

OCD-2

ORDER SHEET

IA No.GA 4 of 2023
IN
CS 250 of 2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

JUPITER INTERNATIONAL LIMITED
VS
NATIONAL INSURANCE COMPANY LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th April, 2023.

Ms. Sananda Ganguli, Mr. Rohit Banerjee, Advocates for plaintiff.
Mr. Debajyoti Datta, Mr. Arijeet Doss Mullick, Advocates for defendant.

The Court : This is an application for substitution made by Jupiter Green Energy Private Limited which has taken over the trade division of Jupiter International Limited, the plaintiff. The suit was filed by Jupiter International Limited according to the applicant in respect of transaction with regard to its trade division with the defendant.

The applicant says that on having acquired the trade division under a scheme duly approved by the National Company Law Tribunal (in short, NCLT), the applicant is now entitled to continue with the suit in its name for which the substitution is sought for.

After hearing the parties and considering the materials on record, I do not find any substantial ground on which the defendant can oppose this application. The application is accordingly allowed by directing the department to carry out the amendment as shown in red ink in a copy of the plaint annexed to this application and marked as Annexure 'X' within a

period of three weeks from date. The plaintiff shall render all co-operation for carrying out the amendment. Once the amendments are carried out, the plaintiff shall be at liberty to re-verify and re-affirm the plaint.

The applicant also seeks amendment to the list of documents relied upon by the plaintiff at the time of filing of the suit. The applicant says that the scheme pursuant to which the trade division of Jupiter International Limited was taken over by Jupiter Green Energy Private Limited and the order of the NCLT in this regard to be included in the list of documents by way of amendment so that the plaintiff can rely upon the same. The plaintiff is Jupiter International Limited. Unless the amendment is allowed, Jupiter Green Energy Private Limited does not step into the shoes of the plaintiff. The documents which the applicant intends to rely upon were neither in the custody or possession of Jupiter International Limited, the plaintiff as the same has surfaced only subsequent to the filing of the suit.

The prayer for amendment of the list of documents cannot, therefore, be allowed at this stage. Once the amendment is carried out, the applicant, namely, Jupiter Green Energy Private Limited will become the plaintiff and shall be at liberty to make an application for additional disclosure in accordance with law.

The application being GA 4 of 2023 is disposed of.

Since I have not called for any affidavit, the allegations contained in the application are deemed to have not been admitted by the defendant.

(ARINDAM MUKHERJEE, J.)