

(2026) 07 CAL CK 0124

In the Calcutta High Court, Original Side

Case No : IA NO. GA-COM/8/2025 [Old No. CS/179/2021] In CS-COM/306/2024

Eden Consultancy Services Pvt Ltd

APPELLANT

Vs

Kerala State Electronics Development Corporation Ltd and Ors

RESPONDENT

Date of Decision : 21-07-2026

Acts Referred:

Code of Civil Procedure, 1908 — Order VIII Rule 1

Citation : (2026) 07 CAL CK 0124

Hon'ble Judges : Aniruddha Roy, J.

Bench : Single Bench

Advocate : For the Plaintiff: Mr. Rajarshi Dutta, Adv. (V/C), Mr. Deepak Kumar Jain, Adv., Mr. Sarbajit Mukherjee, Adv.; For the Defendant No.1: Mr. Kushal Chatterjee, Adv., Mr. Subhasish Mitra, Adv., Mr. Shibjit Mitra, Adv., Ms. Triparna Das, Adv.; For the Defendant No. 2: Mr. Debanik Banerjee, Adv., Mr. Steven S. Biswas, Adv., Mr. Huzaifa Shahid, Adv.; For the Defendant No.3: Mr. Abirlal Chakraborti, Adv., Mr. Arijit Mahinder, Adv.

Final Decision : Allowed

Judgement

1. Mr. Rajarshi Dutta, learned Advocate (V/C) being ably assisted by Mr. Sarbajit Mukherjee, learned Advocate with Mr. Deepak Kumar Jain, learned Advocate appears for the plaintiff.

2. Mr. Shibjit Mitra, learned Advocate led by Mr. Kushal Chatterjee, learned Advocate appears for the defendant No. 1.

3. Mr. Arijit Mahinder, learned Advocate led by Mr. Abirlal Chakraborty, learned Advocate appears for the defendant No. 3.

4. None appears for the defendant No. 4.

5. This is an application filed by the defendant No. 2 praying for extension of time to file written statement beyond the mandated 30 days but within the mandated 120 days from the date of service of writ of summons, as mandated under Rule 1 to Order VIII of Code of Civil Procedure, 1908, as amended.

6. Report of the Deputy Sheriff dated March 20, 2026, on record shows that writ of summons was served by speed post with AD upon the defendant No. 2 on May 7, 2025. Master Summons has been taken out on August 18, 2025. The application was filed on August 20, 2025. The mandatory 120 days from the date of service of writ of summons expired on or about September 6, 2025. These facts show that the application has been taken out within the mandated 120 days.

7. Mr. Rajarshi Dutta, learned Advocate appearing for the plaintiff has opposed this application vigorously and vehemently. He refers to the averments made in the application and submits that sufficient cause has not been explained, as it is required to be explained in the eye of law.

8. After considering the submission made on behalf of the parties and on perusal of the materials on record, it appears to this Court that sufficient cause has been explained as to why, the defendant No. 2/applicant was prevented from filing its written statement within the mandated timeframe.

9. Inasmuch as, right to file written statement by the defendant is a vested right unless taken away by any statutory provisions. So long, the application has been made praying for extension with sufficient cause within the mandated 120 days from the date of service of writ of summons, as mandated under Rule 1 to Order VIII of CPC, as amended, this Court is of the view that, if the grounds are found to be sufficient, time can be extended for the ends of justice. The discretion has to be exercised judiciously.

10. For the foregoing reasons, time stands extended for filing written statement till two weeks from date, subject to payment of cost of Rs.30,000/- in favour of the Calcutta High Court Legal Services Committee by the defendant No. 2 within a week from date.

11. Copy of the money receipt shall be served upon learned Advocate on Record for the plaintiff. A copy of the money receipt shall also be provided before the department concerned when the written statement shall be presented. Written statement then shall be accepted by the department and made part of the suit record. The suit register shall also reflect accordingly. Copy of the written statement shall be provided to the plaintiff.

12. Parties jointly pray for procedural directions, to expedite the hearing of the suit.

13. Accordingly, inspection, discovery, admission and denial of the documents shall take place on or before August 20, 2026.

14. Judge's Brief of Documents shall be prepared and filed by the respective parties on or before September 10, 2026.

15. After this exercise is complete, parties shall be at liberty to mention, upon notice to each other, for directing the parties to file their respective evidence on affidavit and for framing of issues.

16. On the above terms, this application IA GA-COM/8/2025 stands allowed.