

OD-10

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/835/2023

UNION OF INDIA
VS
SUBIR ENGINEERING WORKS P LTD

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 8th July, 2024

Appearance:
Mr. A. Banerjee, Adv.
Ms. Sarda Sha, Adv.
...for the petitioner

Mr. Sakya Sen, Adv.
Mr. Arindam Paul, Adv.
Ms. Debarati Das, Adv.
Mr. Rudrani Saha, Adv.
...for the respondent

The Court:- At the outset, as indicated in the order dated July 5, 2024, the respondent takes an objection as to maintainability of the present application.

As rightly contended by learned counsel for the respondent, the cause of action as well as all relevant events, which form a chain of the bundle of the facts which give rise to the cause of action, relate to the District of Bankura. Moreover, the quantum and the nature of dispute itself takes it within the ambit of a commercial dispute falling within the territorial jurisdiction of the principal civil court having jurisdiction at Asansol.

Accordingly, the objection as to jurisdiction is upheld.

AP/835/2023 is dismissed on the ground of non-maintainability due to lack of territorial jurisdiction and inherent lack of jurisdiction since the matter is

a commercial dispute for which the principal Civil Court at Asansol has jurisdiction.

It is made clear that nothing in this order shall preclude the applicant to take out the challenge before the appropriate forum having jurisdiction, if otherwise maintainable in law.

(SABYASACHI BHATTACHARYYA, J.)