

IA No.GA 4 of 2023
In
CS 247 of 2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

GEETA GANESH PROMOTERS PRIVATE LIMITED
VS.
VINEET RUIA & ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th December, 2023.

Mr. Jishnu Saha, Sr. Adv. (VC), Mr. Satadeep Bhattacharyya, Mr. Subhankar Chakraborty,
Mr. Saptarshi Bhattacharjee, Advocates for the plaintiff/respondent.

Mr. Vineet Ruia, defendant no.1 appears in person.

The Court : This is an application made by the defendants inter alia
claiming the following relief(s) :

- a) *Accept this petition filed by the Defendants as released by the NCDRC with the observation that the matter is seized with this Hon'ble Court in C.S.247 of 2021.*
- b) *Consider and pass orders on the prayers before NCDRC.*
- c) *Appoint investigating agency to unearth the truth and facts of the entire case.*
- d) *Proceed with prosecution of the Plaintiff u/s 340 CrPC read with section 195 CrPC along with other sections of IPC as mentioned in this application or as this Hon'ble Court thinks fit.*
- e) *Vacate all interim orders passed in the said suit.*
- f) *Costs*

g) Pass any order/orders for such other relief/reliefs as this Hon'ble Court may deem fit and proper.

In the suit wherein this application has been made the plaintiff has claimed the following relief(s) :

- a) Declaration that the agreement date March 06, 2020 has stood rescinded upon the plaintiff accepting the defendants' material breach of contract;*
- b) Perpetual injunction restraining the defendants, their men, agents, servants and assigns from claiming any right or further right in or arising out of the said agreement dated March 06, 2020;*
- c) Decree for damages to the tune of Rs.200 Crore as pleaded in paragraph no.35 hereof;*
- d) In the alternative, an enquiry into damages and a decree for such sums which may be found due and/or payable upon such enquiry;*
- e) Decree for perpetual injunction restraining the defendants directly or through their agents, servants and assigns from publishing and causing to be published in both oral and in writing any such defamatory words as more fully stated in paragraph no. 24 above or any other similar defamatory words or commit any other similar libel or slander upon or concerning the plaintiff in any manner whatsoever;*
- f) Receiver;*
- g) Injunction;*
- h) Attachment;*
- i) Costs;*
- j) Such relief and/or reliefs.*

The prayers in this application on a plain reading appear to be beyond the scope of the reliefs claimed in the suit. The defendants have not filed their written statement. It would have been an arguable case if the defendants had filed a counter claim making these claims and seek interim order and/or final order in terms of such claims.

In such a situation, this application is liable to be rejected and is as such rejected. However, rejection of this application will not stand in the way of the defendants in claiming the self-same reliefs in this suit at a subsequent stage, if permissible in law.

Re: IA No. GA 2 of 2022:

The defendants application for rejection of plaint being IA No. GA 2 of 2022 is treated as on the day's list by consent of parties and directed to appear in the monthly list of January, 2024.

The plaintiff who has not used any affidavit-in-opposition despite there being a direction for the same on 9th September, 2022 is permitted to file the affidavit-in-opposition by 18th December, 2023 by way of peremptory extension of time to file the same. Reply, if any, shall be filed by 4th January, 2024.

(ARINDAM MUKHERJEE, J.)