

Sl No.31
08.02.2021
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 277 of 2021

**Kohinoor Tea Company Ltd.
-versus-
The State of West Bengal & Ors.**

With

W.P.A. 85 of 2021

**HSS and Sons Ventures Private
Limited
Vs.
The State of West Bengal & Ors.**

Mr. Joy Saha, Sr. Adv.
Mr. Abhishek Guha
Mr. Deborshi Dhar
...for the petitioner

Mr. Hillol Saha Podder
...for the Private Respondents

Mr. Hirak Barman
Ms. Bedashruti Bose
...for the State

Affidavit of service be kept with the record.

Kohinoor Tea Company Limited (hereafter described as the petitioner) has filed the instant writ petition alleging police inaction in the matter of running the business of the said company. It is alleged that the respondent Nos. 7 and 8 being miniscule share holders are interfering with the day to day business of the company. They are agitating the labourers and obstructing tea plantation as well as plucking of tea etc. Series of complaints were made against them by the

company but the police authority failed to take appropriate action against the above named private respondents except alleging a formal FIR No. 223 of 2020 dated 14th October, 2020 under Sections 447/379/506 I.P.C. against them. The Company lastly made a representation before the District Magistrate and higher officers of police authority alleging the fact as to how the business of the company is being hampered. But no appropriate action has been taken by the police authority against the respondent Nos. 7 and 8.

So, is the instant application.

It is contended on behalf of the private respondents that they are practically running the business of tea plantation and they are running the company as directors. They also file counter cases against the petitioner company and its recorded directors. The said criminal case is also pending for investigation. Therefore, at this stage when there is case and counter case, no direction should be given to the police authority in favour of the company or its directors.

Representation of the said respondents is absolutely formal in nature in the instant case because the dispute is absolutely private and the petitioner has sought for a direction upon the said authority for protection of his legal right of carrying on business.

Having heard the learned counsel for the parties and on perusal of the entire material on record, it is ascertained that in the master data, one Keshav Sinha, Shanu Sinha, Vaibhav Sinha and Pratik Shekhar Sinha were named directors as per AGM dated 29th September, 2018 and they are still continuing as directors. No supporting documents have been filed in support of the claim of the respondents as directors of the said company. Therefore, the recorded directors have the legal right to run the business according to the Memorandum of Association of the company. It is alleged that their business is being hampered due to illegal act committed by the respondent Nos. 7 and 8.

Therefore, the instant writ petition is disposed of directing the Superintendent of Police, Alipurduar District and police officers subordinate to him to see that the affairs and business of the company be run lawfully by the recorded directors and no obstruction should be caused by any person including respondent Nos. 7 and 8 in the matter of running the said business.

It is frankly admitted by Mr. Saha, learned senior counsel on behalf of the petitioner company that the directors in their individual capacity has filed W.P.A. No.85 of 2021.

W.P.A. No.85 of 2021 is taken on day's list and be tagged with the instant writ petition.

In view of the order passed in the instant writ petition, no further order needs to be passed in W.P.A. No.85 of 2021.

With this observation W.P.A. No.85 of 2021 is also disposed of on contest, however, without costs.

(Bibek Chaudhuri, J.)