

In the High Court at Calcutta
Commercial Division
Original Side

IA NO. GA-COM/1/2025
In CS-COM/114/2025

RAM SEVAK SHAW AND ANR.
VS
M/S. EASTERN TRACK UDYOG PRIVATE LIMITED

BEFORE:
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : March 12, 2026.

Appearance:

Mr. Chayan Gupta, Adv.
Mr. Sayantan Chatterjee, Adv.
Mr. Anirban Ghosh, Adv.
...for the plaintiffs

Mr. Varun Kothari, Adv.
Mr. Aasish Choudhury, Adv.
Ms. Uma Bagree, Adv.
...for the defendant

The Court: This is an application for revocation of leave granted under **clause 12 of the Letters Patent** filed by the defendant.

The plea taken by the defendant is that there is a forum selection clause agreed by and between the parties and cause of action of the suit is within the jurisdiction of the said agreed forum. Both the parties are also residing and/or carrying on their business within the jurisdiction of the said agreed forum.

On the joint prayer of the parties, the plaint is returned and to be filed before the jurisdictional Court in terms of the forum selection clause agreed by and between the parties by revoking the leave granted under **Clause 12 of the Letters Patent, 1865.**

Consequently, the Court Fees paid by the plaintiff shall also be returned to the plaintiff for using the same.

Since, the Court Fees has already been paid and affixed on the plaint the original plaint, the affixed Court Fees shall be returned to the plaintiff for filing the same before the jurisdictional Court in terms of the forum selection clause in accordance with law.

The entire exercise shall be carried out forthwith and expeditiously including filing of the suit before the jurisdictional Court but positively within **six weeks** from date.

It is made clear that the rival contention of the parties other than the forum selection clause have not been gone into by this Court and this Court has not expressed any opinion on the same and as such those are kept open for the parties to urge before the jurisdictional Civil Court, if they are permitted to do so in law.

On the above terms, this application **IA No. GA-COM/1/2025** stands **disposed of**, without any order as to costs.

Since the plaint is returned, the concerned department shall do the necessary rectification in the suit register and in all other records wherever it is required.

(ANIRUDDHA ROY, J.)

Sbghosh