

11.05.2022
Item No.12
Ct. No.7
AGM/RKB

C.O.1046 of 2022

**Prativa Enterprises Pvt Ltd
Vs.
M/s. Spencer Retail Limited & anr.**

Mr. Abhrajit Mitra, Sr. Adv
Mr. Satadeep Bhattacharyya,
Mr. Sarajit Biswas,
...for the petitioner

Mr. Shiv Shankar Banerjee,
Mr. Sk. Selim Malik
...for the plaintiff/
opposite party no.1

Mr. Mitra, learned Senior Advocate assails the order dated 7th April, 2022, passed by learned Judge, Commercial Court at Asansol, in Title Suit No.10 of 2021.

Mr. Mitra 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. Mitra, this Court declines to accept the submission of

Mr. Mitra, when specific appellate remedy is available under the Commercial Courts Act, the legality of the order 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The matter stands dismissed as withdrawn.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.)