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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/123/2013
IA NO. GA/1/2013 (OLD NO. GA/794/2013)
M/s. KALPANA INDUSTRIES LTD. AND ANR.
VS.
UNION OF INDIA & ORS.

BEFORE :
THE HON'BLE JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : AUGUST 12, 2022.

The Court : This intra-Court appeal is directed against the order dated 21st February, 2013 in WP 70 of 2013.

The appellant Kalpana Industries Limited and its Managing Director had filed the writ petition praying for issuance of Writ of Mandamus to prevent the respondent from interfering with the business activities of the appellant under the guise of conducting an investigation or enquiry and to restrain the respondent from obtaining any statement from their employees under duress, threat and coercion beyond office hours without disclosing the reasons. The learned Writ Court was of the opinion that at the stage of investigation, Article 226 Jurisdiction cannot be mis-utilised or misused for the purposes of preventing a statutory investigation that too when more than Rs.50 crore are involved. For such reason, the writ petition stood dismissed.

The appeal was filed on 6th March, 2013. From the order sheet we find that the appeal has been adjourned periodically granting liberty to the parties to file their affidavits.

Considering the efflux of time we are of the view that the relief sought for in this appeal has become infructuous.

Accordingly, appeal stands disposed of making it clear that it would be open to the appellant to raise all contentions available to them under law, as well as on facts before the appropriate forum, if and when, a need arises to do so.

(T.S. SIVAGNANAM, J.)

(HIRANMAY BHATTACHARYYA, J.)