

D/L 6
11.02.2025
Kausik
ct.no.35

W.P.A. 25416 of 2024

**Contai Bus Syndicate Pvt. Ltd. & Anr.
Versus
State of West Bengal & Ors.**

Mr. Chinmoy Pal
Mr. Archan Dutta
Ms. Megha Datta
Ms. Aditi Bhattacharyya

...for the petitioners.

Mr. Sirsanya Bandopadhyay, Sr. St. Counsel.
Mr. Ritesh Kr. Ganguly

...for the state.

Since the National Company Law Tribunal is in seisin of the issues relating to dispute and the petitioner contends that even the applications were filed in his name by forging his signature, the petitioner would be at liberty to take out appropriate application before the Tribunal to take cognizance of the issues concerned for referring it to enquiry before the learned Magistrate having authority over the territorial jurisdiction.

So far as the criminal case is concerned initiated at the behest of the petitioner, Hare Street Police Station Case No. 295 dated 28.10.2024 has been registered for investigation and the same is proceeding.

So far as the property referred to, the same is within the domain of Digha Police Station. As the subject matter which has been referred to relate to a hotel and the directorship is in dispute rightly or wrongly, it would be the absolute domain of the Tribunal already in seisin of the matter to decide the same.

If an order is passed by the Tribunal it is the responsibility of the Tribunal to execute its own order. The High Court while exercising its powers under Article 226 of the Constitution of India will not direct the police authorities to execute the orders passed by the National Company Law Tribunal.

However, police authorities would see and/or ensure that the hotel referred to in the writ petition and within its vicinity, there is no breach of the peace or tranquility and/or any untoward incident resulting because of the strained relationship existing between the parties.

With the aforesaid observations WPA 25416 of 2024 is disposed of.

Report so submitted be kept with the record.

Liberty is granted to the learned advocate appearing for the State to inform this order to the Officer-in-Charge/Inspector-in-Charge of Digha Police Station.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)