

11.04.2022
Item No.19
Ct. No.7
CHC

**C.O.735 of 2022
(Physical Hearing)**

**State of Bank of India
Vs.
India Power Corporation Ltd & anr.**

Mr. Jishnu Saha, Sr. Advocate
Mr. Debnath Ghosh,
Mr. S. Dutt Majumder,
Ms. Pubali Sinha Chowdhury
...for the petitioner

Mr. Dipak Khoshla,
Mr. Moinak Bose,
Mr. Bratin Kumar Dey,
Ms. Anjana Banerjee
...for the Caveator/IPCL/
opposite party no.1

Mr. Saha, learned Senior Advocate assails the orders dated 11th February, 2022 and 28th February, 2022, passed by learned Judge, Commercial Court at Alipore, in Money Suit No.01 of 2022.

Mr. Saha adhering to the proviso appended to Section 13 of the Commercial Courts Act, 2015, submits that the orders impugned are revisable, as the appellate remedy provided under Section 13 of the Commercial Courts Act, would be applicable in cases specifically enumerated under Order 43 of the Code of Civil Procedure.

With deepest humility to the submission of Mr. Saha, this Court declines to accept the submission of

Mr. Saha, when specific appellate remedy is available under the Commercial Courts Act, the legality of the orders impugned should not be allowed to be challenged before this Court taking resort to Article 227 of the Constitution of India. The merits of the case, if there be any, are not gone into by this Court.

The matter stands dismissed as withdrawn.

Liberty is given to the petitioner to take recourse to Section 13 of the Commercial Courts Act within ten (10) days from this date.

(Subhasis Dasgupta, J.)