

OD-03

ALP/2/2026
IN THE HIGH COURT AT CALCUTTA
EXTRA ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

Lakhotia Infra Projects Private Limited
Versus
J. D. Steel Corporation & Anr.

Before:
The Hon'ble Justice SHAMPA DUTT (PAUL)
Date: 16th April 2026

Appearance:
Mr. Aurin Chakraborty, Advocate
Mr. Pradeep Kr. Sancheti, Advocate
Mr. Jatan Monga, Advocate
for the petitioner

Mr. Aniruddha Mitra, Sr. Advocate
Mr. Deepnath Roy Chowdhury, Advocate
Mr. Debraj Saha, Advocate
Mr. Jyoti Routh, Advocate
Mr. Rabindra Mitra, Advocate
Mr. Tamoghna Saha, Advocate
for the respondents

The Court: Affidavit of service filed be kept with the record.

The application under section 24 of the CPC has been preferred praying for transfer of Money Suit No. 692 of 2023 titled Lakhotia Infra Projects Private Limited vs. JD Steel Corporation & Anr. pending before the 7th Bench, City Civil Court, Calcutta to the Hon'ble High Court in the commercial division to be heard alongwith CS (Com) 713 of 2024.

The petitioner submits that the Money Suit which is sought to be transferred to the High Court has been instituted by the petitioner herein against the respondents herein, who have filed the commercial suit before the High Court.

The issue in dispute in both the money suit pending before the 7th Bench, City Civil Court and the commercial suit pending before the High Court is the same and arises out of the same business transaction between the same parties.

Learned Counsel appearing the respondents herein submits that the money suit filed before the 7th Bench, City Civil Court being commercial in nature has been wrongly instituted before the City Civil Court and the plaint is liable to be rejected under Order VII Rule 11 of the CPC which the respondents intend to pray for. It is further stated that as the money suit has not been instituted as commercial suit, the same cannot be transferred to the High Court to be heard alongwith the commercial suit.

The petitioner herein relies upon a judgment passed by this Court in **ALP/2/2025 Mani Square Limited & Anr. vs. Sri Subhash Kumar & Ors. dated 27.03.2025**, wherein this Court considering the prayer of the petitioner therein seeking transfer of two pending suits, one being a commercial suit pending before the Commercial Court at Alipore and another is a title suit pending before a competent Civil Court, held as follows:

“8. The final outcome in the suit suits will effect both the parties here in and thus making out a prima facie case for adjudication by the same court, not only to avoid possible conflicting decisions but also for the convenience of the parties on both sides, relating to common witnesses, same documents to be proved while deciding the same issues, similar in all respect to

adjudicate the similar reliefs prayed for by the plaintiffs in both suits, which are inter connected.

10. *No prejudice shall be suffered by the Respondents herein, who instead of pursuing two suits before two forums would be able to pursue their relief before one court, making the balance of convenience and inconvenience tilt in favour of both parties herein, in case of such transfer.*
11. *For a title suit to be transferred to a Commercial Court there must exist a “commercial dispute” in the said suit.*
12. *That a Commercial Suit is to be heard only by a Commercial Court having jurisdiction has been laid down in the Commercial Court, Act (Section 15).*
13. *... ..*
14. *As such as it is seen that the “issue” in both the suits are same, between the same parties in respect of the same property, the issue in the Title Suit filed by the respondents herein, will also qualify as a “commercial dispute” and thus can be heard by the Commercial Court along with the petitioners Commercial Suit.*
15. *The Bombay High Court in Technotrde Impex India Pvt. Ltd. Vs State of Maharashtra on 1st Sept, 2021 (2021 SCC OnLine Bom 10497) transferred a Civil Suit to the High Court at Bombay to be heard with Commercial Suit, as the Commercial suit was already pending before the High Court.”*

Accordingly considering that the issue in the present case is similar to the issue in Mani Square Limited (supra), ALP No. 2 of 2026 is hereby allowed, as **Money Suit No.692 of 2023** titled Lakhotia Infra Projects Private Limited vs. JD Steel Corporation & Anr. pending before the City Civil Court, Calcutta also qualifies as a commercial suit and also in view of the fact that the parties in the Money Suit before the City Civil Court and the Commercial suit before the High Court are same, the issue arises out of the same dispute and the parties have monetary claims against each other, which prima facie arises out of business transactions.

In the present case also the respondents will not be prejudiced in any manner whatsoever if the money suit is transferred to the High Court to be heard alongwith the commercial suit CS (Com) 713 of 2024. Accordingly, Money Suit No.692 of 2023 be withdrawn from the file of the learned 7th Bench, City Civil Court, Calcutta and be transferred to the Commercial Division at High Court, Calcutta to be heard alongwith CS (Com) 713 of 2024.

ALP No.2 of 2026 is thus disposed of.

As the affidavits are not called for, all points are kept open.

Let a copy of this order be sent to the Court of Learned 7th Bench, City Civil Court, Calcutta and the learned Registrar, Commercial Division at High Court, Calcutta.

(SHAMPA DUTT (PAUL), J.)