

ODC 25

ORDER SHEET
AP/814/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

ISC PROJECTS PVT LTD
VS
THE PRESIDENT OF INDIA THROUGH THE CHIEF
ADMINISTRATIVE OFFICER (CONSTRUCTION) AND ANR

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 24th January, 2023.

Appearance:
Mr. Swatarup Banerjee, Adv.
Mr. H.R. Singh, Adv.

Mr. Ajay Krishna Chatterjee, Sr. Adv.
Mr. Rivu Dutta, Adv.

The Court: Counsel appearing on behalf of the petitioner submits that the Section 34 application is required to be filed before the Commercial Court at Alipore. Accordingly, he submits that the present Section 34 application may be dismissed as withdrawn with liberty to file afresh at the appropriate forum.

In light of the above, the Section 34 application is dismissed as withdrawn with liberty granted to the petitioner to file afresh before the appropriate forum. It is to be noted that the benefit of Section 14 of the Limitation Act, 1963 shall apply to the petitioner as the petitioner was filed by mistake in the wrong forum.

AP/814/2022 is disposed of.

(SHEKHAR B. SARAF, J.)

sp/