

OCD-2

APOT/97/2025
With
CS-COM /269/2024
IA NO: GA-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

ROHIT SHROFF
-VS-
MIDDLETON TRUCKING SERVICES LLP AND ORS.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE

The Hon'ble JUSTICE OM NARAYAN RAI
Date : 25th April, 2025.

Appearance:
Mr. Siddhartha Lahiri, Adv.
Mr. Sarosij Dasgupta, Adv.
Ms. Swati Chowdhury Adv.
Mr. Debraj Dutta, Adv.
...for the appellant

Mr. Anirban Ray, Sr. Adv.
Mr. Soumabho Ghose, Adv.
Mr. Soumlaya Ganguli, Adv.
Ms. Tiana Bhattacharya, Adv.
...for the respondents

The Court: This appeal is directed against a judgment and order dated March 24, 2025 whereby a Learned Judge of this Court dismissed the appellant's application for extension of time to file written statement.

On a reading of Section 13 of the Commercial Courts Act, 2015, and in view of the Division Bench judgments of this Court in Sabri Properties Pvt. Ltd. & Ors. -vs- Frostees Exports (Inda) Pvt. Ltd. reported at 2024 SCC OnLine Cal 2530 and in A.K. Ghosh & Co. -vs- Biman Bose & Ors (AO-COM/35/2024, CS-COM/440/2024) and the Supreme Court decision in Kandla Export Corporation & Anr. -vs- OCI Corporation & Anr. reported at (2018) 14 SCC 715, we have to hold that an order extending or refusing to extend time to file written statement insofar as a commercial cause is concerned, is not appellable.

Mr. Lahiri, learned advocate for the appellant, at this juncture prays for leave to withdraw this appeal and pursue any other remedy that his client may have. Such leave is granted.

APOT/97/2025 along with IA No.GA-COM/1/2025 are dismissed as withdrawn. This will not prevent the appellant to pursue any other remedy that may be available to him in law.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)