

OCD-6

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

IA NO. GA-COM/1/2024
In CS-COM/696/2024

20 CUBE LOGISTICS SOLUTIONS PVT LTD
Vs
PARAMOOUNT NIRYAAT PVT LTD

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 29th November, 2024.

Appearance:
Mr. Souradeep Banerjee, Adv.
Mr. Dwip Raj Basu, Adv.
Mr. Abhisek Ghosh, Adv.
...for the plaintiff

Mr. Asit Basu Paul, Adv.
Ms. Jayashree Saha, Adv.
Mr. S. N. Prasad, Adv.
...for the defendant

The Court:- Mr. Souradeep Banerjee, learned counsel, is appearing for the plaintiff.

Mr. Asit Basu Paul, learned counsel, is appearing for the defendant.

Counsel for the plaintiff has filed the present suit praying for decree for an amount of Rs.19,06,916/-, being the principal amount and interest at the rate of 18% per annum, till the realization of the said amount.

Counsel for the plaintiff has also filed an application being GA-COM/1/2024 praying for judgment upon admission. The defendant entered

appearance and filed affidavit in opposition in connection with GA-COM/1/2024.

Before taking up hearing of the application, the learned Counsel for the defendant submits that the defendant is ready to pay the amount but he submits that the plaintiff has claimed the principal amount of Rs.19,05,720.94/- but the plaintiff has not considered the amount of Rs.51,896/- which the defendant has already paid to the plaintiff and the plaintiff has received the said amount.

Counsel for the defendant submits that the amount is required to be deducted and further submits that the plaintiff has claimed the interest of Rs.18% per annum. The defendant is not in a position to pay the interest and the interest part also to be reduced.

Counsel for the defendant on instructions from defendant submits that the defendant is ready to pay the principal amount of Rs.19,05,720.94/- on ten installments from date with interest at the rate of 10% per annum. The Counsel for the plaintiff on instructions from plaintiff has accepted the proposal of the defendant.

Accordingly, GA-Com/1/2024 is disposed by directing the defendant to pay Rs.19,05,720.94/- to the plaintiff by ten installments at the rate of Rs.1,90,572/- per installment as well as the interest at the rate of 10% per annum.

The first installment shall be paid by the defendant to the plaintiff on or before 24th December, 2024 and thereafter the defendant shall continue to pay

the amount along with the interest. The defendant is directed to complete the entire payment along with interest by 27th September, 2025.

GA-COM/1/2024 along with CS-COM/696/2024 is disposed of and decree be drawn up accordingly.

It is made clear that, in case the defendant fails to pay the any installment or interest thereon, the defendant shall be liable to pay interest at the rate of 18 % per annum.

(KRISHNA RAO, J.)

S.De