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20.05.2025
KC

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

C.O. 1542 of 2025

Debasis Biswas
Vs.
Kar Sambriddhi Infra Pvt. Ltd. & Ors.

Mr. Anirban Roy
Mr. Ashok Kumar Roy
...for the petitioner

Mr. Tanish Gaveriwala
Mr. Debabrata Das
Mr. Tirthankar Nandi
...for the respondents

Mr. Asim Kumar Roy
... for the Opposite Party No. 5

The instant revisional application, has been filed seeking early disposal of two separate applications filed under Order 7 Rule 11 of the Code of Civil Procedure (CPC), 1908 and Order 7 Rule 10 of the CPC read with section 2(c) of the Commercial Courts Act, 2015 (Act of 2015).

Briefly, the suit was filed as a “commercial suit” under the Act of 2015 on 13th July, 2023. Thereafter, on 6th September, 2013, the defendant nos. 1 to 7 filed an application under Order 7 Rule 11 of the CPC. Subsequently, on 9th August, 2024, the defendant nos. 1 to 7 filed another application under Order 7 Rule 10 of the CPC read with section 2(c) of the Act of 2015. Thereafter, the suit and the above two applications have appeared on numerous occasions and it appears from the records that the

Court has mechanically adjourned the matter on repeated occasions.

On 14th November, 2024, an interim order of status quo has also been passed by the Court.

The grievance of the petitioner in this revisional application is that despite making repeated attempts to have the above two applications heard, the Court has taken no steps for expeditious disposal of the same.

On behalf of the plaintiff, it is submitted that it is the defendants, who have not appeared before the Court and the entire plea of expeditious hearing is an eyewash and ill-motivated. In support of such contention, the plaintiff relies on the Order No. 19 dated 11th November, 2024, which inter alia, records the fact that it is the defendants, who have not appeared before the Court, and they are solely responsible for the delay.

Be that as it may, the fact that the suit is a Commercial Suit under the Act of 2015 and in view of the object which the Act seeks to achieve there is no earthly reason as to why the above two applications filed by the defendants have been kept pending for a considerable period of time. There are ample powers under the Act of 2015 to deal with any kind of delay by a delinquent party. It is of some relevance that the suit was filed as far back as on 2023 and has been unnecessarily delayed.

In view of the above, C.O. 1542 of 2025 stands disposed of by directing the Learned Judge, Commercial Court at Rajarhat, North 24 – Parganas to expeditiously dispose of the two applications i.e. under Order 7 Rule 11 of the CPC and Order 7 Rule 10 of the CPC filed by the defendant without granting any unnecessary adjournments to either of the parties and preferably within a month from the date of communication of this order.

It is made clear that there has been no expression or adjudication on the merits of the case. All questions are left open for the Learned Trial Judge to decide strictly in accordance with law.

(Ravi Krishan Kapur, J.)