

20<sup>th</sup> July,  
2021  
(AK)  
18 & 19

**C.O. No.1208 of 2021**  
**With**  
**IA No. C.A.N. 1 of 2021**

**M/s. K.B. Consortium**  
**Vs.**  
**M/s. Zenith Timber Products**  
**Private Limited & Anr.**

**With**

**C.O. NO. 1209 of 2021**

**M/s. K.B. Consortium**  
**Vs.**  
**Messrs. Crystal Processors**  
**Private Limited & Anr.**

(Via video conference)

Mr. Dhruba Ghosh,  
Mr. Rohit Banerjee,  
Mr. Suryaneel Das  
...for the petitioner

Mr. Ratnanko Banerjee  
Ms. Sudipa Bhattacharya  
Mr. Bodhisatwa Basu  
...for the opposite party no. 1

Mr. Deepak Kripalani  
...for the opposite party no. 2

Mr. Aniruddha Mitra  
Ms. Sudipa Bhattacharya  
...for the intervener No.1.

Mr. Shreyash Mohta  
...for the intervener No.2.

It is contended on behalf of the plaintiff in the suit,  
from which the present revision arises, that, apparently,  
the impugned order does not disclose any consideration

of the materials-on-record and/or reasons and, as such, fairly concedes to the revisional application being allowed, subject to leave being granted to the plaintiff to file a fresh police help application.

Learned counsel appearing for the petitioner in the revisional application contends that a demurrer application is already pending in connection with the main suit, on which order is due to be passed by the trial court on July 28, 2021. As such, it is submitted that in the event the demurrer application is allowed, there would be no further necessity to hear out the police help application.

Upon considering the submission of the parties present today, it is evident from the impugned order dated June 14, 2021 that no specific satisfaction was recorded by the trial court regarding violation of the ad interim order of injunction passed by the trial court previously before granting police help.

Moreover, there is no reason given in the impugned order to justify the grant of police help. Hence, the purpose of justice will be sub-served in the event the plaintiff/opposite parties are permitted to file a fresh police help application with further particulars.

Accordingly, C.O. 1208 of 2021 and C.O. 1209 of 2021 along with CAN 1 of 2021 are disposed of by setting aside the impugned order without going into the merits of the plaintiff's prayer for police help, with liberty to the

plaintiff/opposite party to file a fresh application for police help, with further particulars, by July 27, 2021. Written objection, if any, shall be filed thereto by the revisionist-petitioner by August 3, 2021.

The trial court is requested to pass necessary orders on the demurrer application on the next date, that is, July 28, 2021 irrespective of filing of the fresh police help application and, in the event the police help application retains efficacy thereafter, shall endeavour to dispose of the latter within August 13, 2021.

It is made clear that the merits of the case have not been gone into by this court and it will be open to the trial court to consider all questions and consider the rival contentions of the parties without being influenced in any manner by any of the observations made herein.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Sabyasachi Bhattacharyya, J.)**