

18.09.2025
Ct. No. 446
Item No.17
KS

C.R.R. 3815 of 2025

In the matter of: **Mr. Raja Saha & Anr.**

..... Petitioners

Mr. Sahajahan Hossain
Mrs. Sanjida Sultana
Mr. Sanwar Mullick

....For the Petitioners

1. This instant criminal revisional application has been filed under Section 528 of the B.N.S.S., 2023 for quashing of the impugned order dated 12.08.2025 passed by the learned Additional District Consumer Disputes Redressal Commission, Rajarhat, New Town in Execution Application No.DC/AB1/303/EA/5/2023 in DC/AB1/303/CC/98/2019, where warrant was issued against the present petitioners, who are no way connected with this proceeding.
2. It is submitted by the learned advocate appearing for the petitioners that after receiving the warrant, they have come to know about the original proceeding, which was filed against M/s Excella Realtors Pvt. Ltd. incorporating the present petitioners as Directors.
3. It is the specific case of the present petitioners that since 2015, they are no longer attached with the said company and in order to substantiate the same, certificate issued by the R.O.C. by way of Form DIR – 12.
4. It is further submitted that the present Director of the said company is Md. Ruhul Amin, but the entire proceeding was behind the knowledge of the present petitioners and they are innocent and falsely implicated with this instant case.
5. That apart, it is submitted that the District Consumer Redressal Commission has no power and authority to issue warrant and, in this regard, a decision of this Court of the Coordinate Bench has been relied upon as passed in **C.R.R. 1499 of 2024** on 2nd April, 2025.
6. Heard the submission, perused the entire materials on record and the contents of the order passed by the learned District Consumer Redressal

Commission on 12th August, 2025, prima facie, it can be seen that the final judgment was passed against the company posing the petitioner as the Director, however, in view of the documents submitted before this Court, which supports the contention of the learned advocate that since 2015, they are no longer associated with the Company. More so, the decision of the Coordinate Bench of this Court also dealt with the issue as regards the execution of warrant and was of the view that the District State Commission or the National Commission is empowered to initiate proceedings under Section 72 of the Act for penalty for non-compliance of the order. The law does not authorize the forum to issue warrant for enforcement of its order under the Code of Criminal Procedure.

7. Therefore, this Court finds that the matter is required to be heard in presence of learned advocates for the opposite parties.
8. Accordingly, petitioners are directed to serve copy of this criminal revisional application alongwith all annexures upon the State/O.P. No.1 through the office of the learned Public Prosecutor, High Court, Calcutta as also to the opposite party nos.2 and 3 through Speed Post with acknowledgement due and file affidavit of service to that extent on the next date of hearing.
9. Let the matter be listed before the Regular Bench in the Combined Monthly List of November, 2025.
10. In view of the above facts and circumstances, let there be an order of interim stay of all further proceedings pending before the Court of learned Additional District Consumer Disputes Redressal Commission, Rajarhat, New Town in Execution Application No.DC/ AB1/ 303/ EA/ 5/ 2023 in DC/ AB1/ 303/ CC/ 98/ 2019 till 30th November, 2025.
11. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)