

17.09.2025

Ct. no.2

Sl. 06

b.r.

WPA 645 of 2025

Dibyendu Roy

Vs.

The Union of India & Ors.

Mr. Uday Sankar Chattopadhyay

Mr. Pronay Basak

Ms. Rajarshree Tah

Ms. Trisha Rakshit

Ms. Aishwarya Datta

.... For the Petitioner.

Mr. Rajendra Gupta (VC)

Mr. Subrata Santra

.... For the Resp. nos. 1, 4-9.

Ms. Jhuma Chakraborty, Sr. Govt. Adv.

Ms. Munmun Tewary

.... For the State.

The last order dated **September 15, 2025** speaks for itself.

Today, Mr. Rajendra Gupta, learned advocate appearing virtually with Mr. Subrata Santra, learned advocate appearing physically for Union of India- Respondent nos. 1, 4 to 9, submits that in view of the serious fraud allegedly practiced by the petitioner, inter alia, with regard to alleged siphoning of fund relating to public deposit (KVP.....etc.) an investigation was initiated against the petitioner

which ultimately culminated into a criminal proceeding pending before the jurisdictional criminal Court for trial.

Considering the case made out in the writ petition and the submissions made on behalf of the respondent nos. 1, 4 to 9, this Court thinks it fit that as an interim measure a proper fact finding enquiry has to be conducted and an opinion must come on such fact finding enquiry by the respondent no.3. Such fact finding enquiry would have no bearing and effect on the pending criminal case against the petitioner. The criminal case shall proceed on its own merit, in accordance with law.

Accordingly, the petitioner shall serve a copy of this writ petition along with a copy of today's order upon the respondent no.3 forthwith.

The respondent no.3 thereafter upon issuing a prior hearing notice of at least **seven days** to the petitioner and the respondent no.6 and after granting them an opportunity of hearing on the existing records shall pass its reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication

of this order. The reasoned order shall be communicated to the petitioner and the respondent no.6 positively within **a week** from the date of the said reasoned order to be passed. The reasoned order then shall be produced before this Court by the petitioner by way of an affidavit, when the matter shall be taken up next.

It is made clear that, this Court has not gone into the merits of the rival contentions of the parties and the parties shall be at liberty to urge their respective points before the respondent no.3 relying upon whatever records and documents they want to rely upon before the respondent no.3. The respondent no.3 shall pass its reasoned order on the basis of the available material before him with an independent mind and without being influenced by any observation made by this Court.

After the said reasoned order is received by the petitioner, the petitioner shall be at liberty to mention this writ application for inclusion in the list for further consideration, upon notice to the respondents.

(Aniruddha Roy, J.)