

22.09.2025
SL No.16
Court No.1
(gc)

**A.O. (COM) 45 of 2025
CAN 1 of 2025**

**Aryan Dhatu Private Limited
Vs.
Bengal Peerless Housing Development Company Ltd.**

Mr. Jishnu Saha, Sr. Adv.,
Ms. Urmila Chakraborty,
Mr. Pankaj Agarwal,
Ms. Champa Pal
...for the Appellant.
Mr. Ratnanko Banerji, Sr. Adv.,
Ms. Ashika Daga,
Ms. Sampurna Mukherjee,
Ms. Urrvi Chawla,
Mr. R. Mullick,
Ms. M. Ghosh
...for the Respondent.

1. In view of the fact that the application for rejection of plaint is fixed on 23rd September, 2025, we dispose of the appeal and the application with the observation that the learned Judge, Commercial Court is requested to dispose of the said application if possible by tomorrow and in the event the application for rejection is decided against the applicant/respondent and the Court is of the view that the Court has jurisdiction, we would request the learned Judge to consider the prayer for interim relief which was deferred in view of the pendency of the application for rejection of plaint.

2. We agree with the submission of Mr. Jishnu Saha, learned Senior Counsel that in appropriate cases, the Court may pass ad-interim order pending the disposal of the application for rejection of plaint. However, since the matter is pending before learned Judge, Commercial Court, it would be the discretion of the said Court to decide the matter in accordance with law.
3. We make it clear that we have not gone into the merits of the matter.
4. Accordingly, the appeal and the application are disposed of.
5. However, there shall be no order as to costs.
6. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[Soumen Sen, C.J. (Acting)]

(Apurba Sinha Ray, J.)