

30.04.2025.
Item No. 15.
Court No. 13
ap

F.M.A. No. 604 of 2025
With
I.A. No. CAN 1 of 2025

Sri Sunil Naiya & Ors.
Versus
State of West Bengal & Ors.

Mr. Shamik Chatterjee,
Mr. Amit Bikram Mahata,
Mr. Aditya Bikram Mahata,
Mr. Sahil Kabir,
Mr. Hari Krishna Pramanick.

...For the appellants.

Mr. K. J. Yusuf,
Mr. Parikshit Goswami.

...For the State.

Mr. Arnab Ray.

...For the respondent nos.6, 7 & 8.

Mr. Ayan Bhattacharjee, ld. Sr. Advocate,
Mr. Aniruddha Bhattacharyya.

...For the respondent no.14.

1. The instant appeal is directed against the order dated 7th February, 2025 passed by the learned Single Judge of this Court in W.P.A. No. 2178 of 2024.

2. It appears that the appellants want immediate withdrawal of their deposits named with the Langalberia Anchal SKUS Limited.

3. Admittedly, FIR No. 901 of 2023 dated 29.08.2023 was originally registered with the Sonarpur Police Station. The investigation into said FIR has transferred to the CID, West Bengal.

4. Mr. Ayan Bhattacharjee, learned Senior Advocate appearing on behalf of the CID, West Bengal submits that it was already informed to the learned Single Judge that CID, West Bengal was waiting for

the Forensic Audit of the Account of SKUS for filing its charge-sheet. Their investigation has been proceeded substantially but for the aforesaid Forensic Audit Report.

5. It is now well-settled that an individual depositor cannot claim any preferential right to withdraw his deposits in the backdrop of an allegation of financial defalcation to the extent of Rs.9 Crores at the concerned SKUS.

6. The appellants have to wait until the entire volume of defalcation of funds is recovered.

7. The funds lying with the Special Officer to the extent of Rs.24 lakhs can at best be paid proportionately to all the depositors without preference being given to any particular individual depositor. The Special Officers may do so if they so choose.

8. The Forensic Auditors of the concerned SKUS are directed to submit their report as expeditiously as possible, preferably within a period of one month from the date of receipt of this order, to the CID, West Bengal.

9. This Court finds no reason to interfere with the impugned order dated 7th February, 2025.

10. With the aforesaid observations, F.M.A. No. 604 of 2025 shall stand disposed of.

11. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)