

**In the High Court at Calcutta
Commercial Division
Original Side**

CS-COM/181/2025

SHYAM SEL AND POWER LIMITED
VS
GOPAL PODDAR AND OTHERS

BEFORE:

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 6th January, 2026.

APPEARANCE:

Mr. Biswaroop Mukherjee, Adv.

Mr. Sidhartha Sharma, Adv,

Mr. Rishav Dutt, Adv.

Md. Danish Taslim, Adv. and

Ms. Patrai Ganguly, Adv.

For the plaintiff.

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The Court:- The plaintiff is the purchaser of goods.
Defendant no. 1 is the seller.

The plaint case is that goods supplied by the defendant were defective according to the plaintiff and the plaintiff has raised contemporaneous objection. The plaintiff has asked the defendant to take back the goods. The goods are lying at the premises of the plaintiff.

Upon perusing the statements made in **paragraphs 52 and 53** to the plaint, this Court is of the view that there is no urgency for any interim order, at this stage, so that the

requirement under Section 12A of the Commercial Courts Act, 2015 (for short 'CC Act') is to be dispensed with.

Accordingly, leave as prayed, for dispensation with the requirement under Section 12A of the CC Act stands rejected.

The parties to the suit shall be at liberty to take steps and have the mediation done in accordance with law. If the mediation ultimately fails, plaintiff shall be at liberty to institute the suit on the self-same cause of action.

In view of the above, the plaint filed should be returned to the plaintiff along with Court fees paid immediately.

In the event the plaintiff files the suit in future, Court fees to be returned shall be utilized by the plaintiff.

(ANIRUDDHA ROY, J.)

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