

WPO 149 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TWO WAY CONTAINER LINES PVT LTD AND ANR
VS
NATIONAL COMPANY LAW TRIBUNAL AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 16th December, 2020.

Appearance:
Mr. Debu Chowdhury, Adv.
...for NCLT.
Mr. Avishek Gupta, Adv.
...for respondent.

The Court : When the matter is being moved by learned Counsel for the petitioner, learned Counsel for the respondent no. 2 submits that the orders of the NCLT, which have been challenged in the present writ petition, are not being implemented any further by the authorities.

Learned Counsel for the petitioner submits that such a stand taken by the respondent no. 2 strengthens the case of the petitioners for taking legal action for malicious prosecution on the part of the respondents. As such, learned Counsel for the petitioner prays for liberty to proceed before an appropriate forum.

It is evident from the submission of the parties that the cause of action for the present writ petition has become academic in view of the respondent

authorities having admittedly desisted from proceeding with the order impugned. As such, the impugned orders have lost force.

Even otherwise, an equally efficacious remedy would have been available to the petitioner before the NCLAT against the order impugned herein.

In the event the petitioner is entitled in law to take legal action against the respondents for malicious prosecution or otherwise, no specific liberty is required from the writ Court, which does not have jurisdiction to take up such other matter and the petitioner can, in any event, take any legal action to which the petitioner is entitled in law.

Thus, WPO 149 of 2020 is disposed of as infructuous on the above observations.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)