

OCD-4

ORDER SHEET

APOT/56/2025
WITH
CS-COM/534/2024

IA No.GA-COM/1/2025, GA-COM/2/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

M/S. ASHOK EXPORTERS AND IMPORTERS AND ORS
VERSUS
M/S. IMAX INFRASTRUCTURE PVT LTD AND ORS

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
AND

The Hon'ble JUSTICE OM NARAYAN RAI
Date : 23rd April, 2025.

Appearance:

Mr. Deepnath Roy Chowdhury, Adv.
Mr. Debraj Sahu, Adv.
Mr. Bhaskar Dwivedi, Adv.
Mr. H. Singh, Adv.
Ms. S. Auddya, Adv.
..for the appellants

Mr. Rachit Lakhmani, Adv.
Mr. Piyush Kumar, Adv.
Mr. Dipankar Halder, Adv.
..for the defendant no.1

The Court: Re: IA No.GA-COM/1/2025

This is an application for condonation of delay of 20 days in
presenting the appeal.

Causes shown being sufficient, the delay is condoned.

GA-COM/1/2025 is allowed.

Re: APOT/56/2025, IA No.GA-COM/2/2025

This appeal is directed against a judgment and order dated November 12, 2024, whereby the learned Single Judge extended the time for the defendant no.1 to file written statement.

Learned advocate for the appellants/plaintiffs says that beyond 120 days time could not be extended.

Learned advocate for the respondent no.1 says that this appeal is not maintainable. He refers to a judgment of a Co-ordinate Bench in the case of *APL Metals Ltd. vs. Mountview Tracom LLP* and Others, reported in AIR 2022 Cal 212, in support of his contention.

Learned advocate for the appellants, in his usual fairness, says that there is also another judgment of a Co-ordinate Bench which holds that an order extending time to file written statement is not an appellable order.

Learned advocate seeks leave to withdraw this appeal with liberty to take steps before other fora in accordance with law.

We appreciate the fairness of learned counsel for the appellants. We grant leave to withdraw this appeal with liberty to pursue the matter in accordance with law before other fora.

We clarify that we have not heard the matter on merits.

The appeal and the connected application stand dismissed as withdrawn.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)