

In The High Court at Calcutta
[Commercial Division]
Original Side

IA NO. GA-COM/2/2024

[OLD NO CS/154/2017]

In

CS-COM/642/2024

HIMADRI SPECIALITY CHEMICAL LIMITED

Vs

BALAJI HYDRO CARBONS PVT. LTD.

BEFORE :

THE HON'BLE **JUSTICE ANIRUDDHA ROY**

Date :19th March, 2026

Appearance:

Mr. Sarbajit Mukherjee, Adv.

Mr. Debojyoti Das, Adv.

...for the plaintiff

Mr. Pratik Majumder, Adv.

Mr. Snehasish Dey, Adv.

...for the defendant/applicant

The Court :- This is an application under **Order IX Rule 13** of the **Code of Civil Procedure** praying for setting aside of an ex parte decree dated **April 29, 2024** filed by the defendant.

One of the issues raised on behalf of the applicant/defendant is that it being a company, writ of summons has not been served following the provisions laid down under **Order XXIX of C.P.C** read with **Section 20 of the Companies Act, 2013**.

Mr. Sarbajit Mukherjee, learned Advocate appearing for the decree-holder/plaintiff has opposed this submission.

Be that as it may, Mr. Pratik Majumder, learned Advocate appearing for the applicant, seeks to rely upon a judgment of this Court ***In the Matter of : MSC Mediterranean Shipping Company S.A. And ANR vs. NTC Industries Ltd. dated November 25, 2025*** rendered in ***IA NO. GA-COM/3/2025 in connection with CS-COM/749/2024***. However, a **Special Leave Petition** is pending from this judgment.

In view of the above, this application for the time being is directed to go out of the list, subject to result of the concerned Special Leave Petition.

After the disposal of the **Special Leave Petition**, the parties shall be at liberty to mention this application for inclusion in the list upon notice to each other.

In the event the plaintiff proceeds with the execution proceeding in respect of the subject decree, a copy of this order shall be placed by the parties before the executing Court.

(ANIRUDDHA ROY, J.)

R.Bhar/R.D.Barua