

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

**CS-COM/92/2026**

JAI PRAKASH JAISWAL AND ANOTHER  
VS  
THE OFFICIAL LIQUIDATOR AND OTHERS

**BEFORE:  
The Hon'ble JUSTICE ANIRUDDHA ROY  
Date : August 3, 2026.**

Appearance:  
Mr. Sakya Sen, Sr. Adv.  
Mr. Sashwat Nayak, Adv.  
Ms. Mayuri Ghosh, Adv.  
Ms. Mandobi Chowdhury, Adv.  
Ms. Priya Malakar, Adv.  
... for the plaintiff

The Court: On reading of the reliefs claimed in the plaint, it appears that the plaintiff has prayed for leave under **Clause 12 of the Letters Patent**.

Mr. Sakya Sen, learned senior advocate being ably assisted by Ms. Mayuri Ghosh, learned advocate for the plaintiff has drawn attention of this Court to **paragraphs, *inter alia*, 3, 6, 28, 29, 30 and 31** from the plaint to demonstrate the supportive averments for obtaining leave under **Clause 12 of the Letters Patent**.

On reading of the plaint, this Court finds that the averments on the basis whereof the occurrence of cause of action, according to the plaintiff, is required to be pleaded, has not been pleaded in the plaint.

At this pre-admission stage and as the requisite Court Fees has also not been paid, the plaint stands **rejected** at this stage.

However, the plaintiff shall be at liberty to file the suit afresh on the self-same cause of action between the self-same parties with the proper

averments since the plaint is rejected wholly on the technical ground without going into the merit. Plaintiff shall be at liberty to file such suit within **six weeks** from date.

**(ANIRUDDHA ROY, J.)**

Arsad