

D/L- 19
18/08/2025
Ct. No.-6
Aritra

C.O. 2963 of 2025

**Dr. Sudipa Chakraborty
Vs.
Biotech Foundation & Ors.**

Mr. Gopal Chandra Ghosh, Sr. Adv.
Mr. Rajkrishna Mondal
Ms. Sunandana Saha
Mr. N.K. Karmakar

...for the petitioner

Mr. Arnab Roy
Mr. Satyam Mukherjee
Mr. Punendu Shekhar Ghosh

....for the opposite parties

By the order impugned the learned Additional District Judge, 1st Court at Barrackpore passed an ad interim order of injunction restraining the petitioner herein from functioning as Principal of the Institute of Genetic Engineering and not to cause any disturbance or hindrance to the smooth running of the educational and cultural work of the institution till August 4, 2025.

Mr. Ghosh, learned senior advocate appearing for the petitioner submits that on August 4, 2025 the petitioner entered appearance in the miscellaneous appeal but no effective hearing took place on that date as the local Bar Association took a resolution. He however submits that the ad interim order of injunction was extended till the next date. Mr. Ghosh further submits that the learned judge of the Appellate Court without considering the tests for grant of ad interim order of

injunction passed such an order of injunction. Mr. Ghosh further submits that the service of the petitioner was terminated at a meeting called by persons who are not authorised to call such meeting. He further submits that it is the petitioner who is only authorised as per the trust deed to convene a meeting of the institute.

However, after considering the submissions of the learned advocates for the respective parties and considering the fact that an ad interim order was passed, this Court is of the considered view that the interest of justice would be sub-served if the petitioner is granted an opportunity to file an application for vacating the interim order as it has been submitted by Mr. Ghosh, learned senior advocate that an ad interim order could not have been passed on the basis of the materials placed before the learned judge of the First Appellate Court and such an ad interim order of injunction was obtained by suppressing material facts.

In view thereof, CO 2963 of 2025 stands disposed of by giving liberty to the petitioner herein to file an appropriate application for vacating the interim order within a period of one week from the date of receipt of a server copy of this order. If such an application is filed the learned Additional District Judge, 1st Court at Barrackpore is requested to take up the hearing of such application on the next date fixed and to make an endeavour to dispose of the as expeditiously as possible

without granting any unnecessary adjournments to either of the parties. The opposite party will be at liberty to file an objection to such application if so advised.

It is however, made clear that this Court has not gone into the merits of the claims and counter-claims of the respective parties in the civil revision application and all points are left open to be considered by the learned judge of the Appellate Court while deciding such application.

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.)