

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/137/2025

SHYAM SEL AND POWER LIMITED
VS
DINESH KUMAR H JAIN

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 18th September, 2025.

Appearance:

Ms. Sanchari Chakroborty, Adv.

Ms. Akanksha Chowdhury, Adv.

Mr. Samriddha Saha, Adv.

...for the plaintiff

1. The plaintiff has filed the present suit praying for decree for a sum of Rs.13,97,753/- along with interest at the rate of 18% per annum.
2. The plaintiff submitted that the plaintiff is within the jurisdiction of this Court and the defendant is outside of the jurisdiction of this Court. She submitted that the part of the cause of action arose within the jurisdiction and part of the cause of action arose outside the jurisdiction of this Court. She further submitted that before filing of the suit the plaintiff has initiated the pre-institution mediation but it was ended with failure and the mediation centre has provided non-starter report on 23rd July, 2025. She prays for leave under Clause 12 of Letters Patent 1865.
3. Heard the learned Counsel for the plaintiff.
4. Perused the materials on record.

5. This Court finds that the plaintiff has already initiated pre-institution mediation process before filing of the suit and non-starter report is being provided by the mediation centre due to failure of the mediation process.
6. It is further found that the plaintiff is within the jurisdiction of this Court and the defendant is outside the jurisdiction of this Court and part of the cause of action arose within the jurisdiction and part of the cause of action arose outside the jurisdiction of this Court. Leave under Clause 12 of Letters Patent is granted.
7. Plaint is admitted subject to scrutiny by the department.

(KRISHNA RAO, J.)