

02.03.2021
KC(4&5)

F.M.A.T. 128 of 2021
MSTC Limited
-versus-
Balasore Alloys Limited
With
CAN 1 of 2021
With
F.M.A.T. 129 of 2021
MSTC Limited
-versus-
Balasore Alloys Limited
With
CAN 1 of 2021
With
CAN 2 of 2021
(Via Video Conference)

Mr. Jishnu Chowdhury,
Mr. Dipak Dey.....For the appellant.

Mr. Rishod Medora,
Mr. Meghajit Mukherjee,
Ms. Shivangi Thard.....For the respondents.

A short issue is involved. That is the reason,
dispensing with all formalities we are disposing of this
appeal.

The subject matter of challenge is an ex-parte ad-
interim order dated 11th December, 2020 passed by the
learned City Civil Court, Calcutta.

Mr. Jishnu Chowdhury, learned counsel
appearing for the appellant raises a serious point about
absolute lack of pecuniary jurisdiction of the court
below to entertain and determine the proceeding. He

says that the valuation of the proceeding is well over Rs. 1 Crore. That is also reflected in the body of the impugned order directing payment of Rs. 8 Crores.

In those circumstances, we are of the view that the court below should decide the question of its jurisdiction before passing any interim order.

We set aside the impugned order and remand the matter back to the court below with a direction upon the parties to request the court to fix a returnable date for the application as early as possible to hear out the same in the presence of the parties.

It is expected that till the court has an opportunity to consider the application, the appellant will not alter the status quo in such a manner so as to make the application infructuous.

The appeal (F.M.A.T. 128 of 2021) and the connected application (CAN 1 of 2021) are disposed of.

F.M.A.T. 129 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

In view of the above order, the impugned order in this appeal is also set aside with similar directions as in the appeal and the application above.

The appeal (F.M.A.T. 129 of 2021) and the connected applications (CAN 1 of 2021 and CAN 2 of 2021) are disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)