

27.07.2023
PB
Sl. No.13.

WPA 16662 of 2023

Gopal Dutta
Vs
State of West Bengal & Ors.

Mr. Avra Mazumder,
Mr. Suman Bhowmik,
Mr. Samrat Das,
Mr. Prasenjit De.
... For the Petitioner.

Mr. A. Ray,
Mr. T. M. Siddiqui,
Mr. S. Sanyal.
.....for the State.

Mr. K. K. Maiti,
Mr. Tapan Bhanja.
.....for the CGST authority.

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition challenging the impugned order of summons dated 4th July, 2023 signed by the authority concerned on 6th July, 2023, by which petitioner was asked to comply the said summons by personal appearance on 10th July, 2023 and this writ petition was filed on 14th July, 2023, which is after the date of expiry to give response to the said summons. Petitioner further alleges that on 5th July, 2023 petitioner was detained illegally, he was picked up near Navina Cinema and detained for more than 24 hours and was forced to sign on incorrect

statement and against the aforesaid grievance, petitioner has lodged a complaint before the Deputy Commissioner on 7th July, 2023 being Annexure P-2 to the writ petition.

So far as the aforesaid summons is concerned, I am of the view that the aforesaid summons has lost its force and question of interference does not arise in this case. So far as the aforesaid allegation of illegal detention and forcing the petitioner to sign on incorrect statement is concerned, since the petitioner has already lodged the complaint on 7th July, 2023 before the Deputy Commissioner on the basis of the aforesaid complaint the Deputy Commissioner concerned shall hold an enquiry for the verification of the allegation of the petitioner and if it is found that the allegations are correct in that event he will take appropriate action against the officers of the CGST authority concerned in accordance with law. In course of holding enquiry on the basis of the aforesaid complaint for the purpose of verification of the allegation if the presence of petitioner is required, petitioner shall cooperate.

With this observation and direction, this writ petition being WPA 16662 of 2023 is disposed of.

(Md. Nizamuddin, J.)

