

First information of a cognizable crime reported under section 154 Cr. P.C. at P.S.

District Malda Sub-Div Malda P.S. Malda Year 2021 FIR No. 35/2 Date 19-2-20212. Act IPC Sections 379 i) Act IPC Sections 3793. i) General Diary Reference Entry No. 649 dt. 19-2-2021 Time 17:40ii) Occurrence of Offence: Day Thursday Date 16/2/2021 Time 17:40iii) Information of Offence: Day Friday Date 19-2-2021 Time 17:40G.D. No. 649 at the Police Station

4. Type of Information: Written / Oral

5. Place of Occurrence: (a) Direction and Distance from P.S. 06 Km. North from P.S.(b) Address Station T. S. Samantala Sub. Alipour

Beat No.

(c) In case outside limit of this Police Station, then the name of

P.S. District

6. Complaint / Information:

(a) Name Keshav Sinha

(b) Father's/Husband's Name

(c) Date/Year of Birth

(d) Nationality Indian(e) Address Managing Director of Kishorey Tea Company LTD.

7. Details of Know/suspected/unknown/accused with full particulars:

(attach separate sheets, if necessary) 1. Sagarnal Agrawal8. Reasons for delay in reporting by the Complainant/informant Ret. Upadhyay & SanyalRet. N. D. SanyalGolden Bole Kishorey T.S.

9. Particulars of properties stolen/involved: (Attach separate sheets, if required)

10. Total value of properties stolen/involved

11. Inquest report/U.D. Case No. if any

12. FIR contents: (Attach separate sheets, if required) The original was taken from complainant13. Action taken: Since the above report reveals commission of offence(s) as hereinregistered the case and took up investigation/directed A.S. Chandra Das

to take up the investigation/transferred

to P.S. on point of Jurisdiction FIR read over to the Complainant/informant admitted

to be correctly recorded and a copy given to the Complainant/informant free of cost.

Signature of the Officer-in-Charge, Police Station

Name DEEPA SAMANTALARank SINumber, if any of Samantala P.S.Signature / Thumb Impression of
the Complainant/informant

THE KOHINOOR TEA COMPANY LIMITED



Date: 17/02/2021

To,
The Officer in charge,
Samuktala Police Station,
West Bengal.

Subject: Offence of Theft of plucking green leaf on dated 16/02/2021 and 17/02/2021 from Kohinoor Tea Estate despite the High Court Order issued against Sagarmal Agarwal, Dinesh Agarwal and their accomplices.

Dear Sir,

This is to inform you that I Keshav Sinha, Managing Director of registered company, The Kohinoor Tea Company Limited, hereby further inform the continuance of the illegal activity done by unauthorized persons Mr. Sagarmal Agarwal (respondent no 8) and Mr. Omprakash Upadhyay, Mr. Satyasheel Roy, Mr. Vikash Singh of plucking Green Leaf from Kohinoor Tea Estate on dated 16/02/2021 on 17/02/2021 and selling it illegally, despite of the fact that the High Court of Calcutta has already passed an order on dated 08/02/2021 giving clear direction to the police department restraining the above unauthorized person and intruders from interfering with the functioning of Kohinoor Tea Company Limited.

Despite of the several FIR lodged against Sagarmal Agarwal and other intruders mentioned above for the criminal activity, the above criminals not only refused to indulge and interfere in the functioning of Kohinoor Tea Estate by the company despite the High court order, but they continue to commit an offence of theft by illegally plucking of green leaf in spite of the court show cause notice and asking them not to illegally interfere in the functioning of tea estate.

Please note that Mr. Ankur Sarkar who is the head Garden Babu of Kohinoor Tea Estate is assisting them in this illegal activity of plucking green leaf on dated 16/02/2021 and 17/02/2021 and selling it to local market and he is also instigating the worker against the company and supporting the unauthorized persons in stealing and selling of Green Leaf.

You are therefore requested to look into the matter and stop the leaf pilferage from my Kohinoor Tea Estate and apprehend the culprits.

