

28.11.2023
Item No.5
Ct. No.1
PG/KS

W.P.A.(P) 561 of 2023
Aloke Kumar Kundu & Ors.
Vs.
Union of India & Ors.

Mr. Rahul Chakraborty
Ms. Soumili Datta
Mr. Soumya Nag
.....For the Petitioner
Mr. Amitesh Banerjee
Ms. Noelle Banerjee
.....For the State
Ms. Anamika Pandey
Mr. Anish Kumar Mukherjee
.....For the Union of India

1. By this public interest litigation, the petitioners have raised serious complaints about the various schemes, which have been floated/promoted by the private respondents.
2. The aggrieved persons have submitted various complaints to the police authorities but till date, it appears that those complaints have not been taken on file and have not been inquired or investigated into.
3. The learned advocate appearing for the petitioners has drawn our attention to one such complaint given to the Officer-in-Charge of Kasba Police Station on 9th January, 2023, where the name of the complainant is Barun Samadder.

There are bunch of similar complaints given to the police authorities. Apart from that, the petitioners have submitted representation before all the official respondents in this writ petition and the same has been received by the official respondents on 3rd October, 2023. However, till date, action appears to have not been taken.

4. Since the writ petition is disposed of without calling for affidavit, the merits of the allegations, which have been made in those complaint are not gone into.
5. The learned advocate appearing for the petitioners submitted that the Director of Economic Offences has to examine the complaint and take appropriate action. However, as rightly pointed out by the learned Senior Government Pleader, until and unless the jurisdictional police makes a reference stating that the matter concerns on Ponzi Scheme, the Director of Economic Offences cannot take action.
6. In the light of the above, we dispose of this writ petition by directing the petitioners to submit a comprehensive representation before the concerned jurisdictional police, which will be one or more and if the complaint is submitted, the concerned jurisdictional police is directed to inquire into the complaint and if it is found that

the complaint relates to a Ponzi Scheme, appropriate order of reference be made by the concerned police to the appropriate authority. In order to comply with this direction, the petitioners are directed to enclose a copy of this order along with the copy of the representation directed to be given to the concerned police.

7. No costs.

8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)