

WPA 1009 of 2024

Kanchan Kumar Dhara & anr.
-vs-
The State of W.B. & ors.

Mr. Anirban Majumder
Ms. Piu Karmakar

...for the petitioners

Mr. Abhrajit Mitra
Mr. Siddhartha Chatterjee
Mr. Rishov Das

....for the respondent nos. 14,15

Ms. Soni Ojha

...for the respondent no.10

Mr. Sourav Chatterjee
Mr. Biswajib Ghosh
Mr. Sumitava Chakraborty

..for the respondent nos. 16 and 17

Mr. Sabyasachi Banerjee
Mr. Avirup Chatterjee

...for the respondent no.13

Mr. Tanoy Chakraborty
Mr. Saptak Sanyal

...for the State

Learned counsel appearing on behalf of the petitioners submits as follows. The order passed by the NCLT has not been implemented by the police. By an order dated 02.08.2023, the NCLT, *inter alia*, directed the Investigating Agency to file a report into the complaint made by the petitioners on 27.06.2023 to be furnished along with a report of verification of the signatures that appeared at the purported Board Resolution dated 05.06.2023 comparing

the same with the original at pages 74, 77, 115, 116, etc. of the petitioner or any other document, through the Questioned Document Examination Bureau (QDEB) Department, within four weeks clearly indicating whether the alleged forged signature (on the minutes) and original signature (in the complaint) were of one and the same person. Yet, till date the report has not been submitted. The police authorities are hand in gloves with the accused.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The Investigating Agency is ready with the report, which will be filed on the date the NCLT takes up the matter. However, during investigation the petitioners could not produce the original documents. Raids were held at the premises of the hospital, but such document could not be found.

Learned senior counsel representing the respondent nos. 14 and 15 denies the allegations and submits that appropriate relief can be sought before the NCLT itself.

Learned counsel appearing on behalf of the respondent no.13 adopts the submissions advanced on behalf of the respondent nos. 14 and 15.

Learned counsel appearing on behalf of the respondent no.10 adopts the stand taken by the respondent nos. 14 and 15.

Learned counsel appearing on behalf of the respondent nos. 16 and 17 also denies the allegations and submits that the NCLT is in seisin of the matter and the writ petition is

not maintainable.

At this stage, learned counsel appearing on behalf of the petitioners submits that the Investigating Officer quite carefully did not hold any raid at the office of the private respondents.

It appears that the State is ready with the report in question. Whether the same is a satisfactory one or not is to be decided by the NCLT.

Let the State file the report positively on the next date of hearing before the NCLT.

No further order need be passed.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)