

**04.
01.07.2021.
Ct. No. 11.
F.B.**

**MAT 531 of 2021
with
IA No. CAN 1 of 2021**

(Via Video Conference)

**Rilaxon (Cair and Felt Div.) Gujrat Composite Ltd.
-Vs.-
Gobind Chandra Kabi & Ors.**

**Mr. Sujit Kumar Sharma
..... For the Appellants.**

**Mr. Sirsanya Bandyopadhyay,
Mr. Subhendu Sengupta
..... For the State.**

Under challenge in this appeal is the order of the Hon'ble Single Bench dated 23rd of April, 2021 in WPA 8160 of 2021. The Hon'ble Single Bench was pleased to notice in the presence of the Director of the Company concerned, the assessment by the Certificate Officer of the total gratuity dues payable to the writ petitioner.

It is submitted by Mr. Bandyopadhyay, Learned Junior Standing Counsel, that steps are being taken by the concerned State Authority to act in terms of the Certificate issued by the Certificate Officer.

This Court further notices from the judgment and order impugned of the Hon'ble Single Bench that the matter has been kept for further consideration on a

following date at a fixed time. The matter has been treated to be 'Heard-in-part' by the Hon'ble Single Bench as, it was substantially heard.

On behalf of the appellants, Mr. Sharma, Learned Counsel appears and, takes several points which, in the view of this Court, can be taken before the Hon'ble Single Bench at the hearing.

This order impugned has not settled the rights of the parties and, in view of the satisfaction of this Court that there is no judgment and final order eligible to be considered fit for an appeal under Clause 15 of the Letters Patent, the writ petition is returned to the Hon'ble Single Bench for final adjudication on merits.

This Court is today also handed over copies of the Reports filed by the Certificate Officer, Serampore, Hooghly in compliance with its previous direction dated 28th of June, 2021. The reports attempt to show the steps purported to have been taken by the State in terms of the Certificate issued by the Certificate Officer.

It is made clear that the State shall be free to take such steps in accordance with law and report the same to the Hon'ble Single Bench.

Accordingly, **MAT 531 of 2021** along with **CAN 1 of 2021** stand **dismissed**.

Since affidavits are not invited, the allegations made in this appeal are deemed to be denied and disputed.

Before parting with this discussion, it would be important to notice that the concerned Uttara Para Police Station was directed to execute the Warrant of Arrest against the Director of the said Company by the 27th of December, 2019. It is also important to notice that since the Warrant of Arrest was not executed, the Hon'ble Single Bench was constrained to call for in person the Director of the said appellant Company.

Accordingly, let a copy of this order be endorsed to the Commissioner of Police, Chandannagar Commissionerate, for necessary further action.

Documents produced today be retained with the record.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ravi Krishan Kapur, J.) (Subrata Talukdar, J.)