Thanking you,

KOHINOOR TEA COMPANY LIMITED

Keshav Sinha
Keshav Sinha **MANAGING DIRECTOR**
(Managing Director)

CC to -

1. SP, Alipurdwar.

Enclosure :

1. High Court Order dated 08/02/2021.

Estate Address :
Kohinoor Tea Estate
Via & P.O.: Santalpur
Rly. Stn. New Alipurdwar
Dist. Jalpaiguri - 736206

CIN : UO1132WB1914LC002384

KOHINOOR TEA

Received on - 19-2-2021 at 17:40
vide Samuktala PS GDE no 649
dt. 19-2-2021 and 1 - started
Samuktala PS Case no 387/21
dt 19-2-2021 call 3791pc

Keshav Sinha
Officer In-Charge
SAMUKTALA P.S.

Registered Office :
Kohinoor Building
Thana Road, Jalpaiguri

Sl No.31
08.02.2021
WPA/21

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA 277 of 2021

Kohinoor Tea Company Ltd.
-versus-
The State of West Bengal & Ors.

With

W.P.A. 85 of 2021

HSS and Sons Ventures Private
Limited
Vs.
The State of West Bengal & Ors.

Mr. Joy Saha, Sr. Adv.
Mr. Abhishek Guha
Mr. Deborsha Dhar
...for the petitioner

Mr. Hillol Saha Podder
...for the Private Respondents

Mr. Hirak Barman
Ms. Bedashruti Bose
...for the State

Affidavit of service be kept with the record.

Kohinoor Tea Company Limited (hereafter described as the petitioner) has filed the instant writ petition alleging police inaction in the matter of running the business of the said company. It is alleged that the respondent Nos. 7 and 8 being miniscule share holders are interfering with the day to day business of the company. They are agitating the labourers and obstructing tea plantation as well as plucking of tea etc. Series of complaints were made against them by the

company but the police authority failed to take appropriate action against the above named private respondents except alleging a formal FIR No. 223 of 2020 dated 14th October, 2020 under Sections 447/379/506 I.P.C. against them. The Company lastly made a representation before the District Magistrate and higher officers of police authority alleging the fact as to how the business of the company is being hampered. But no appropriate action has been taken by the police authority against the respondent Nos. 7 and 8.

So, is the instant application.

It is contended on behalf of the private respondents that they are practically running the business of tea plantation and they are running the company as directors. They also file counter cases against the petitioner company and its recorded directors. The said criminal case is also pending for investigation. Therefore, at this stage when there is case and counter case, no direction should be given to the police authority in favour of the company or its directors.

Representation of the said respondents is absolutely formal in nature in the instant case because the dispute is absolutely private and the petitioner has sought for a direction upon the said authority for protection of his legal right of carrying on business.

Having heard the learned counsel for the parties and on perusal of the entire material on record, it is ascertained that in the master data, one Keshav Sinha, Shanu Sinha, Vaibhav Sinha and Pratik Shekhar Sinha were named directors as per AGM dated 29th September, 2018 and they are still continuing as directors. No supporting documents have been filed in support of the claim of the respondents as directors of the said company. Therefore, the recorded directors have the legal right to run the business according to the Memorandum of Association of the company. It is alleged that their business is being hampered due to illegal act committed by the respondent Nos. 7 and 8.

Therefore, the instant writ petition is disposed of directing the Superintendent of Police, Alipurduar District and police officers subordinate to him to see that the affairs and business of the company be run lawfully by the recorded directors and no obstruction should be caused by any person including respondent Nos. 7 and 8 in the matter of running the said business.

It is frankly admitted by Mr. Saha, learned senior counsel on behalf of the petitioner company that the directors in their individual capacity has filed W.P.A. No.85 of 2021.

W.P.A. No.85 of 2021 is taken on day's list and be tagged with the instant writ petition.

In view of the order passed in the instant writ petition, no further order needs to be passed in W.P.A. No.85 of 2021.

With this observation W.P.A. No.85 of 2021 is also disposed of on contest, however, without costs.

[Bibek Chaudhuri, J.]