

OCD-16

ORDER SHEET

AP/267/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

SAMSUZZAHA SARKAR @ SAMSHUJOHA SARKAR
VS
MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 2nd August, 2023.

Appearance:

Mr. Debajyoti Mondal, Adv.

Mr. Jamaluddin Ahmed, Adv.

...for the petitioner

Mr. Sariful Haque, Adv.

...for the respondent

The Court:- The petitioner seeks setting aside of an Award dated 18th April, 2022. The petitioner claims that this Court has pecuniary jurisdiction to entertain the matter as per the Notification dated 20th March, 2020. The petitioner, through learned counsel, also says that the subject matter of the claim exceeds Rs.10 lakhs and, hence, the High Court has the concurrent jurisdiction with the City Civil Court for entertaining the matter.

Learned counsel appearing for the respondent places the relevant part of the Award which states that the claimant (respondent before the Court) has claimed a sum of approximately Rs.8.66 lakhs.

Contrary to this matter, the other matters came for consideration when this argument was made with respect to applications filed before the City Civil Court, hence attracting Section 42 of the 1996 Act.

This matter, simplicitor, involves the question whether the High Court has pecuniary jurisdiction to entertain a matter where the value of the claim is below Rs.10 lakhs.

The Notification issued by the Judicial Department of the Government of West Bengal on 20th March, 2020, in exercise of Section 3(1A) of the Commercial Courts Act, 2015, fixes the limits of pecuniary jurisdiction of the Commercial Courts in the State. Clause (b) of the Notification specifies that the City Civil Court will have exclusive jurisdiction of matters which are of value between Rs.3 – 10 lakhs and will have a concurrent jurisdiction with the High Court where the value is between Rs.10 lakhs – 1 crore.

The impugned Award dated 18th April, 2022 contains an unequivocal statement in paragraph (j) that the statement of claim filed by the respondent makes a claim on the borrower (petitioner before this Court) of a sum of Rs.8,66,891/-. The petitioner, hence, cannot inflict this amount to bring this amount within the concurrent pecuniary jurisdiction of the City Civil Court and the High Court and insist that the High Court must entertain the application.

Having found that the claim on the petitioner as stated in the Award is less than Rs.10 lakhs, the present application must go before the City Civil Court in accordance with the Notification dated 20th March, 2020.

AP/267/2023 is disposed of in terms of the above.

The petitioner shall have liberty to take appropriate steps.

(MOUSHUMI BHATTACHARYA, J.)

sg.