

In the High Court at Calcutta
Commercial Division
Original Side

Judgment (2)

PRESENT :
THE HON'BLE JUSTICE ANIRUDDHA ROY

IA NO. GA-COM/1/2026
In CS-COM/2/2026

ANDREW YULE AND CO LTD
Vs
AKRITI SALES PRIVATE LIMITED AND ORS

For the plaintiff : **Mr. Rohit Banerjee, Adv.**
Mr. Sudarshan Kumar Agarwal, Adv.
Ms. Anushka Chatterjee, Adv.

For the defendant no. 1 : **Mr. Satadeep Bhattacharyya. Adv.**
Ms. Joyoshree Chakraborty, Adv.
Ms. Jyoti Barai, Adv.

For the defendant nos. 2
and 3 : Ms. Sahana Pal, Adv.

Heard on : **August 4, 2026**

Judgment on : **August 4, 2026**
[In Court]

ANIRUDDHA ROY, J :

1. Mr. Rohit Banerjee, learned advocate appears for the plaintiff.
2. Ms. Jyoti Barai, learned advocate appears for the defendant no.
1/ applicant.

3. Ms. Sahana Pal, learned advocate appears for the defendant nos. 2 and 3.
4. Pursuant to the direction made by this Court dated **July 20, 2026**, the office of the Deputy Sheriff has filed its report dated **July 23, 2026**, the same is taken on record. The record shows that the writ of summons was served upon the defendant no. 2 by post.
5. This is an application filed by the defendant no. 1 praying for extension of time to file written statement in a commercial suit beyond the mandated **30 days** but within the mandated **120 days** from service of writ of summons, as mandated under **Rule 1 to Order VIII of CPC**, as amended.
6. The report of the Office of the Deputy Sheriff, on record, shows that the defendant no. 1 was served with the writ of summons through bailiff on **June 11, 2026**. The master summons has been taken out on **July 10, 2026** and the application has been filed on **July 13, 2026** praying for extension of time to file written statement.
7. The defendant no. 1 has stated the grounds for delay in various sub paragraphs of the supporting affidavit in support of the Master's summons.
8. Right to file written statement by the defendant, unless forbidden by law, is vested right. Under the rigors of the **Commercial Courts Act, 2015** read with amended **Rule 1 to**

Order VIII of CPC, a defendant shall forfeit its right to file written statement, after **120 days** from the date of service of writ of summons. In the event, the defendant does not file its written statement within the mandated first **30 days**, upon showing sufficient cause by the defendant, if the Court is satisfied, the Court at its discretion, upon payment of costs, can allow the defendant to file its written statement but of course not beyond the mandated **120 days**.

9. In the instant case, the application annexing the written statement shows that the application has been filed much before **120 days** from the date of service of writ of summons. The Court finds the causes shown, praying for extension, are just and cogent, for which time can be extended.
10. In view of the above, subject to payment of costs of **Rs.10,000/-**, to be paid in favour of the **Calcutta High Court Legal Services Committee** by the defendant, positively **within a week from date** and upon production of money receipt showing payment of costs before the department, but not later than the next **seven days** from the date of payment of costs, the concerned department shall accept and allow the defendant to file written statement. The written statement shall be taken on record and the suit register shall reflect in accordance with law.
11. A copy of the money receipt shall also be provided to the learned Advocate on Record for the plaintiff.

12. On the above terms, this application **IA No. GA-COM/1/2026** stands **allowed**.

(ANIRUDDHA ROY, J.)

Arsad