

OD 14

ORDER SHEET  
APO/346/2015  
WITH  
WPO/698/2009  
IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
ORIGINAL SIDE

M/S. BALMER LAWRIE & CO. LTD.  
VS  
THE CHAIRMAN, HERITAGE COMMITTEE, K.M.C. & ORS.

BEFORE:  
The Hon'ble JUSTICE ARIJIT BANERJEE  
AND  
The Hon'ble JUSTICE APURBA SINHA RAY  
Date: 12<sup>th</sup> June, 2026.

*Appearance:*  
*Ms. Sonal Shah, Adv.*  
*Mr. Kushagra Shah, Adv.*  
*...for the appellant*

*Mr. Biswajit Mukherjee, Adv.*  
*Mr. Gopal Chandra Das, Adv.*  
*Ms. Tanusree Dasgupta, Adv.*  
*...for the K.M. C.*

**Dictated by Arijit Banerjee, J.**

The Court: Read orders dated May 8, 2026 and May 15, 2026.

It would appear from the said orders that various disputes of factual nature are involved in this case. Such disputes cannot be conveniently adjudicated before the Writ Court.

Learned advocate for the appellant today tells us that she has obtained instruction from her client. The appellant will approach the appropriate civil forum with its grievance. However, the time period spent in pursuing the remedy

before this Court i.e. learned Single Judge and the Division Bench, should be excluded for computing the period of limitation in case a suit is instituted.

We dispose of this appeal by granting liberty to the appellant to approach the appropriate civil forum. If any proceeding is instituted before the civil forum, that forum will consider granting benefit of Section 14 of the Limitation Act to the plaintiff as regards the issue of limitation, in accordance with law.

Copies of the written instruction obtained by the learned advocate for the appellant be retained with the records.

APO/346/2015 is, accordingly, disposed of.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)