

OD-2

ORDER SHEET

CS/61/2018
IA No. GA/1/2022

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

SHANTINATH COMMERCIAL SERVICES PVT. LTD.
-VS-
TANTIA CONSTRUCTION LTD.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : March 14, 2023.

Appearance:
Mr. K. C. Garg, Adv.
... for the plaintiff

Mr. Saptarshi Banerjee, Adv.
Ms. Anisha Kochar, Adv.
... for the defendant

The Court: Counsel for the respective parties are present.

Counsel for the plaintiff has filed affidavit-in-opposition. Let the same be kept with the record.

Counsel for the defendant has filed an application being GA/1/2022 for dismissal of the suit on the ground that the State Bank of India has already initiated proceeding under Insolvency and Bankruptcy Code against the defendant being CP(IB) No.148/KB/2018 and the said application was admitted on 13th March, 2019 by the NCLT and accordingly, the CIRP proceedings has been started.

Counsel for the plaintiff submits that if the suit is dismissed he may be given liberty to participate in the said proceeding.

In view of the submission made by the counsel for the respective parties, CS/61/2018 is dismissed. It is made clear that this dismissal will not preclude the plaintiff to raise its claim before the concerned authority, if permissible under law.

GA/1/2022 is disposed of.

(KRISHNA RAO, J.)

RS