

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 19636 of 2023

with

C.A.N. 1 of 2023

with

C.A.N. 2 of 2023

M/s. Tescon & Anr.

Vs.

The Punjab National Bank & Ors.

Mr. Sagarmay Ghosh,
Mr. Shobhantanu Bhattacharyya
.... for the petitioners

Mr. Shashwat Nayak,
Mr. Debasish Chakraborty
....for the respondent nos. 1 to 3

1. Learned counsel appearing for the petitioners submits that the petitioners are aggrieved by the issuance of notice by the respondent-bank despite the pendency of a suit before the competent civil court at the behest of the petitioners. It is argued that the petitioners have approached the concerned commercial court.

2. However, it is pointed out by learned counsel for the Bank that the injunction application of the petitioners has been dismissed by the commercial court against which an appeal is apparently pending before this Court.

3. Considering the nature of the dispute, the same is already sub judice in the suit filed by the petitioners before the commercial court as well as the original application filed by the Bank before the appropriate tribunal.

4. Hence, the grievance of the petitioners can only be canvassed and adjudicated before the said authorities and not before a writ court.

5. Hence, the court chooses not to interfere in the writ petition.

6. Accordingly, W.P.A. No. 19636 of 2023 along with C.A.N. 1 of 2023 and C.A.N. 2 of 2023 are disposed of with liberty to the petitioners to ventilate its grievances before the competent courts/tribunal.

7. There will be no order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)