

16-04-2024
Item no.10 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

FMAT No.107 of 2024
Arpita Agro Product Private Limited
-vs-
ITC Limited
with
CAN No.1 of 2024

Mr. Prantic Garai
Mr. Kauishik Das
Mr. Abhishek Sikdar
Ms. Sahili Dey
Ms. Antara Biswas ...for the appellant

Mr. Dhruba Ghosh
Mr. Sarathi Sengupta
Mr. Amit Kumar Nag
Mr. Partha Banerjee ...for the respondent

We formally admit the appeal. We are in a position to dispose of it today itself.

This appeal is against refusal of the learned court below to pass an interim order in the suit.

We are told that the returnable date of the interlocutory application before the said court is on 18th April 2024. The respondent has also filed an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 which is also to be taken up along with that application.

According to us, the ends of justice would be subserved, if both the applications are heard out, the Order VII Rule 11 CPC first, upon hearing learned counsel for the parties and by a reasoned order within two months from today.

The appellant/plaintiff shall be at liberty to ask for any interim protection from the court below in accordance

with law.

The appeal and the connected stay application – FMAT No. 107 of 2024 with CAN No.1 of 2024 – are thus disposed of.

As affidavits have not been invited, the allegations contained in the appeal and the application are deemed not to have been admitted by the respondent.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]