

THE HIGH COURT OF TRIPURA AGARTALA

WA 38 of 2014

Rose Valley Hotels & Entertainments Ltd.,
a Company, registered under the Companies Act, 1956, having its Registered Head Office at RB/29, Raghunathpur, VIP Road, Kolkata-700059, Regional Office at Mantribari Road, PO-Agartala, PS West Agartala, District-West Tripura, and a Branch Office at Central Road, PO & PS-RK Pur, Sub-Division-Udaipur, District-Gomati, Tripura.

.....Appellant

Versus

1. The State of Tripura,
Represented by the Chief Secretary to the Government of Tripura, in the Revenue Department, having office at New Secretariat complex, Gurkhabasti, PO-Kunjaban, PS-East Agartala, Sub-Division-Agartala, District-West Tripura.

2. The Secretary, Revenue Department,
Government of Tripura, having office at New Secretariat complex, Gurkhabasti, PO-Kunjaban, PS-East Agartala, Sub-Division-Agartala, District-West Tripura.

3. The District Magistrate & Collector, Gomati, Tripura, Government of Tripura, having office at Udaipur, PO & PS RK Pur, Sub-Division – Udaipur, District-Gomati, Tripura.

4. The Sub-Divisional Magistrate, Udaipur,
PO & PS-RK Pur, Sub-Division-Udaipur, District-Gomati, Tripura.

..... Respondents

WA 39 of 2014

Rose Valley Hotels & Entertainments Ltd.,
a Company, registered under the Companies Act, 1956, having its Registered Head Office at RB/29, Raghunathpur, VIP Road, Kolkata-700059, Regional Office at

Mantribari Road, PO-Agartala, PS West Agartala, District-West Tripura, and a Branch Office at Netaji Chowmuhani, PO, PS & Sub-Division-Kumarghat, District-Unakoti.

.....Appellant

Versus

1. The State of Tripura,

Represented by the Chief Secretary to the Government of Tripura, in the Revenue Department, having office at New Secretariat Complex, Gurkhabasti, PO-Kunjaban, PS-East Agartala, Sub-Division-Agartala, District-West Tripura.

2. The Secretary, Revenue Department,

Government of Tripura, having office at New Secretariat complex, Gurkhabasti, PO-Kunjaban, PS-East Agartala, Sub-Division-Agartala, District-West Tripura.

3. The District Magistrate & Collector,

Unakoti, Tripura, Government of Tripura, having office at Kailashahar, PO, PS & Sub-Division-Kailashahar, District-Unakoti, Tripura.

4. The Sub-Divisional Magistrate,

Kumarghat, PO, PS and Sub-Division-Kumarghat, District-Unakoti, Tripura.

..... Respondents

WA 40 of 2014

Rose Valley Hotels & Entertainments Ltd., a Company, registered under the Companies Act, 1956, having its Registered Head Office at RB/29, Raghunathpur, VIP Road, Kolkata-700059, Regional Office at Mantribari Road, PO-Agartala, PS West Agartala, District-West Tripura, and a Branch Office at Belonia, Near Old Motor Stand, PO, PS & Sub-Division-Belonia, District-South Tripura.

.....Appellant

Versus

1. The State of Tripura,

Represented by the Chief Secretary to the Government of Tripura, in the Revenue Department, having office at New Secretariat complex, Gurkhabasti, PO-

Kunjaban, PS-East Agartala, Sub-Division-Agartala, District-West Tripura.

2. The Secretary, Revenue Department, Government of Tripura, having office at New Secretariat complex, Gurkhabasti, PO-Kunjaban, PS-East Agartala, Sub-Division-Agartala, District-West Tripura.

3. The District Magistrate & Collector, South Tripura, Government of Tripura, having office at Belonia, PO, PS & Sub-Division-Belonia, District-South Tripura.

4. The Sub-Divisional Magistrate, Belonia, PO, PS & Sub-Division-Belonia, District-South Tripura.

..... Respondents

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE UB SAHA**

For the appellants	: Mr. Somik Deb, Advocate Mr. S Lodh, Advocate
For the respondents	: Mr. TK Roy, Sr. Advocate Ms AS Lodh, Addl. GA
Date of hearing and delivery of Judgment & Order	: 16.07.2015.
Whether fit for reporting	: No.

JUDGMENT AND ORDER (ORAL)

(Deepak Gupta, CJ)

In view of the judgment which we propose to pass, it is not necessary to give detailed facts of the case.

2. The learned Single Judge, by this Judgment held that the petitioner had an alternative efficacious remedy of filing appeal under Section 3A(9) of the *Tripura Protection of Interests of Depositors (in Financial Establishments) Act, 2000* as amended in 2011.

3. We have not been persuaded by Mr. Somik Deb to take a different view. We, therefore, reject these appeals with liberty reserved to the petitioner to file appeals before the appellate authority. We further direct that if the appeals are filed within 15 days from today the same shall be treated to be within limitation.

4. We further direct the appellate authority to dispose of the appeals, as early as possible, and in any event not later than 31st December, 2015 after giving reasonable opportunity to the appellants as well as the State to put forth their case. Needless to say, the appeal shall be disposed of by a speaking order.

5. In case the parties so desire and approach the appellate authority, the appellate authority shall permit the party to file written submissions and affidavits.

6. In case any party is aggrieved by the order passed by the appellate authority, it can take recourse to legal action in accordance with law.

7. We make it clear that we have not expressed any opinion on the merits of the writ appeal or in fact the points raised in the writ petition because we are relegating the petitioner to his alternative efficacious remedy. Therefore, the petitioner shall be at liberty to raise all points raised in the writ petition before the appellate authority.

8. Accordingly, the matter is disposed of.

JUDGE

CHIEF JUSTICE