 2023, on transfer of the suit to the Commercial Division, Co-ordinate Bench of

this Court, presided over by Justice Rao, directed the parties to complete discovery and inspection of documents within three weeks from date. Affidavit of admission and denial of documents was directed to be filed within a week thereafter. Time was extended by subsequent Orders. Time was further extended by two weeks to disclose documents in terms of Order dated 23rd February, 2024. In terms of the same Order, 11th March, 2024 was fixed for framing of issues. Since parties have already filed their list of documents, filing of any further list of documents would require permission of this Court. This is made clarified to both the parties.

It is made clear that if the parties fail to disclose any documents in terms of Order dated 7th February, 2024, the further documents filed thereafter would not be considered.

Suggested issues are filed today. On the basis of suggested issues and rival pleadings, the following issues are as follows:-

1. Whether the suit is maintainable ?
2. Whether the suit is barred by law of limitation ?
3. Whether the suit discloses any cause of action ?
4. Whether there was a valid agreement subsisted between the plaintiff and the defendant ?
5. Whether the defendant delayed performance of his part of the contract; if any, whether delay is attributable to the plaintiff ?
6. Whether the plaintiff had undertaken any additional works outside the scope of contract ?
7. Whether the plaintiff caused any breach of agreement ?
8. Whether the defendant had committed any breach of agreement ?

9. Whether the plaintiff is entitled to the relief prayed for; if so, what other relief or reliefs the plaintiff entitled to ?

Fixed on 4th September, 2024 for witness action.

(SUGATO MAJUMDAR, J.)