

05.07.2023
Item No.13
gd/ssd

MAT/1641/2022
IA NO: CAN/1/2023
MPS GREENERY DEVELOPERS LTD. AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Swatarup Banerjee,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury
..for the Appellants.

Mr. Amitesh Banerjee,
Mr. Tarak Karan
..for the State.

Mr. Prasanta Kumar Dutt,
Mr. Susanta Kumar Dutt,
Mr. Syamantak Banerjee
..for the Respondent No.5.

Mr. Subhasis Chakraborty,
Mr. Arindam Das,
Ms. Sushmita Kumari Singh,
Ms. Namrata Chakraborty
..for the Respondent No.6.

1. This intra court appeal at the instance of the writ petitioners is directed against the order dated 1st September, 2022 in WPA 3832 of 2020. The writ petition was dismissed by the said order.

2. The learned advocate appearing for the appellants submits that the appellants do not seek for any interference with the order passed by the learned writ court with regard to the investigation by CBI or the arrest or detention of the Managing Director of the appellant company and the appellants are only aggrieved by the finding recorded by the learned Single

Bench in paragraph 14 of the impugned order holding that the first appellant company is a chit fund company.

3. It is the submission of the learned advocate for the appellants that this finding will affect the case of the appellants in another writ petition being WPA 27927 of 2012 which is pending wherein certain reliefs have been sought for against SEBI.

4. In our view, if the appellants require a clarification or review of the order on facts, then the appropriate remedy for the appellants is to approach the learned Single Bench and not to file an intra court appeal.

5. The learned advocate appearing for the appellants further submits that one of the prayers sought for in the writ petition is for supply of documents, papers etc. which prayer was not considered by the learned writ court.

6. We find from the impugned order that necessary submissions appears to have not been made by the appellants before the learned writ court though it is the submission of the learned advocate that such a prayer was addressed before the learned writ court. In any event, if such was a case of the appellants, then the only remedy available to the appellants is to file a review before the learned writ court. Therefore, in so far as the grievance of the appellants in respect of the

observations/finding recorded in paragraph 14 of the impugned order, we give liberty to the appellants to seek for appropriate clarification from the learned writ court, if so advised.

7. In the event the appellants file any application for clarification, the learned Single Bench is requested to consider that application without reference to limitation.

8. With the above observations, the appeal stands disposed of.

9. Affidavit of service is kept on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)