

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CS-COM/415/2024
[OLD NO. CS/185/2022]
IA NO: GA/1/2022, GA/3/2023, GA-COM/6/2024

DHANCOT FIBRES PVT LIMITED
VS
MANOJ UTTAMCHAND ZAMAD

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : June 25, 2025.

Appearance :
Mr. Rupak Ghosh, Adv.
Mr. Ayan Dutta, Adv.
Mr. A.P. Gomes, Adv.
... for the plaintiff

1. Mr. Rupak Ghosh, Learned Advocate, is appearing for the plaintiff.
2. None appears on behalf of the defendant.
3. The plaintiff has filed three applications being GA/1/2022 praying for appointment of Special Officer/Receiver and injunction, GA/3/2023 under Section 340 of the Code of Criminal Procedure and GA-COM/6/2024 praying for judgment upon admission.
4. By an order dated 9th June, 2025, this Court has closed the chance for filing affidavit in opposition by the defendant in connection with GA-COM/6/2025 as several opportunities have been given to the defendant but the defendant has not filed affidavit in opposition. When the matter is called today, none appears on behalf of the defendant and accordingly, Counsel for the plaintiff has pressed for

hearing of the application being GA-Com/6/2024 wherein the plaintiff has prayed for judgment upon admission.

5. Counsel for the plaintiff submits that in the month of December, 2019, the defendant has requested the plaintiff for an advance of Rs.1.50 crore towards the supply of raw cotton bales as the defendant was in financial constraint. The defendant also agreed to pay interest at the rate of 18 % per annum to the plaintiff till the period when the supplies aggregating to the sum of Rs. 1.50 crore is totally cleared by effecting such supplies.
6. Counsel for the plaintiff submits that on 31st December, 2019, the plaintiff has transferred an amount of Rs.1.50 crore in the account of the defendant. After receipt of the said amount, the defendant has not supplied the materials and by an e-mail dated 5th February, 2020, the defendant has admitted that they have received the advance of Rs.1.50 crore against the cotton bales but because of some problem, the ginning was not working and the defendant informed that they will return the said amount on or before 15th February, 2020.
7. Counsel for the plaintiff submits that in the meantime, the defendant has supplied cotton bales for a sum of Rs.76,65,422/-. Thereafter, neither the materials were supplied nor the amount was returned by the defendant to the plaintiff and accordingly, the plaintiff has sent a notice to the defendant on 20th January, 2022 calling upon the defendant to pay the balance amount along with interest at the rate of 18 % per annum within 15 days from the date

of receipt of the notice. The notice was duly served upon the defendant but in spite of the receipt of notice, the defendant has not given any reply nor has paid the amount as requested by the plaintiff.

8. Counsel for the plaintiff further submits that from the document i.e. the statement of account of the plaintiff it clearly proves that on 31st December, 2019 the plaintiff has transferred an amount of Rs.1.50 crore in the account of the defendant and by an e-mail dated 5th February, 2020, the defendant has admitted that they have received the amount of Rs.1.50 crore but could not supply the cotton bales due to some problem in the machinery and informed that the defendant will return the said amount by 15th February, 2020.
9. It is admitted by the plaintiff that out of Rs.1.50 crore, the defendant has supplied materials to the tune of Rs.76,65,422/- and further an amount of Rs.3,09,786/- was adjusted in the miscellaneous ledger account for the period 1st January, 2020 to 31st March, 2020. Accordingly, Counsel for the plaintiff submits that the plaintiff is entitled to get interest from 31st December, 2019 till 29th February, 2020 and subsequent period till the realization of the total amount.
10. Counsel for the plaintiff submits that the defendant has unequivocally admitted that the plaintiff has paid the amount but the defendant has neither returned the amount nor has supplied the materials as agreed by the defendant and as such, he prays for judgment upon admission.

11. Heard Learned Counsel for the plaintiff. Perused the materials on record.
12. The plaintiff has disclosed the statement of account wherein it reveals that on 31st December, 2019 the plaintiff has transferred an amount of Rs.1.50 crore in the account of the defendant. The defendant by an e-mail dated 5th February, 2020 has admitted that he has received the said amount but he was not in a position to supply the materials due to problem in the machines and he assured that he will return the amount by 15th February, 2020 but in the meantime, the defendant has supplied materials to the tune of Rs.76,65,422/-. The plaintiff has also issued notice to the defendant calling upon the defendant to pay the balance amount but the defendant has neither given any reply nor has paid the amount.
13. This Court finds that the defendant has unequivocally admitted the claim of the plaintiff by an e-mail dated 5th February, 2020 and has also not given any reply to the notice dated 20th January, 2022 wherein the plaintiff has claimed Rs.1,07,58,371/- along with interest at the rate of 18 % per annum. This Court finds that the documents disclosed by the plaintiff have not been rebutted by the defendant by filing affidavit in opposition. Accordingly, this Court finds that the defendant has unequivocally admitted the claim of the plaintiff and the plaintiff is entitled to get judgment upon admission.
14. In view of the above, the defendant is directed to pay the amount of Rs.1,07,58,371/- along with interest at the rate of 18% per annum from 1st January, 2020 till the realization of the decretal amount.

15. Accordingly, GA-COM/6/2024 is disposed of.
16. CS-COM/415/2024 (Old No. CS/185/2022) is also disposed of.
17. The department is directed to draw the decree.
18. As this Court has disposed of the suit itself, the other applications filed by the plaintiff being GA/1/2022 and GA/3/2023 are also disposed of.

(KRISHNA RAO, J.)

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