

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**WPA 27005 of 2016
Kalipada Pal
-versus
Union of India and Ors.
With
CAN 1 of 2019 (Old CAN No. 4506 of 2019)
With
CAN 4 of 2021
With
CAN 5 of 2022
With
CAN 6 of 2022
With
Original Side Matters
WP 275 of 2015
GA 896 of 2017
GA 315 of 2016
GA 2291 of 2015
GA 3765 of 2015
GA 4015 of 2015
With
APOT 287 of 2015
GA 2255 of 2015
GA 2256 of 2015
GA 1552 of 2018
With
GA 5 of 2022
With
WPA 25845 of 2016
Rose Valley Fields Employees, Union
(WB Circle) and Anr.
-versus Union of India and Ors.
With
CAN 1 of 2018 (Old CAN No. 4643 of 2018)**

**Mr. Subhasis Chakraborty
Ms. Sushmita Kumari Singh,
.....For the petitioner.**

S.D.

Mr. Partha Ghosh ... For the E.D.

Ms. Sreetama Biswas ... For the Rose Valley Group.

**Mr. Amitesh Banerjee
Mr. Tulshi Das Roy ... For the State.**

Mr. Prasanta Kumar Dutt,

**Mr. Susanta Kumar Dutt,
Mr. Syamantak Banerjee.....For the SEBI.**

Mr. Bibekananda Sinha Ray.....For the C.B.I.

**Mr. Anirban Kar,
Mr. Sourodeep Sen
.....For the Asset Disposal Committee.**

**Mr. Sauvik Nandy
Ms. Debjani Ghosal ... For the UOI.**

**Mr. Arup Nath Bhattacharyya
Mr. A. Bhattacharyya
Mr. S. Dey
Ms. S. Bose For the Company.**

Mr. S.K. Tiwari ... For the S.F.I.O.

Re: CAN 5 of 2022, CAN 6 of 2022 in WPA 27005 of 2022.

The affidavit of SEBI to be used during the hearing of the writ application is taken on record.

The affidavits of the Enforcement Directorate in the above applications and minutes of the meeting held on 18th January, 2023 filed by Mr. Ghosh for the Enforcement Directorate is also taken on record.

The application (CAN 5 of 2022) has been made by the investor group.

The application (CAN 6 of 2022) has been preferred by the Enforcement Directorate.

The investor group wants the Asset Disposal Committee to be armed with adequate powers and be provided with the necessary infrastructure and remuneration to carry out the work entrusted with them

by this court by its earlier orders.

By its communication dated 20th February, 2023 to the Senior Standing Counsel, the Government of West Bengal has made it clear that it would not be able to provide any funds for functioning of this Committee.

Amongst other enabling orders the applicant in the application (CAN 5 of 2022) has asked for an order of this court directing the chocolate group of companies which on licence is running four hotels of the Rose Valley Group to deposit approximately a sum of Rs.21,82,500/- earned on account of licence fees with the Committee and to continue to deposit the monthly licence fee with the said Committee to enable it to function.

Mr. Ghosh learned advocate appearing for the Enforcement Directorate submits that the criminal case is being tried by the Special Court and that this sum is under control of that court under the relevant law.

Mr. Chakraborty, learned advocate appearing for the applicant submits that this court is in the exercise of its present jurisdiction should direct this sum is to be made over to the committee.

We are of the view that the court having jurisdiction and control over the said sum should be approached with the appropriate facts. It is for that court to consider whether to release the said sum or not. In the event the court releases the said sum the question of

applying the fund for the purpose of functioning of the Committee would arise.

In those circumstances, we adjourn these applications till 13th April, 2023.

The interim order made on 2nd February, 2023 is extended with effect from 15th March, 2023 till 30th April, 2023 or until further orders, whichever is earlier.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

