

MAT 1461 of 2019
with
IA No. CAN 1 of 2019 (Old No. CAN 11006 of 2019)

**(M/s. A. N. Enterprise & Anr. Vs. The
State of West Bengal & Ors.)**

Mr. Sanjib Kumar Mukhopadhyay
..... For the appellants

Mr. T. M. Siddiqui
Mr. Ram Chandra Guchhait
..... For the State

Mr. Mangal Singh
..... For the respondent
nos. 19, 20 & 21

The present appeal has been preferred challenging an order dated 23rd September, 2019 passed in the writ petition, being W.P. No. 6876 (W) of 2018.

Mr. Mukhopadhyay, learned advocate appearing for the appellants submits that the retailers were withholding the appellants' dues. The competent authorities directed the retailers to refund such amount to the appellants, as would be explicit from the memoranda annexed at pages 142 to 144 of the stay application. However, such directions were not complied with. In the backdrop of such admitted facts, the learned Judge ought to have issued necessary direction towards recovery of the legitimate dues of the appellants.

Answering our query, Mr. Mukhopadhyay submits that claiming the dues from the retailers, the appellants herein had already filed several civil suits before the competent forum and the same are still pending.

Mr. Siddiqui, learned advocate appearing for the State submits that the grievance of the appellants was as regards

non-payment of dues by the retailers and as such, the learned Judge rightly did not interfere in such private dispute amongst the appellants and the retailers.

Mr. Singh, learned advocate appearing for the respondent nos. 19, 20 and 21, being the secured creditor and its functionaries submits that approximately an amount of Rs.3 crores is still due and payable by the appellants and for realization of the same, appropriate steps have already been taken under the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that the appellants' grievance was appropriately dealt with by the learned Judge. Upon considering the facts, the learned Judge observed that if there are dues receivable from the private parties, the appellants ought to have approached the competent Civil Court to realize their claim. Several civil suits have already been filed by the appellants herein against the retailers and the same are still pending. The order impugned in the appeal is a reasoned one and we do not find any infirmity in the same.

Accordingly, the appeal being MAT 1461 of 2019 and the connected application being CAN 1 of 2019, are dismissed.

There shall, however, be no order as to costs.

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

(Rai Chattopadhyay, J.)

(Tapabrata Chakraborty, J.)