

24.08.2022
Sayandeep
Ct. No.42
Item No.30

CRR 2087 of 2022
With
CRAN 01 of 2022

In the matter of : Aashish Jhunjhunwala

Mr. Milan Mukherjee, Adv.
Mr. Ayan Bhattacharjee, Adv.
Mr. Pawan Kumar Gupta, Adv.
Ms. Moumita Bhattacharjee, Adv.
Mr. Suman Majumder, Adv.
Ms. Ritu Das, Adv.

.....for the petitioner

Mr. Sandip Ghosh, Adv.
Mr. B. Banerjee, Adv.

... for the State

Mr. Pheroze Edulji, Adv.
Ms. Anamika Pandey, Adv.

.....for E.D.

The learned advocate for the opposite party No. 2 has raised vehement objection against the prayer for extension of interim order. The learned advocate for the opposite party No. 2 also submits that the Enforcement Directorate is made an opposite party but at the same time without making Union of India a party, surreptitiously the State of West Bengal has been made party in the instant case. Therefore, without implicating the Union of India the order of stay was obtained on factual issue also, the learned advocate for the opposite party No. 2 has raised certain issues.

This Court is of the view that the disputed question of fact cannot be adjudicated on the basis of oral submission made by the learned advocate for the opposite party No. 2. Therefore, he is given liberty to file affidavit-in-opposition positively on 31st August, 2022 and serve a copy to the learned advocate for the petitioner. The petitioner is at liberty to file affidavit-in-reply by 5th September, 2022.

The matter be listed under the heading “Specially Fixed Matters” at the top on 7th September, 2022.

The interim order of stay will remain in force till 7th September, 2022.

The application is thus disposed of.

(Bibek Chaudhuri, J.)