

23.11.2023
Serial no. 283
[G.S.D]

CRR 4269 of 2023

**In the matter of : M/s Nishanta Environmental
Technology Company Limited**

... .. Petitioner

MR. AYAN BHATTACHARJEE

Mr. K. Banerjee
Mr. Shounak Mondal
Mr. Suman Majumder

... PETITIONER

Mr. Bhattacharjee, Id. advocate for the petitioner strenuously argues regarding the continuance of Complaint Case No. 586 of 2014 (TR No. 511 of 2014) pending before the Id. JM, 1st Court, Sealdah under Sections 138/141 of the N.I.Act.

Ld. advocate for the petitioner submits that the complainant had no authority to claim any dues and, as such, file a case under Section 138 of the N.I. Act and it has been the findings of the Estate Officer of the Board of Trustees of the Board of Kolkata that the complainant did not have any authority to let out any portion of the godown.

Ld. advocate has stressed on the issue relating to the authority of the legally enforceable debt or liability as it has been envisaged under the provisions of the NI Act.

Ld. advocate submits that in view of the findings of the Estate Officer, the contract entered into between the parties have become redundant and consequently there should be no interference by this Court so far as the continuance of the same is concerned.

I have considered the submissions of the Id. advocate and I find that the proceedings were initiated in the year 2014. The order of the Estate Officer was passed in the year 2018. The contract which has been entered into between the complainant and the accused persons are to be decided on the anvil of its authenticity in course of evidence. Thereafter, the Estate Officer's order will be considered whether it has any binding effect. It is then only interpretation of legally enforceable debt or liability would arise.

Having regard to the observations made above, I am of the opinion, that at this stage, as both question of facts and law are involved, this Court summarily cannot come to a conclusion regarding the continuance of the proceedings pending before the Id. JM, 1st Court, Sealdah.

Accordingly, no interference is made in the revisional application.

With the aforesaid observations, CRR 4269 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)