

01     16.03.23  
Ct. No. 37

akd

**In the High Court at Calcutta**  
**Civil Appellate Jurisdiction**  
**Commercial Division**

**F.A.T. 57 of 2023**  
**CAN 1 of 2023**  
**CAN 2 of 2023**

**M/s. Odisha Slurry Pipeline Infrastructure Ltd. & Anr.**  
**Vs.**  
**IDBI Bank Ltd. & Ors.**  
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**Mr. Saptangshu Basu,**  
**Ms. Anjana Banerjee.**  
**... for the appellants.**

**Mr. Joy Saha,**  
**Ms. Trisha Mukherjee.**  
**... for the respondent nos.**  
**1 to 11, 16, 18, 21 and 22.**

**Mr. Jishnu Saha,**  
**Mr. Amitabh Shukla,**  
**Ms. Ruby Singh Ahuja,**  
**Mr. Vismal Gehrana,**  
**Mr. Varun Khanna,**  
**Ms. Aakriti Vohra,**  
**Mr. Ashutosh P. Shukla.**  
**... for AMIPL**

**Mr. Abhishek Swaroop,**  
**Mr. Anupam Prakash,**  
**Mr. Arkaprava Sen.**  
**... for AMNS India Ltd.**

**Mr. Dwaipayan Basu Mullick,**  
**Mr. Ashutosh P. Shukla.**  
**... for OSPIL.**

**Ms. Soni Ojha,**  
**Ms. Sonia Nandi.**  
**... for the respondent no. 17.**

**Mr. Ayush Jain,**  
**Mr. Vedant Kumar,**  
**Ms. Deepti Priya,**  
**Mr. Joydeep Guha.**  
**... for the respondent nos.**  
**104, 106-115.**

**Mr. Surojit Dasgupta,**  
**Mr. Souvik Majumdar.**  
**... for the respondent no. 118.**

The learned Advocate on record of the appellants has mentioned this matter to be listed seeking withdrawal of the same on the basis of the instruction

received by her through e-mail from her clients. It is submitted that the person, who is authorized to give such instruction, is also present in Court. Therefore, we do not find any impediment on the part of the appellants to withdraw the said appeal.

However, Mr. Khosla, learned Advocate, who was, in fact, appearing for the appellants throughout in the instant appeal, intervenes without any instruction from the learned Advocate on record of the appellants and submits that he intends to represent the defendant no. 20 and seeks to transpose himself in the category of the appellants on the basis of the derivative right.

Since the appellants do not intend to proceed with the instant appeal, we do not find any deterrence to come in the way in allowing such prayer.

Accordingly, the appeal is dismissed as withdrawn; consequently the connected applications are also dismissed.

Let the written instruction filed by the learned Advocate on record of the appellants be kept with the record.

**(Harish Tandon, J.)**

**(Prasenjit Biswas, J.)**

