

OCD-4

ORDER SHEET

APOT/179/2025
WITH
CS-COM/717/2024

IA NO: GA-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

M/S. AMIT VANIJYA PRIVATE LIMITED AND ORS
VS
M/S. ANUBANDH FINANCIAL SERVICES PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date : 11th July, 2025.

Appearance:

Mr. Anuj Singh, Adv.

Ms. Soni Ojha, Adv.

Ms. Sambrita B. Chatterjee, Adv.

...for the appellant

Mr. Rudraman Bhattacharyya, Sr. Adv.

Mr. Deepnath Roy Chowdhury, Adv.

Mr. Akash Munshi, Adv.

Mr. Bhaskar Dwivedi, Adv.

Ms. Jyoti Routh, Adv.

Mr. Souvik Kundu, Adv.

...for the respondent

Dictated by Arijit Banerjee, J.

The Court: By consent of the parties, the appeal and the connected application are taken up for hearing together.

The appellants are the defendants in a money suit instituted by the present respondent in this Court.

The defendants applied before the learned Single Judge for rejection of the plaint since, according to them, institution of this suit in this Court required leave under Clause 12 of the Letters Patent but such leave has not been obtained.

The defendants so contended on the basis that the plaintiff has pleaded that the defendants carry on business both within and outside the Ordinary Original Civil Jurisdiction of this Court. It would further appear from the plaint that part of the cause of action has arisen outside the jurisdiction of this Court. Therefore, the plaintiff ought to have obtained leave under Clause 12 of the Letters Patent for filing the suit in this Court.

The Learned Single Judge negated the contention of the defendants and dismissed the defendants' application for rejection of the plaint. The Learned Judge referred to Clause 12 of the Letters Patent. His Lordship observed that since the cause title of the plaint clearly mentions that the defendants also carry on business within the jurisdiction of this Court, nothing further is required and the plaintiff was entitled to file the suit in this Court.

Being aggrieved, the defendants have come up before us by way of this appeal.

Mr. Bhattacharya, learned Senior Counsel representing the respondent/plaintiff says that this appeal is not maintainable. This is a commercial suit and an order rejecting an application under Order VII Rule 11 for rejection of the plaint is not appealable under the provisions of the Commercial Courts Act.

We have heard Mr. Anuj Singh, learned Advocate representing the appellants/defendants. Learned Counsel advanced the same argument, which was advanced before the Learned Single Judge.

We need not address the question of maintainability of this appeal, since in any event, we are of the view that there is no merit in this appeal.

We are in agreement with the Learned Single Judge, that if the plaintiff admits in the plaint that the defendants carry on business within the jurisdiction of this Court, irrespective of where the cause of action arises, this Court would have jurisdiction to entertain, try and determine the suit going by the clear words in Clause 12 of the Letters Patent, 1865.

Accordingly, we see no reason to interfere with the order of the Learned Single Judge.

The appeal and the connected application stand dismissed.

(ARIJIT BANERJEE, J.)

(RAI CHATTOPADHYAY, J.)

sg.