

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS/36/2026

DHARMIK COAL PRIVATE LIMITED
VS
MAITRI VALUATION PRIVATE LTD AND ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 29th June, 2026.

Mr. M. S. Tiwari, Advocate for the plaintiff.

The Court : The plaintiff says that it had purchased a property at Gandhinagar, Gujarat which belonged to Bharat NRE Coke Limited on 28th February, 2019 for valuable consideration by a registered deed. Bharat NRE Coke Limited is facing an insolvency proceeding before the National Company Law Tribunal, Kolkata Bench, Kolkata (in short 'NCLT'). In this suit the plaintiff has asked for declaration of a valuation report dated 26th June, 2023 prepared by Maitri Valuation LLP, the defendant no.1 at the instance of the Liquidator of Bharat NRE Coke Limited appointed by the NCLT in connection with the pending proceedings against Bharat NRE Coke Limited. The plaintiff has also sought for a decree for damages against the defendants *inter alia* for having entered the plaintiff's property purchased from Bharat NRE Coke Limited without its consent in an unauthorised manner to prepare the valuation report

and thereby committing civil wrong due to trespassing in the property.

The defendant no.1 is a company having its registered office at Gandhinagar, Gujarat outside the jurisdiction of this Court. The Valuation report is in respect of a property also situate at Gujarat. The plaintiff did not engage the Valuer nor the valuation report was submitted to the plaintiff at its office at Kolkata by the defendant no. 1. The valuation report challenged by the plaintiff is the subject matter of the pending liquidation proceedings before the NCLT.

In the aforesaid facts and circumstances, this Court finds lack of territorial jurisdiction to receive, try and determine the suit, apart from there being a statutory bar to entertain a suit relating to valuation made by the defendant no.1 pursuant to directions given by the NCLT.

The plaint is, therefore, directed to be returned to the plaintiff for being filed before the appropriate forum in accordance with law.

The plaint has been filed with deficit court fees and as such, there is no question of refund of the court fees. The department is directed to deregister the suit number allotted on the plaint on being filed in the Central Filing Department of this Court upon completion of all formalities to return the plaint so that the same is not shown to be a pending proceeding before this Court.

(ARINDAM MUKHERJEE, J.)