

D/L- 48
22/05/2025
Ct. No.-6
Aritra

C.O. 643 of 2025

**Apal Dasgupta
Vs.
Gulshan Kumar Khanuja & Anr.**

Mr. Ranjit Kumar Roy
Ms. Roshni Ghosh

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the opposite party in a proceeding under the Provincial Insolvency Act and is directed against an order dated November 27, 2024 passed by the learned Additional District Judge, 3rd Court at Alipore.

The learned advocate appearing for the petitioner submits that by virtue of Section 243 of the Insolvency and Bankruptcy Code, 2016 the Provincial Insolvency Act, 1920 have been repealed.

On a query of this Court, the learned advocate appearing for the petitioner submits that petitioners had entered appearance in the Insolvency Case No.151 of 2024 but the petitioner is aggrieved as the next date has been fixed sometimes in the month of September, 2025. The learned advocate submits that since the question of jurisdiction has been raised, the same has to be decided promptly.

This Court is of the considered view that an opportunity should be given to the petitioner to

approach the learned Additional District Judge, 3rd Court at Alipore to file an application raising an objection as to the maintainability of the insolvency case. If such an application is filed on or before June 13, 2025, the learned Additional District Judge, 3rd Court at Alipore shall fix a short date for hearing of such application and make an endeavour to dispose of the same as expeditiously as possible after giving a reasonable opportunity of hearing to the respective parties.

The learned Additional District Judge, 3rd Court at Alipore is requested to keep in mind that the petitioner, who is a retired person, is being deprived from enjoying the retirement benefit by virtue of the impugned order.

With the above observations CO 643 of 2025 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)