

AP/826/2019
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF:
SREI EQUIPMENT FINANCE LTD.
VERSUS
RADHA KRISHNA CONSTRUCTION AND ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 16th December, 2020.

(Via Video Conference)

Appearance:
Mr. Abhishek Guha, Adv.

The Court: The subject matter of the present suit is a “commercial dispute” within the meaning of the Commercial Courts Act, 2015. The proceeding was filed sometime in December 2019 and therefore cannot be treated as a pending proceeding under Section 15 of the Act of 2015.

The petitioner obtained an order of appointment of Receiver. The Court is informed that the Receiver obtained symbolic possession of the asset.

The order of appointment of the Receiver unfortunately, was without jurisdiction as the proceeding ought to have been in the Commercial Division.

In such circumstances, the Receiver appointed stands discharged. The petitioner will revert to the position as obtaining in prior to the first order passed in the instant proceedings.

The parties are at liberty to take steps before the appropriate forum in accordance with law.

AP 826 of 2019 is disposed of.

(DEBANGSU BASAK, J.)

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