

OD-1

ORDER SHEET

CS 152 of 2023  
IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

NEWEVER VINCOM PRIVATE LIMITED  
VS.  
M/S. D. P. CONSTRUCTION & ANR.

BEFORE:  
The Hon'ble JUSTICE ARINDAM MUKHERJEE  
Date: 8<sup>th</sup> August, 2023.

Mr. R. L. Joshi, Mr. K. C. Garg, Advocates for the plaintiff.

The Court : At the time of presentation of the plaint it is submitted on behalf of the plaintiff that the plaintiff being a non-banking financial company and having lent and advanced money to the defendants the transaction in all likelihood is a commercial transaction and as such disputes arising therefrom are covered by the definition of commercial disputes as in Section 2(1)(c)(i) of the Commercial Courts Act, 2015. The plaintiff, therefore, seeks withdrawal of the suit along with the court fees for taking necessary steps to present the plaint as a suit to be instituted in the Commercial Division of this Court.

Considering the averments in the plaint and the submissions made on behalf of the plaintiff, the plaint is directed to be returned to the plaintiff along with the court fees with liberty to file a fresh on the self-same cause upon complying with the statutory requirements, if any, and being

otherwise permissible in law. The plaintiff is also given liberty to use the court fees for instituting a suit as may be advised against the same set of defendants, if there is no other embargo in law. The department shall take expeditious steps for return of the plaint after completing necessary formalities. Simultaneously with the return of the plaint, the suit number and the number if any allotted to an application filed in the suit shall be de-registered.

(ARINDAM MUKHERJEE, J.)