

24.09.2024
(D/L-19)
Ct.-19
(Susanta)

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

C.O. 3418 of 2024

Amiya Steel Private Ltd. & Ors.
-Vs-
Truvolt Engineering Company Pvt. Ltd.

Mr. D. N. Sarkar,
Mr. Shailendra Jain,
Ms. Swati Agarwal,

... For the Petitioners.

Mr. T. Coomar Dey,
Mr. Vijay Nath Jana,

.... For the Opposite Party.

Affidavit-of-service filed on behalf of the petitioner be
kept with the record.

The petitioners are the defendants of the *Money Suit*
No. 1895 of 2022 pending before the learned Judge, 11th
Bench, City Civil Court, Calcutta.

The petitioners had taken out an application under
Order 7 Rule 11 of the Code of Civil Procedure for rejection of
the plaint of the said suit *inter alia* on the grounds that the
dispute sought to be raised in the said suit is a commercial
dispute within the meaning of Section 2(c) of the Commercial
Courts Act 2015.

The learned Trial Judge has dismissed the said
application holding *inter alia* that the suit is under the
heading "*Money Suit*", not a "*Commercial Suit*" and the
Commercial Court has not yet started under the jurisdiction
of the City Civil Court, Calcutta.

The dispute raised in the suit is a commercial dispute
but the ground on which the petitioners are praying rejection
of the plaint of the said suit does not attract Order VII Rule 11
of the Code but Order VII Rule 10 thereof.

The learned advocate for the petitioner invites my attention to the notification of the *Judicial Department*, Government of West Bengal bearing No. 156JL dated March 20, 2020 which is quoted below:-

“In exercise of the power conferred by sub-section (IA) of Section 3 of the Commercial Courts Act, 2015 (4 of 2016), as subsequently amended (hereinafter referred to as the said Act) and in supersession of the earlier notification No. 254-JL, dated the 15th November 2018, the Governor, after consultation with the High Court, Calcutta, vide Memo Nos. 7801-RG, dated the 20th December, 2019; 910-RG, dated the 17th February, 2020; and 911-RG, dated the 17th February, 2020, is pleased hereby to specify, with immediate effect, the pecuniary jurisdiction, in terms of the value of the commercial disputes, as mentioned below:-

(a) In case of Commercial Courts at Siliguri, Asansol, Alipore, and Rajarhat, of an amount not less than rupees thirty lakh;

(b) In case of Commercial Courts within the territorial jurisdiction of the City Civil Court at Calcutta of an amount-(i) not less than rupees three lakh and not more than rupees ten lakh exclusively; and (ii) exceeding rupees ten lakh but not exceeding rupees one crore, concurrently with the Commercial Division of the High Court, Calcutta;

(c) In case of the Commercial Division of the High Court, Calcutta, of an amount exceeding rupees ten lakh.

In view of the said notification, the suit should have been transferred to the *Commercial Division* of the High Court, Calcutta.

The order impugned is set aside.

The learned Trial Judge is requested to decide the said application afresh in accordance with law, treating it is an application under Order VII Rule 10 of the Code.

C.O. 3418 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)