

08.08.2024
Item No.39, ML
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1904 of 2024

**PAM Developers Private Limited
-Vs-
State of West Bengal & Ors.**

Mr. Aniruddha Mitra,
Mr. Madan Mohan Roy.
.....for the petitioner.

Mr. Tarak Karan.
.....for the O.P./State.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration and is directed against Order No.10 dated April 26, 2024 passed by the learned Judge, Commercial Court at Alipore, for Districts 24-Parganas (South), Purba Medinipur, Paschim Medinipur and Jhargram in the said suit being Title Suit No. 11 of 2023 renumbered as Title Suit (Commercial) No. 51 of 2023.

The learned Trial Judge by the order impugned has allowed two applications filed by the defendants one for acceptance of belatedly filed written statement and the other for taking the suit off from the *ex-parte* Board.

The suit was transferred from the 2nd Court of learned Civil (Junior Division), Contai, District: Purba Medinipur to the Commercial Court at Alipore.

The learned Trial Judge by virtue of the proviso appended to Section 15(4) of the Commercial Court's Act, 2015, has the power to prescribe a new period within which the written statement is to be filed. The learned Trial Judge in exercise of his such power has accepted the belatedly filed written statement.

The learned Trial Judge has not committed any illegality and/or infirmity in extending the time to file written statement by exercising his such power.

The order impugned does not call for any interference. C.O. 1904 of 2024 is therefore dismissed without any order as to costs.

The disposal of the suit be expedited.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)