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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

C.O. 2729 of 2025
(can 1 OF 2025)

M. R. Hospital and Disgonostic
Vs.
Subham Tie Up Trade Private Limited & Anr.

Mr. Sudipta Sarkar
Mr. A. S. Tarafdar
Ms. Fatima Hassan
Ms. Tithi Mondal

...for the petitioners

Mr. T. M. Siddiqui
Mr. Farooque Ali
Mr. F. M. Zafar

...for the respondents

By consent of the parties and in view of the urgency, the matter is taken up for hearing.

This is a revisional application directed against an order dated 3rd June, 2025 whereby the Learned Judge, Commercial Court, Rajarhat, North 24-Parganas has dismissed the application of the defendant seeking extension of time to file the Written Statement. Briefly, the defendant had received the summons on 9th November, 2024. The written statement was filed on 27th March, 2025. It is admitted by both sides that there has been delay of 18 days subsequent to the mandatory 120 day period under the Commercial Courts Act, 2015.

By the impugned order, the Learned Court had dismissed the application filed for extension of time to file the Written Statement.

It is submitted on behalf of the petitioner that in view of the decision reported in *Amoda Iron Steel Limited represented by its Director Sri. Thati Satish Vs. Sneha Analytics and Scientifics, represented by Sole Proprietor V. Sridhar Babu* 2022 SCC OnLine AP 136, the Learned Court failed to exercise its discretion in extending the time to file the Written Statement.

On a consideration of the impugned order, it appears that there is no infirmity nor illegality nor contravention of any law necessitating interference in revisional jurisdiction.

In view of Order VIII Rule 1 of the Code of Civil Procedure (as amended by the Commercial Courts Act, 2015), the Learned Judge has justifiably found that the mandatory period of filing of the written statement i.e. 120 days had long expired. In passing the impugned order, the Trial Court has also relied on the decision in *SCG Contracts India Pvt. Ltd. vs. K.S. Chamankar Infrastructure Pvt. Ltd.* (2019) 12 SCC 210. The order is adequately reasoned.

The reliance is placed on the order dated 17th January, 2025 by the petitioner permitting filing of the Written Statement on 27th March, 2025 cannot

circumvent the mandatory requirement of the Act or create any right in favour of the defendant.

In view of the above, there is no merit in the revisional application and the same is dismissed without any order as to costs.

(Ravi Krishan Kapur, J.)