

2.
08-05-2025
(Ct. no.37)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Commercial Division**

AO-COM 2 of 2025

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IA NO:CAN/1/2025

Brighter Bee & Ors.

Vs.

Sri Surja Kanto Bhar & Ors.

Mr. Piush Chaturvedi, Sr. Adv.,
Ms. D. Ghosh

... For the Appellants/Petitioners.

Dictated by Arijit Banerjee, J.

1. The appellants are directed to remove the defect forthwith, as indicated by the Additional Stamp Reporter.

2. Affidavit-of-Service filed in Court today is taken on record. Although some of the respondents appear to have been served, nobody appears for the respondents.

3. The appellants have come up against an order dated April 21, 2025 passed by the learned Judge, Commercial Court at Rajarhat, under Section 9 of the Arbitration and Conciliation Act, 1996. The order was passed *ex parte* at the *ad interim* stage.

4. The appellants say that the alleged dispute in question is not a commercial dispute within the meaning of the Commercial Courts Act, 2015. Even on merits, no order of injunction should have been passed.

5. The appellants have not had an opportunity of placing their case before the learned trial Court. We

are of the view that the appellants should approach the learned trial Court and argue their case. We are not inclined to intervene at this stage.

6. Therefore, we dispose of the appeal and the connected application by reserving liberty to the appellants to approach the learned trial Judge with an appropriate application. We clarify that we have not addressed the merits of the case at all. The learned trial Judge is requested to decide the matter as expeditiously as possible, in accordance with law.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Om Narayan Rai, J.) (Arijit Banerjee, J.)