

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/270/2026

MRS. KUSUM JAIN
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:
THE HON'BLE RAJA BASU CHOWDHURY
Date : 05TH JUNE, 2026.
(Vacation Bench)

Appearance:

Mr. Rudraman Bhattacharya, Sr. Adv.

Mr. Akash Munshi, Adv.

Mr. Avishek Das, Adv.

Mr. S. Garg, Adv.

Mr. A. Jain, Adv.

Mr. S. Dey, Adv.

...for petitioner.

Mr. Arif Hussian, Adv.

Mr. Swapan Nath, Adv.

Ms. Shreyasi Nath, Adv.

...for respondent Nos. 2 to 5

Mr. Lokenath Chatterjee, Sr. Adv.

Ms. M. Nath, Adv.

...for state.

1. The present writ petition has been filed by the petitioner who claims to be share holder and member of the respondent Nos. 2 and 3.
2. The petitioner claims that the respondent Nos. 2 and 3 are the private limited family companies of the petitioner and the respondent Nos. 4 and 5.

3. Mr. Bhattacharya, learned senior advocate appearing for the petitioner submit that the petitioner has already approached the National Company Law Tribunal Kolkata Bench. Although the petitioner has filed the petition the same is yet to be registered inasmuch as certain defects are yet to be removed.
4. Due to the summer vacation, the petitioner could not take appropriate steps to remove the defects and regularize the same. In the interregnum since the petitioner has come to learn that the respondent Nos. 4 and 5 are attempting to dispose of the only property of the companies situated at the registered office 3A Hare Street Kolkata the petitioners has approached this Court. Mr. Bhattacharya would submit that this Court has the ample power and competence to pass appropriate orders for protecting the only property of both the companies.
5. Mr. Hussian, learned advocate appearing for the respondent Nos. 2 to 5 submits that the petition itself is not maintainable. He submits that when a challenge is pending before the NCLT, this Court ought not to entertain the writ petition. In any event, he submits that the respondent Nos.4 and 5 have already inducted a third party as a tenant in respect of its portion of the property.
6. Independent of the above, according to him, the reliefs sought for are not only directed against the respondent Nos. 4 and 5 but is also in the form of prohibitory order restraining the registrar of assurance from accepting any non-testamentary instrument to effectuate the

transfer of the petitioner's companies' property. He would further submit that since the issues are at large before the NCLT, this Court should dispose of the said proceedings by relegating the parties to approach the NCLT. In response to a query from this Court, he submits that the apprehension of the petitioners are unfounded and in any event on instruction he submits that the respondent Nos. 2 to 5 shall not take any steps for a period of ten days in relation to the property of the company situated at 3A Hare Street Kolkata.

7. Mr. Chatterjee appears for the State of West Bengal.
8. Having heard the learned advocate appearing for the respective parties and without entering into the intersee disputes and the issue of maintainability as raised, I am of the view since Mr. Hussain has submitted, on instruction, that the respondent Nos. 2 to 5 shall not take any steps for a period of ten days and shall not deal with the property of the companies except in usual course of business and having regard thereto, I am of the view no fruitful purpose will be served by keeping the writ petition pending.
9. After the order is passed since the parties have expressed their willingness that the dispute between the parties may be resolved through the process of mediation and since going by the materials on record it appears that the matter can be resolved through mediation. I refer the matter to the mediation on the suggestion of the parties to Mrs. Suchismita Ghosh, learned advocate. Till the mediation proceedings are over, the parties are restrained from proceeding

before the NCLT. It is expected that the mediation proceedings shall be completed within a period of four weeks. The mediator shall be entitled to a remuneration of Rs. 25,000/- per sitting. It is made clear that this order is passed on the expressed submission of the parties that the property of the companies at 3A Hare Street Kolkata shall not be dealt with till disposal of the mediation.

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

(RAJA BASU CHOWDHURY, J.)