

OCD-15

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
COMMERCIAL DIVISION  
ORIGINAL SIDE

CS-COM/770/2024

PCC LOGISTICS PVT LTD

-VS-

M/S SPML INFRA LTD AND ANR

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 30, 2024.

Appearance:

Mr. Rupak Ghosh, Adv.

Mr. Ayan Dutta, Adv.

Mr. Dilip Kumar Ghosh, Adv.

...for the plaintiff

The Court: Mr. Rupak Ghosh, learned counsel, is appearing for the plaintiff.

The matter is listed as 'To Be Mentioned' for presentation of plaint.

The plaintiff has filed the suit against the defendants for recovery of an amount of Rs.59,97,875/- along with interest. The plaintiff has pleaded the cause of action in paragraph nos. 5, 7, 8, 9 and 10 stating that part cause of action arose within the jurisdiction of this Court and part cause of action arose outside the jurisdiction of this Court. The plaintiff has annexed the documents which show that the bills were issued by the plaintiff to the defendants at Kolkata and the defendant has received the bills at Kolkata. The plaintiff has also submitted that some payments have also been made within the jurisdiction of this Court.

In view of the above, leave under Clause 12 of the Letters Patent is granted.

The plaintiff has also prayed for leave under Section 12A of the Commercial Courts Act and submitted that there is an urgency to move the present suit without invoking the pre-mediation litigation process as the plaintiff has filed an application for grant of urgent relief. The plaintiff has pleaded the urgent relief in paragraph 38 to the present suit.

Considered the submission made by the counsel for the plaintiff.

Perused the plaint.

This Court finds that plaintiff has sufficiently pleaded the urgency in the matter without going into the pre-mediation process. Accordingly, leave under Clause 12A of the Commercial Courts Act is granted.

Plaint is admitted subject to scrutiny by the department.

(KRISHNA RAO, J.)