

01.07.2021
Item no.7
Ct. No.34
CHC

C.R.R. No.1905 of 2015
IA NO: CRAN/3/2016 (Old No: CRAN/833/2016)

(Through video Conference)

In Re: An application under Section 401 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-
M/s Kanoria Jute & Industries Ltd.
... petitioner

Mr. Ayan Bhattacharya
...for the opposite party no.2

Earlier order dated 28.06.2021 reflects that Mr. Ayan Bhattacharya, learned advocate appeared for the petitioner the same has been inadvertently inserted over there. Mr. Ayan Bhattacharya, learned advocate is appearing for the opposite party no.2.

None appears for the petitioner.

Mr. Bhattacharya, learned advocate appearing for the opposite party no.2 at the inception submits that the revisional application mainly raises the issue whether the provisions of Section 33(c)(1) of the Industrial Disputes Act, 1947 can be invoked when proceedings under Section 22 of the Sick Industrial Companies (Special Provision) Act, 1985 were pending.

Mr. Bhattacharya, learned advocate draws the attention of this Court to the judgement of the Hon'ble Apex Court in ***Deputy Commercial Tax Officer and others vs. Corromandal Pharmaceuticals and others*** reported in **(1997) 10 Supreme Court Cases 649** as also the judgement delivered by a coordinate Bench of this Court in ***Bengal Immunity Ltd. vs. Mukul Kumar Kar and others*** reported in **2004 (2) L.L.N. 588**.

Learned advocate also draws inspiration from the judgement of the Hon'ble Supreme Court in ***Kusum Ingots & Alloys Ltd. vs. Pennar Peterson Securities Ltd. and others.*** reported in **(2000) 2 Supreme Court Cases 745**.

By filing a list of dates, learned advocate draws attention of this Court to the manner in which the petitioner(s) tried to evade the dues of the opposite party no.2 and to that extent he refers to the order of March 20, 2012 passed by this Hon'ble Court as also the order passed by a coordinate Bench in C.R.R.821 of 2015.

I find that the revisional application being C.R.R.821 of 2015 was disposed of on 29th January, 2016, wherein the same points relating to Section 33(C)(1) of the Industrial Disputes Act, 1947 and Section 22 of the Sick Industrial Companies (Special Provision) Act, 1985 were agitated and the coordinate Bench was pleased to dismiss the said revisional application. The present revisional application relates to similar point, which was agitated before learned Magistrate and the learned Magistrate by passing a reasoned order was pleased to refuse the same.

Having regard to the fact that a coordinate Bench has already decided the issue relying upon the authorities, I find no reason to take an alternative view over the issue.

Accordingly, C.R.R.1905 of 2015 is dismissed. Pending applications, if any, are also disposed of.

Interim order, if any, is hereby vacated.

Learned Magistrate is directed to expedite the progress as the complaint case is pending since the year 2000.

Department is directed to communicate this order to the learned jurisdiction Magistrate within seven days from date.

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

(Tirthankar Ghosh, J.)