

OCD-1

ORDER SHEET

CS 193 of 2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

ELITE FINTRADE PRIVATE LIMITED
VS.
M/S RANGOTSAV LIFESTYLE PRIVATE LIMITED & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 3rd October, 2023.

Mr. Deepnath Roy Chowdhury, Mr. Bhaskar Dwivedi,
Mr. Abhijit Sarkar, Advocates for plaintiff.

The Court : The plaint has come up in the list for presentation on being filed in the computer section of this Court and having been allotted a suit number. After considering the averments made in the plaint, I find that the financial assistance given by the plaintiff to the defendant, the repayment whereof with interest has not been made by the defendant resulting in the plaintiff seeking to bring this action for recovery of money lent and advanced with interest, does not fall within Section 2(1)(c)(i) of the Commercial Courts Act, 2015.

In that view of the matter, the dispute alleged in the plaint to be the subject matter of the suit on the plaint being presented will not qualify under the category of commercial disputes as enumerated in Section 2(1)(c) of the Commercial Courts Act, 2015. The plaint is, therefore, returned to the plaintiff along with the court fees for being presented in the Ordinary

Original Civil Jurisdiction of this Court, if otherwise permissible in law. The plaintiff will be also entitled to use the court fees for the self-same cause if there is no statutory bar for the same to institute a suit against the same set of defendants. The department is directed to return the plaint with the court fees as expeditiously as possible after completion of all formalities. The suit number allotted for the Commercial Division should be de-registered.

(ARINDAM MUKHERJEE, J.)