

**6.1.2021
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WPA 11145 of 2020

Prasanta Kr. Bhattacharya
Vs.
Union of India & Ors.

Mr. Sagar Bandopadhyay,
Mr. Debashis Karmakar,
Mr. B. Ghosh
... For the Petitioner.
Mr. Y.J. Dastoor,
Mr. Anirban Mitra
... For the U.O.I.
Mr. Phiroze Edulji,
Mr. Samrat Goswami
... For the C.B.I.

Affidavit-of-service filed in court today be kept on the record.

On the prayer of the learned Advocate for the petitioner, leave is granted to file the supplementary affidavit, a copy of which has already been served upon the respondents in advance.

The petitioner claims that pursuant to a notice dated November 23, 2020 under Section 160 of the Cr.P.C. issued by the DSP/CBI/EO-IV/Kolkata directing him to attend the office of the said authority on November 27, 2020, the petitioner duly attended the office and submitted the documents pertaining to the agreement for sale dated May 25, 2012. He further submits that in spite of the fact that the petitioner has complied with the aforesaid notice dated November 23, 2020, the petitioner was asked to make himself present before the said authority on several

subsequent dates. The petitioner claims that he complied with such requests of the authority and submitted the documents as asked by the said authority. The petitioner claims that he is being unnecessarily harassed by the concerned authority in spite of the fact that the petitioner has submitted all the documents in connection with the disputed transactions.

The learned Additional Solicitor General appearing for the respondent Nos. 1 and 2 submits that though the petitioner appeared before the concerned authority but the petitioner has not submitted all the documents in connection with the disputed transactions before the said authority. He submits that further investigations are necessary in connection with the said matter and several other documents are necessary for the purpose of investigation. He further submits that the presence of the petitioner is required to facilitate further investigation of the instant matter. He, however, submits that if the authority feels that the further appearance of the petitioner is necessary, a summons to that effect shall be served upon the petitioner asking him to appear before the concerned authority on a specified date. He further submits that at present he has no instructions about fixing any date by the authority for the appearance of the petitioner.

Since no date has been fixed for the appearance of the petitioner at present, there is no scope to pass any order. WPA 11145 of 2020 is disposed of by observing that the authorities will be at liberty to issue summons upon the petitioner directing him to be present before the said authority in connection with the investigations of the disputed transactions. If such notice is served upon the petitioner, the petitioner shall comply with the same in accordance with law.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on priority basis upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)