

11.04.2025
Item No.11
Ct. No. 30
Aloke

WPA 7685 of 2025

**The Statesman Ltd.
Vs
The State of West Bengal & Ors.**

Mr. Phiroze Edulji, Id. Sr. Adv.
Ms. Amrita Pandey
Mr. Ghanshyam Pandey
Ms. Sneha Singh
Ms. Priyanka Bhattacharya
... for the petitioner

Mr. Nilotpal Chatterjee
Ms. Ashmita Chakraborty
... for the State

Mr. Anirban Kar
Mr. Munshi Ashiq Elahi
Ms. Snigdha Das
Mr. Rohit Mahato
Ms. Khusnuma Akhtar Ansari
... for the respondent no. 5

Ms. Sremoyee Mitra
... for the Canara Bank

The present writ application has been preferred against orders dated 01.04.2022, passed by the Controlling Authority and the orders dated 05.02.2025 and 28.02.2025 in Certificate Case No. 97/Misc/2022 passed by the Certificate Officer, being respondent no. 3.

The petitioner has further prayed for de-freezing and /or unmark lien the current account number 95111010009669 in the name of The Statesman Limited maintained with the Canara Bank branch, Esplanade and HDFC bank Ltd. Account No. 13038730000072 and has further prayed for remanding the matter back to the Controlling

Authority appointed under the Central Government for fresh adjudication and other reliefs.

Mr. Phorize Edulji, learned senior counsel submits that if the account is de-frozen, it will enable the petitioner to make payment to the private respondents in the present case, in compliance to the order of the Controlling Authority.

It appears from the supplementary affidavit filed by the petitioner that an order dated 05.02.2025 has been passed in case no. 99/Misc./2022 by the Certificate Officer, South 24 Parganas, vide which the petitioner's bank account has been frozen.

Vide a letter dated 28.02.2025 issued by the Certificate Officer, the account of the petitioner has been frozen.

In case no. 97/Misc./2022 the Certificate Officer vide an order dated 28.02.2025 has passed the following order :

“It transpires from the order dated 05.02.2025 that the concerned Certificate Debtor Company was directed to make payment amounting Rs.4,95,025/- to Sri Abdul Barik, Certificate Holder within 10 days.

*As per postal transaction report, it reveals that the Certificate Debtor Company has received the order on 12/02/2025. But still the company has not shown any intention to pay the dues of their labours/employees. Under these circumstances, **it is hereby ordered to attach the bank account of Certificate Debtor Company “The***

Statesman”. Concerned Bank Manager (Name of the Bank, Account Number, Address is mentioned in the margin) is directed to stop all outward transaction and send a report to this court within 10 days from the date of receipt of this order regarding the balances of the account positively for taking further action to pay the dues of Certificate beneficiary. This order be communicated to the bank and postal transaction report to be maintained.”

Similar order has been passed in case no. 05/Misc. of 2023, 07/Misc. of 2023, 03/Misc. of 2023, 06/Misc. of 2023.

The Officer-in-Charge of the certificate section in March, 2025 has written to the respective banks to freeze the said accounts.

The order of a Certificate Officer which has been challenged in the present case is **an appealable order**. The appellate authority herein being the District Magistrate. The petitioner without preferring an appeal has approached the High Court.

Considering the nature of relief prayed for and the order of the Controlling Authority which has been challenged, the writ application on hearing the parties is disposed of with liberty granted to the petitioner herein to approach the appellate authority by filing an appeal with liberty also to pray for relief as prayed for in this writ application. The appellate authority shall then dispose of the appeal on hearing

the parties in accordance with law within a period of 30 days from the date of filing of the appeal.

WPA 7685 of 2025 is accordingly disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)