

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
ORIGINAL SIDE  
[COMMERCIAL DIVISION]

CS-COM/770/2024  
IA NO: GA-COM/1/2024, GA-COM/3/2024,  
GA-COM/4/2024, GA-COM/5/2025

PCC LOGISTICS PVT LTD  
VS  
M/S SPML INFRA LTD AND ANR.

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date : 11<sup>th</sup> March, 2025.

Appearance:

*Mr. Ayan Dutta, Adv.*  
*Mr. Dilip Kr. Ghosh, Adv.*  
*... for the plaintiff*

*Mr. Somdutta Bhattacharyya, Adv.*  
*Mr. Mohit Dang, Adv.*  
*...for the defendant no.1*

*Mr. Aritra Basu, Adv.*  
*Mrs. M. Roy, Adv.*  
*Ms. Udit Mandal, Adv.*  
*...for the defendant no.2*

The Court:- Mr. Ayan Dutta, learned Advocate, is appearing for the plaintiff.

Mr. Somdutta Bhattacharyya, learned Advocate, is appearing for the defendant no.1.

Mr. Aritra Basu, learned Advocate, is appearing for the defendant no.2.

The plaintiff has filed an application being GA-COM/1/2024 praying for interim order.

By an order dated 10<sup>th</sup> September, 2024, this Court has restrained the defendant no.1 for dealing with the account maintaining with State Bank of

India, Udaipur Branch, Agartala, Tripura without keeping aside an amount of Rs.59,97,857/- till 5<sup>th</sup> November, 2024.

Being aggrieved with the said order, the defendant no.1 has preferred an appeal. The Appellate Court has directed the defendant no.1 to deposit the amount of Rs.25 lakhs. In compliance of the order passed by the Appellate Court the defendant has deposited the amount of Rs.25 lakhs with Registrar, Original Side of this Court.

By an order dated 24<sup>th</sup> February, 2025, the Appellate Court has disposed of the said appeal holding that in the event, Section 8 application filed by the defendant no.1 is disallowed, the interim order shall continue till the disposal of the suit.

The defendant no.1 has also filed an application being GA-COM/3/2024 praying for vacating the interim order.

Considering the order passed by the Appellate Court dated 24<sup>th</sup> February, 2025, this Court finds that the interim application filed by the defendant no.1 being GA-COM/1/2024 and the application filed by defendant no.1 being GA-COM/3/2024 wherein the defendant no.1 has prayed for vacating the interim order, both applications have not become infructuous. Accordingly, GA-COM/1/2024 & GA-COM/3/2024 are disposed of.

The defendant no.1 has also filed an application being GA/4/2024 under Section 8 of the Arbitration and Conciliation Act, 1996 praying for referring parties to the arbitration. The Appellate Court passed by an order dated 24<sup>th</sup> February, 2025 directed the plaintiff to file affidavit-in-opposition within two weeks; reply if any, thereto be filed within a week thereafter.

Counsel for the plaintiff prays for extension of time to file affidavit-in-opposition.

Let affidavit-in-opposition be filed by 21<sup>st</sup> March, 2025 after serving a copy to the learned Advocate for the defendant no.1; reply if any, thereto be filed by 28<sup>th</sup> March, 2025.

List the matter appear on 4<sup>th</sup> April, 2025.

The order passed by the Appellate Court dated 24<sup>th</sup> February, 2025 be kept with the record.

(KRISHNA RAO, J.)