

14.07.2023
Item No.12
gd/ssd

WPA/15032/2023
BJD ENGINEERS INDIA PVT. LTD.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Suddhasatwa Banerjee,
Mr. D. Paul,
Mr. Karan Bapuli
..for the Petitioner.

Ms. Ipsita Banerjee
..for the State.

This is an application under Article 226 of the Constitution of India, inter alia, praying for direction upon the respondent authorities, especially the respondent nos.2 to 6 to render police protection for protecting the property of the petitioner company and the lives of the petitioner's men at the three sites mentioned in the writ petition.

Learned counsel appearing on behalf of the petitioner submits as follows. On 16.06.2022 the National Company Law Tribunal, Kolkata Bench in IA (IB) No.64/KB/2022 in C.P. (IB) No.2050/KB/2019, was pleased to allow the resolution plan submitted at the behest of the petitioner. Consequently, the petitioner acquired a particular company. Apprehending obstruction from anti-social elements of the locality wherein the acquired company's assets were kept. The petitioner sent a representation addressed to the police authorities on 09.03.2023. On 03.04.2023

the petitioner sent another representation in this regard and again on 14.04.2023. The petitioner's prime contention is that police protection may be given so as to enable the petitioner to procure the assets of the acquired company lying in their respective jurisdiction. The petitioner is willing to incur the cost that might have to be incurred.

Learned counsel appearing on behalf of the State submits as follows. There was no direction of the learned Company Law Tribunal to give police protection for any purpose. It appears that the petitioner has made an innocuous prayer for police assistance in removing the assets and properties lying at three sites within the jurisdiction of the particular Commissionerate in apprehension of obstruction from the local miscreants.

I have heard the submissions of the learned advocates on behalf of the respective parties and have perused the writ petition.

The petitioner has expressed concern about the disturbance which are being created and could be created by the local miscreants if they tried to retrieve their assets from the three sites in question.

However, it is also true that it is not the duty of the police personnel to run business activities of private companies merely on the payment of certain sums of money.

In the circumstances and in the interest of justice, I pass the following directions:

- (i) The petitioner shall intimate the local police authority about the date and time when they would go to a particular site/s to retrieve their assets and properties and upon such information the local police station shall send RT vehicle along with some police personnel at the site to see that no untoward incident takes place.
- (ii) The respondent authorities shall overall maintain a strict vigil at the locale and see that no breach of peace takes place.

With these observations, the writ petition stands disposed of.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(JAY SENGUPTA, J.)