

21.02.2022.
Court No.13
Item No. 24
ap

W.P.A. No. 15310 of 2021
(Through Video Conference)
G.K. Investments Limited & Ors.
Versus
The State of West Bengal & Ors.

Mr. Milon Mukherjee, Id. Sr. Advocate,
Mr. Sourav Chatterjee,
Mr. Meghajit Mukherjee.

...For the petitioners.

Mr. Raja Saha,
Ms. Amrita Panja Mallick.

..For the State.

The writ petitioners are aggrieved by non-consideration of their complaint dated 29th January, 2021 made to the Director of Economic Offences, West Bengal.

The writ petitioners claim that investment to the tune of Rs.10 crores and odd had been made at the instance and request of the private respondent at Mumbai and sums of money never returned.

Counsel for the State has not only raised the question of territorial jurisdiction but also submitted that no part of the cause of action arose within the territorial jurisdiction of this Court since the private respondent is located in Mumbai. It is next submitted that even assuming for the sake of argument that the writ petition is entertained, the economic affairs office does not entertain the complaint of this nature. It is also submitted that the West Bengal Protection of Interest of Depositors in Financial Establishment Act,

2013 does not cover cases like that of the petitioners. It is also submitted that the contract between the petitioners and the private respondent is civil in nature and has no public element involved whatsoever.

This Court is inclined to accept the submission of the Counsel for the State that the disputes of the petitioners and the private respondent is purely civil in nature and no public element is involved. The economic offence wing of the State shall, however, not be prevented from enquiring into the matter if it so deems fit in accordance with law.

The petitioners shall be at liberty to pursue their remedies under the Code of Criminal Procedure in accordance with law.

With the aforesaid observations, the writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)