

ORDER SHEET
WPO NO. 11 OF 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

D AND I TAXCON SERVICES PVT. LTD.
Versus
NCLT & ANR.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : 11th February, 2021

Appearance :
Mr. Tapas Dutta,
Mr. Mritunjoy Halder, Advs.,
Adv., for the petitioner.

Mr. Rudra Jyoti Bhattacharya,
Ms. Debjani Ghosal, Advs.,
for the respondent.

The Court : The petitioner has challenged an order of the NCTL (National Company Law Tribunal) whereby the petitioner's application for restoration of a previous application, also for restoration, was dismissed.

However, Section 421(1) of the Companies Act, 2013 specifically stipulates that any person aggrieved by "an order" of the Tribunal may prefer an appeal to the Appellate Tribunal.

In view of availability of such equally efficacious alternative remedy, WPO 11 of 2021 is dismissed as not maintainable, with liberty to the petitioner to approach the appropriate appellate forum for ventilating its grievance.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

S.Das
AR[CR]