

ML. 60
08.12.2025
Court. No. 6
GB

C.O. 2651 of 2025

India Tea Processor & Packers Private Limited & Anr.
Vs.
Harris Tea Company LLC

Mr. Surojit Dasgupta,
Ms. Rupa Singh

...for the Petitioners.

Mr. S. Sengupta,
Mr. B. Sen,
Mr. A. Sarkar

...for the Opposite Party.

1. This Court does not find any illegality in the order impugned. The learned court rightly held that the plaint could not be either rejected or returned, upon holding that the suit was improperly valued. The valuation of the suit should be accepted as per the plaint case.
2. Mr. Dasgupta, learned advocate for the petitioners relies on the provisions of Section 12 of the Commercial Courts Act, 2015 in support of his contention that the market value of the right of the plaintiff should be the prime consideration for the court to determine whether the suit has been undervalued or not. As the sales of the plaintiff fetched more than 40 crores, as per the plaint case, naturally the market value of the right, that is, the right emanating from the goodwill would be much higher than 20 lakhs. The plaintiff had intentionally undervalued the suit, to take it outside the purview of the Commercial Courts Act, 2015.

3. Mr. Sengupta, learned advocate for the opposite party opposes the application and submits that a copy of the revisional application has not been supplied.
4. This Court is not inclined to interfere with the order impugned at this stage. While considering an application under Order 7 Rule 10 of the Code of Civil Procedure read with Order 7 Rule 11 thereof, the court has to only consider the plaint read as a whole. In this case the plaintiff has valued the suit at Rs.20 lakhs. The court found that the defendant had not put forward any contrary indication which would show at the threshold that the suit was intentionally undervalued. The Suits Valuation Act provides that, for intangible rights or claims, the valuation put forward by the plaintiff, should be accepted. In my view, such issue has to be decided on the materials put forth by the parties.
5. Under such circumstances, this application is not entertained. Mr. Dasgupta prays for an order that, the issue may be decided at the preliminary stage. If the petitioners request the court to frame a preliminary issue on improper valuation of the suit, the court will proceed to deal with such request in accordance with law.
6. Accordingly, the application is disposed of.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)