

Draft Amendments to the High Court at Calcutta Commercial Courts Practice Directions, 2021

HIGH COURT AT CALCUTTA
NOTIFICATION

No. _____ — G - _____, 2025— In exercise of powers conferred by Clauses (2) and (3) of Article 227 of the Constitution of India and Section 18 of the Commercial Courts Act, 2015 (Act No. 4 of 2016), the High Court at Calcutta hereby makes the following amendments to the High Court at Calcutta Commercial Courts Practice Directions, 2021 namely :-

AMENDMENTS

The following Rule 22A shall be inserted after Rule 22 in PART V, Chapter 5 of the High Court at Calcutta Commercial Courts Practice Directions, 2021:

"22A. Forms of Summons.- (1) Unless otherwise ordered, the Writ of Summons to a defendant in a commercial dispute of or above the specified value before the Commercial Division in the High Court, shall be in the Form 01 as specified in Schedule I of this Practice Directions and shall bear the dates of the days on which the plaint is filed and/or presented.

(2) Unless otherwise ordered, the Summons to a defendant in a commercial dispute of or above the specified value before the Commercial Court at the District level, shall be in the Form 02 as specified in Schedule I of this Practice Directions and shall bear the dates of the days on which the plaint is filed and/or presented.

(3) The Forms as specified in the Schedule I shall be considered as the prescribed Forms for the purpose of Rule 17 sub-clause (4) of this Practice Directions."

After PART IX of the High Court at Calcutta Commercial Courts Practice Directions, 2021 the following schedule shall be inserted, namely:

"SCHEDULE I
FORM NO. 01

Suit No. Of 20.....

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
(Commercial Division)

Plaint presented	20
Plaint Filed	20
Writ Issued	20

.....Plaintiff(s)

Vs

.....Defendant(s)

PRESIDENT OF UNION OF INDIA

The defendant(s) is/are required by the Court to file written statement within 30 days from the date of service upon of this Writ.

Writ of Summons for disposal of Suits.

To the defendant(s) named above
GREETING: WHEREAS the plaintiff(s) as named above has/have instituted a suit relating to a commercial dispute against you and you are hereby required to cause an appearance to be entered in the office of the Registrar of this Court within..... days from the date of

service upon you of this summons, exclusive of the day of such service; and you are hereby summoned to file a written statement within 30 (thirty) days of the service of the present summons and in case you fail to file the written statement within the said period of 30 (thirty) days, you shall be allowed to file the written statement on such other day, as may be specified by the Hon'ble Court, for reasons to be recorded in writing and on payment of such costs as the Hon'ble Court deems fit, but which shall not be later than 120 days from the date of service of summons.

You are required to appear before this Court, in person or by an advocate duly instructed, able to answer the Plaintiff's claim and all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions on the day the case is set down for hearing; and you are hereby required to take notice that in default of your causing an appearance to be so entered, the suit will be liable to be heard and determined in your absence.

Witness (the name of the Chief Justice), Chief Justice at Calcutta aforesaid, the..... day of in the year Two Thousand and.....

Attorney/Advocate

Registrar

Address

Note 1.-An appearance in person or through attorney is to be entered in the office of the Registrar of this Court, on its Original Side, within the time limited. In default thereof, the suit will be liable to be heard ex parte.

Note 2.-The written statement called for must be filed within the time limited, the defendant having first entered an appearance. In default thereof, the suit will be liable to be heard ex parte.

Note 3.-This writ shall be served as soon as practicable and shall be returned immediately after service thereof. This writ (unless the time for its return shall have been extended) is returnable by the Sheriff to the office of the Registrar Not later than..... the..... day of next and shall be served Not later than three weeks before the date abovenamed.

FORM NO. 2

IN THE COMMERCIAL COURT AT.....

Suit No. Of 20.....

Plaint presented	20
Plaint Filed	20
Summon Issued	20

.....Plaintiff(s)

Vs

.....Defendant(s)

To

(Name, description and place of residence)

WHEREASthe plaintiff(s) as named above has/have instituted a suit relating to a commercial dispute against you and you are hereby summoned to appear before this Court, in person or by an advocate duly instructed, able to answer the Plaintiff's claim and all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions on the day the case is set down for hearing; in order that, on that day you may inform the Court whether you will or will not contest the claim either in whole or in part and in order that in the event of your deciding to contest the claim either in whole or in part, you shall file a written statement within 30 (thirty) days of the service of the present summons and in case you fail to file the written statement within the said period of 30 (thirty) days, you shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than 120 days from the date of service of summons.

You are required to take notice that in default of your causing an appearance to be so entered, the suit will be liable to be heard and determined in your absence.

Given under my hand and the seal of the Court, this..... day of.....20

Seal.

Judge.

Note 1.-The written statement called for must be filed within the time limited, the defendant(s) having first entered an appearance. In default thereof, the suit will be liable to be heard ex parte.

Note 2.- Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court and on depositing the necessary expenses.

Note 3.-This summon shall be served as soon as practicable and shall be returned immediately after service thereof. This summon (unless the time for its return shall have been extended) is returnable to the office of the Office of the Court not later than..... the..... day of next and shall be served not later than three weeks before the date abovenamed.

Note 4.- If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property, or both.

Note 5.- You are hereby informed that free legal services from the State Legal Services Authority, District Legal Services Authority and Sub-Divisional Legal Services Committee, as per eligibility criteria, are available to you and in case you are eligible and desire to avail of the free legal services, you may contact any of the above Legal Services Authority/Committees.