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CRR 1917 of 2011

In Re : Gurjeet Singh

.... for the petitioner.

None appears for the parties.

The instant revisional application has been filed for quashing of the proceeding in C. No. 316 of 2009 pending before the learned 8th Metropolitan Magistrate at Calcutta.

The petitioner claims to be a manufacture of lathes Machines of different models and accessories of various classes of machines working under the name and style of D.H. Machines Tools at Delhi. The respondent had placed a purchase order on the petitioner's company on 02.03.2007 for manufacturing two lathes machine as aforesaid of a specific model to be supplied to the respondent on an advance cheque of Rs. 75,000/- vide cheque No. 116665 on 06.03.2007 which was encashed by the petitioner.

The petitioner contends to have manufactured above stated machines at his own cost to be delivered by 25th March, 2007. However, the respondent did not collect the machines from his office several transactions were made by and between the parties with regard to the procurement of the machines as aforesaid.

The petitioner had invested his own money to manufacturing the machine which was negligently not procured by the respondent. Subsequently, the authorised representative of the respondent submitted that the aforesaid machines were not required owing to the closed down of their office at Delhi vide communication dated 06.12.2007 stated to cancel the purchase the order dated 02.03.2007. The transactions between the parties appear to be contractual and dispute to be civil in nature.

Under the facts and circumstances, the instant revisional application is dismissed.

Copy of the order be sent to the Department for due compliance.

(Ananya Bandyopadhyay, J.)