

28.08.2020.
Item no. 4.
Court No.13
ap

**W.P. No. 6651 (W) of 2020
With
CAN 5502 of 2020
(Through Video Conference)**

**Haldibari Tea Manufacturers LLP & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Srijib Chakraborty,
Mr. Rohit Agarwal.

...For the petitioners.

Mr. Debabrata Dhar, Id. AGP,
Ms. Paramita Sahu.

...For the State.

Mr. Anindya Lahiri,
Mr. Mayuk Gupta.

...For the respondent no.6.

By consent of the parties, the application being CAN 5502 of 2020 is taken up for hearing by treating it as on day's list.

The petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through Video Conference.

Accordingly, the application being CAN 5502 of 2020 is disposed of.

The petitioners, in substance, seek enforcement of an order dated 24th July, 2020 in Misc. Arbitration Case No. 4 of 2020 passed by the learned District Judge, Darjeeling.

Counsel for the petitioners submits that there is violation of the order by the respondents and he has lodged a complaint with the local police station in this regard.

Counsel for the State submits that the petitioners' complaint before the concerned Police Station has been taken up for investigation and proceedings are pending in this regard.

This Court is of the view that enforcement of an order passed by a Civil Court is not done through the Writ Court. Remedy is available to the petitioners under Order 39 of the Code of Civil Procedure and the provisions of the Arbitration and Conciliation Act, 1996.

It is made clear that this Court has not entered into the merits of the case and has not expressed any opinion in that regard.

Since the respondents have not used any affidavit, the allegations made therein shall not be deemed to have been admitted by them.

Hence, W.P. No. 6651 (W) of 2020 shall stand dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(*Rajasekhar Mantha, J.*)