

03.07.2026
Court No.25
S/L No.1
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15450 of 2025

Anupam Tieup Private Limited & Ors.
Versus
Om Prakash Agarwal & Ors.

Mr. Aniruddha Chatterjee
Mr. Abir Lal chakraborty
Mr. Pradeep Kumar

...for the Petitioners

Ms. Anshumala Bansal
Mr. Shubhayan Chakraborty

...for the Respondent Nos.1 o 5

1. The petitioners have filed the present writ application challenging the order passed by the National Company Law Tribunal (NCLT), Kolkata Branch dated June 10, 2026.
2. Learned counsel appearing for the petitioners submits that on the same day the petitioners have been impleaded in the said proceeding and without giving any opportunity of hearing to the petitioners, the Tribunal has passed the impugned order. The petitioners have got the said order recently due to which the petitioners could not file an appeal before the Appellate Tribunal, as such, the petitioners have filed the present writ application only for granting some time to the petitioners to approach before the Appellate Tribunal for filing appropriate appeal.
3. Learned counsel for the petitioners further submits that after the order of the learned Tribunal on June 10, 2026 the Administrator has issued the notice for

meeting on July 6, 2026. By referring the said communication, the learned counsel for the petitioners submits that unless and until interim protection is not granted by this Court till the petitioners approach before the Appellate Tribunal, the petitioners will suffer irreparable loss and injury.

4. Learned counsel for the petitioners has relied upon the judgment in the case of ***South Indian Bank Limited & Ors. vs. Naveen Mathew Philip & Anr.*** reported in ***(2023) 17 SCC 311*** and submits that under Article 226 of the Constitution of India the certiorari can be issued for correcting the errors of the jurisdiction as and when an inferior court or Tribunal acts without jurisdiction or in excess of it, or fails to exercise it. By referring the said judgment, the learned counsel for the petitioners submits that in the present case, the petitioners have been impleaded by the Tribunal on the same day and without giving any opportunity of hearing to the petitioners, the Tribunal has passed the impugned order on June 10, 2026 and in terms of the order passed by the learned Tribunal, the Administrator has issued the notice for meeting on July 6, 2026.
5. *Per contra*, the learned counsel appearing for the respondent Nos. 1 to 5 submits that the writ petition is not maintainable as the order passed by the learned Tribunal is appealable. Learned counsel for the respondents further submits that the order was passed on June 10, 2026. The petitioners ought to have been

filed the application before the Appellate Tribunal but instead of filing the appeal, the petitioners have filed the present writ application and she prays for dismissal of the writ application.

6. Heard the learned counsel for the respective parties and perused the materials on record.
7. The only prayer of the petitioners before this Court that the petitioners may be granted some time to prefer an appeal before the Appellate Tribunal against the order dated June 10, 2026, till the time no coercive action can be taken against the petitioners and the Administrator cannot call any meeting till the petitioners have filed the application before the Appellate Tribunal.
8. Considering the above, the writ petition is disposed of without entering into the merit of the writ application with the liberty to the petitioners to approach before the learned Tribunal on or before July 13, 2026, till the said period the Administrator is directed not to convey any meeting in terms of the order dated June 10, 2026.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Krishna Rao, J.)