

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Uday Kumar

FMAT 394 of 2025
IA No: CAN 1 of 2025

Prasanta Sen
Vs.
M/s. Saj Food Products Private Limited

For the appellant	:	Mr. Souradeep Banerjee, Mr. S.K. Banerjee, Ms. Sanjana Sinha
For the respondent	:	Mr. Sayan Sinha, Mr. Adil Naser
Heard on	:	28.10.2025
Judgment on	:	28.10.2025

Sabyasachi Bhattacharyya, J.:-

1. The limited grievance in the present matter is that the plaintiff/appellant had applied for transfer of the suit to the concerned Commercial Court in view of the intervening notifications in terms of the Commercial Courts Act, 2015 (hereinafter referred to as "the 2015 Act"). Learned counsel for the appellant submits that Section 15 of the Act mandates that the pending cases shall be

transferred automatically to the concerned Commercial Court having determination.

2. We find from the impugned order that the learned Trial Judge has, instead of merely transferring the suit to the appropriate Commercial Court, returned the plaint to the plaintiff, thereby entailing consequences beyond the scope of Section 15 of the 2015 Act.
3. Upon hearing learned counsel for the parties, we find that there is substance in the contentions of the appellant and the matter should have just been transferred to the appropriate Commercial Court having determination.
4. Accordingly, the appeal is admitted and, on consent of the parties, is being disposed of.
5. FMAT 394 of 2025 is hereby allowed, thereby modifying the impugned order dated August 06, 2025 passed by the learned Civil Judge (Senior Division) at Sealdah, District: South 24 Parganas in Title Suit No. 91 of 2017 by directing the said suit to be transferred to the Commercial Court at Rajarhat. The said transfer of the papers relating to the suit shall be effected at the earliest, preferably within four weeks from the date of communication of this order to the learned Civil Judge (Senior Division) at Sealdah and thereafter be re-numbered in the Commercial Court at Rajarhat, which will then proceed with the hearing of the suit in accordance with law.
6. CAN 1 of 2025 stands disposed of accordingly as well.
7. There will be no order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Uday Kumar, J.)

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