

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
[Commercial Division]

APOT/2/2025
WITH
CS-COM/494/2024
IA NO: GA-COM/1/2025

ROYALBUILT INFRASTRUCTURE PRIVATE LIMITED AND ORS
VS
RAIJADA MARBLE AND ORS

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 13th January, 2025

Appearance:

Mr. Pratip Mukherjee, Adv.

Mr. Soumya Sankar Chini, Adv.

...for the appellants.

Mr. Deepnath Roy Choudhury, Adv.

Mr. Debraj Sahu, Adv.

Mr. Hareram Singh, Adv.

Ms. Swagata Ghosh, Adv.

...for the respondents.

1. Admittedly, the written statement was not affirmed within 30 days from the service of the writ of summons.
2. It is sought to be argued that beyond 30 days the written statement was filed before the Master which could not have been filed or accepted by reason of the fact that without leave of the Court the said written statement could not have been accepted by the Master. Moreover, there is no reason of verification of such fact.
3. In any event, it is admitted position that the written statement was not filed within 120 days from the service of the writ of summons which is mandatory by reason of the judgment of the Hon'ble Supreme Court in

SCG Contracts (India) Private Limited Vs. K.S. Chamankar Infrastructure Private Limited and Ors. reported in (2019)12 SCC 210 followed by *SS Group Pvt. Ltd. Vs. Aaditiya J. Garg and Anr.* reported in 2020 SCC Online SC 1050.

4. Moreover, this order is not appellable under the Commercial Courts Act.
5. On such consideration, the appeal fails.
6. The appeal and the connected application are dismissed.
7. However, there shall be no order as to costs.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)