

Form No. J(2)
Item No. DL/12
ARPAN – A.R. (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 4765 OF 2026

BIPLAB KUMAR BHADRA @ BIPLAB KR. BHADRA

Vs.

STATE OF WEST BENGAL AND OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	: Mr. Anit Dey, Adv.
For the State	: Mr. Sirsanya Bandopadhyay, Sr. S. C. Ms. Tapati Samanta, Adv.
Hearing concluded on	: 11.03.2026
Judgment On	: 11.03.2026

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing the petitioner and the State respondents.
3. Petitioner having seen a newspaper advertisement published on 30th November, 2025 in Anandabazar Patrika, was attracted for doing a

business of export. Petitioner paid an amount in favour of the private respondents for procuring corn. It is alleged that in spite of payment of the sum corn was not supplied to the petitioner which prompted the petitioner to lodge a complaint which is at page 39 of this writ petition.

4. Learned advocate representing the petitioner by placing reliance on Section 3(b) of the West Bengal Protection of Interest of Depositors in Financial Establishments Act, 2013 (hereinafter referred to as '*said Act of 2013*') has submitted that investigation in connection with the criminal proceeding initiated by the concerned police authorities based on the complaint lodged by the petitioner needs to be transferred to the Director, Directorate of Economic Offences, West Bengal being respondent no.3.
5. It is contended on behalf of the petitioner that failing to render service, product or asset promised to the petitioner attracts Section 3(b) of the said Act of 2013 requiring necessary direction for transfer of investigation to the respondent no.3.
6. Mr. Sirsanya Bandopadhyay, learned Senior Standing Counsel representing the State respondents has opposed this writ petition and filed two communications—one dated 7th March, 2026 of the Officer-in-Charge, Hare Street Police Station and another dated 9th March, 2026 of the Deputy Superintendent of Police (HQ), Directorate of Economic Offences, West Bengal and those are taken on record. Copies of these

two communications are made over to the learned advocate representing the petitioner.

7. It is submitted on behalf of the State respondents in reference to the advertisement dated 30th November, 2025 published in Anandabazar Patrika that payment made by the petitioner in favour of the private respondents for procuring corn does not attract relevant provisions of the said Act of 2013.
8. It is also submitted that based on the complaint lodged by the petitioner a criminal proceeding being Hare Street P.S. Case No.117 dated 5th June, 2025 under Sections 420/406/120B of the Indian Penal Code was initiated and investigation may not be transferred for being conducted under the aegis of the respondent no.3.
9. Having considered the respective submissions made on behalf of the parties, it appears that though reliance is placed on Section 3 of the said Act of 2013, Section 3 starts with the heading "*Fraudulently default in payment of deposit after a specified period or otherwise by financial establishments*".
10. In the present case, it is not found that there is involvement of any financial establishment rather payment was made by the petitioner to the private respondents against supply of goods.
11. In addition thereto, under Section 2(c)(v) of the said Act of 2013 it is contemplated that any amount received in the ordinary course of business by way of advances against orders of goods or service is

excluded from the ambit of definition of '*deposit*' as provided under Section 2(c).

12. In aforesaid conspectus it is found that considering the nature of monetary transaction made by the petitioner in favour of the private respondents for procuring goods, relevant provisions of the said Act of 2013 are not attracted.
13. However, it is disclosed in the communication dated 7th March, 2016 of Officer-in-Charge, Hare Street Police Station that a criminal proceeding has already been initiated being Hare Street P.S. Case No.117 dated 5th June, 2025 and the concerned police authorities are directed to take such proceedings into logical conclusion.
14. With the aforesaid observations, writ petition stands disposed of.
15. However, it is made clear that prayer (c) of this writ petition is not pressed before this Court and the same is not decided.
16. Petitioner shall be at liberty to take steps, in accordance with law, in pursuit of seeking appropriate remedy.
17. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)