

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA-COM/5/2025
[OLD NO CS/250/2015]
In CS-COM/66/2024

DILIP KUMAR GHOSH & ANR.
Vs
FUNIDEA PROJECTS PRIVATE LIMITED & OTHERS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : 23rd September, 2025.

Appearance:
Ms. Dipika Banu, Adv.
Mr. A. Mitra, Adv.
...for the plaintiff

Mr. Suman Dutta, Adv.
Ms. Nilanjana Adhya, Adv.
Mr. S. Ganguly, Adv.
...for the defendant nos.1 and 2

Mr. Samriddha Sen Adv.(VC)
...for defendant no. 4

1. Initially, the plaintiff had filed the suit being CS/250/2015 before the non commercial division. In the said suit, the defendant no. 2 has filed an application for rejection of the plaint and dismissal of the suit and by an order dated 5th March, 2021 this Court has transferred the suit from non-commercial division to commercial division and accordingly, the department has assigned the commercial suit number being CS-COM/66/2024. In the meantime the defendant had preferred an appeal against the order dated 5th March, 2021, being APOT/52/2021. By an order dated 12th July, 2021 the Appellate Court had passed the following order, *"Till the disposal of these appeals, the suit shall not be transferred to the Commercial Division as a commercial cause"*. Now the plaintiff has

filed the present application being GA-COM/5/2025 praying for interim order.

2. The Counsel for the parties submits that in terms of the order passed by the Appellate Court dated 12th July, 2021, the suit along with this application, that is, GA-COM/5/2025, is to be placed before the non commercial division as till date the appeal being APOT/ 52/2021 and APOT/53/2021 is still pending.
3. In view of the above, the department is directed to reassign the number in the suit as non commercial suit as well as in the present application and to place before the Hon'ble Court having determination.
4. The department is directed to carry out the above said order within a week after Puja vacation.
5. It is made clear that if any parties file any application in connection with the present suit being CS-COM/66/2024 the same be transferred to the non commercial division in terms of the order passed by the Hon'ble Division Bench dated 12th July, 2025 till the disposal of the appeal.

(KRISHNA RAO, J.)