

08.07.2022
Court No. 19
Item no.80
CP

W.P.A. No. 11048 of 2022

M/s Contai Bus Syndicate Private Limited & ors.
Vs.
The State of West Bengal & ors.

Mr. Amal Baran Chatterjee, Sr. Advocate
Mr. Arun Pahari
Mr. Biswanath Samanta
...for the petitioners.

Mr. Debasish Ghosh
Mr. Ratul Das
...for the State.

Mr. Biswajit Manna
...for the respondent nos. 13 & 14.

Mr. Kallal Mandol
Mr. Ramesh Dhara
....for the intervenor (Sujan Dutta).

Mr. Krishan Ray
...for the respondent no. 12.

Mr. N.C. Bihani
Mr. Soumyajit Ghosh
...for the respondent no. 5.

The writ petition has been filed for a direction upon the police authorities to take cognizance of the complaints filed by the petitioners. The allegation is that the respondent no. 4, i.e., the Officer-in-Charge, Digha Police Station had failed and neglected to register an FIR on the basis of the complaints lodged by the petitioners. The police authorities have filed a report. It appears that on the complaint filed by the

petitioners Digha PS Case No. 60/22, dated June 22, 2022, under Sections 448/467/468/471/472/420/379/120B of the Indian Penal Code, has been started. The investigation is in progress. Witnesses have been examined. The FIR named accused persons were summoned under Section 41A of the Cr.P.C.

Mr. Chatterjee, learned senior advocate appearing for the petitioners, submits that the allegation of forgery against the respondent nos. 7 to 14 who had fabricated documents in order to usurp the directorship and the business of Mr. Chatterjee's client, should be investigated into by the police authorities. Hence, it is urged that the police authorities be directed to expedite the investigation and reach the same to its logical conclusion.

It is submitted by the respective learned advocates for the respondent nos. 7 to 14 that the dispute, if at all, is with regard to the functioning of a company and the hotel. The National Company Law Tribunal is in seisin of the matter

The petitioners have already approached the National Company Law Tribunal and an order of status quo has been passed, meaning thereby, that the respondent nos. 7 to 14 shall continue to run the company and the hotel.

Mr. Chatterjee submits that the respondent nos. 7 to 14 had illegally assumed the control on the basis of forged documents and this angle should be looked into by the police, during the investigation.

Mr. Bihani, learned advocate, submits on behalf of the respondent no. 5, i.e. the Executive Officer, Digha-Shankarpur Development Authority, that the allegation against the then Chief Executive Officer is completely false and frivolous. According to him, the petitioner had tried to make out a third case by involving the then Chief Executive Officer who had given permission for transfer on the basis of the records.

Heard the parties. As of now, the petitioners have not been favoured with any order of the NCLT. Rather a status quo has been granted and it is an admitted position that the respondent nos. 7 to 14 are now in control.

It goes without saying, that the authorities who may be able to give relevant information to the police, must cooperate.

The investigation must be completed preferably within a period of four months from the date of communication of this order.

This court has not expressed any opinion either on the correctness of the allegations or on the culpability of the respondents Nos. 7 to 14. This

order will be subject to any other order that may be passed by a competent court with regard to the investigation in progress. The respondents Nos. 7 to 14 shall be entitled to take such steps, as permissible in law.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)