

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



P.S. Mahgara Year 2021 FIR No. 1216/21 Date 29-10-2021

(i) Sections 417/ISS/IPC Act Sections
(ii) Sections (iv) Others Acts & Sections

(a) Occurrence of Offence : Day Date From Date To
Time Period Time From Time To

(b) Information received at P.S. Date 29-10-2021 Time 19:25 hr
(c) General Diary Reference : Entry No.(s) 1190 Time 19:25 hr

Type of Information : Written / Oral
Place of Occurrence : (a) Direction and Distance from P.S. 1 km north approx. Beat No.

(b) Address Uttarayan Township Community Center P.S. Mahgara Dist. D.D.C.

(c) In case outside limit of this Police Station, then the Name of the P.S. N/A District

Complainant / Informant : (a) Name Gopal Majumdar

(b) Father's / Husband's Name Poatul Chandio Majumdar

(c) Date / Year of Birth : (d) Nationality Indian

(e) Passport No. X Date of Issue : Place of Issue X

(f) Occupation Secretary Chandmoni Uttarayan Welfare

(g) Address Uttarayan PO P.S. Mahgara Dist. D.D.C.

Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) : 1) Jivan Lal Agarwal and Gousar Agarwal and other.

Reasons for delay in reporting by the Complainant / Information

Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

Total value of properties stolen / involved

Inquest Report / U.D. Case No. if any

FIR Contents (Attach separate sheets, if required) : The original written complaint which is treated as FIR is re-prod over leaf

Action taken : Since the above report reveals commissions of offence(s) as mentioned at item No. 2 registered the case and took up to the investigation / directed ASI Subodh Ch. Biswas to take up

investigation / refused investigation / transferred to P.S. of Mahgara P.S. (P) on point of-charge 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 / Thumb impression of the Complainant / Informant noted in original complaint

Signature of the Officer-in-Charge, Police Station Ausbar
Name :
Rank : SI of Police
No. Mahgara P.S. S.P.

Date & Time of despatch to the court : 30.10.2021 at 11.30 hr

PSI. Lepcha
PSI. Newton Biswas
PSI. Rantu Halder (NB)
LPSI Yachana
ASI M...

To,
The Officer in Charge,
Matigara Police Station,
Siliguri Police Commissionerate,
Matigara, Siliguri, District : Darjeeling

Dear Sir,

Sub : Complaint against illegal and wrongful construction over the area meant for construction of Community Centre in Uttorayaon Township in violation AND wilful disobedience of the order of injunction as passed in following cases and in violation of the Contempt Rule issued by the Hon'ble High Court, Circuit Bench at Jalpaiguri.

- (1) Order dated: 03.07.2019 and 02.09.2021 passed in Misc. Arbitration Case No. 12 of 2019 by the Court of the Learned District Judge, Darjeeling corresponding to the order dated: 12.09.2021 passed by the Learned Arbitrator Justice Pranab Kumar Chattopadhyay, Former Judge, High Court at Calcutta in Arbitration Proceeding by Sri Jiwan Lal Agarwal, Smt., Rekha Agarwal, Sri Gaurav Agarwal and Smt. Komal Agarwal
- (2) Order dated: 04.06.2019 read with further order dated: 06.01.2021 and 08.02.2021 as passed in CC No. 22 of 2019 read with further order passed in FA No. 617 of 2021 by the Hon'ble National Consumer Disputes Redressal Commission, New Delhi
- (3) Contempt Rule issued by the Hon'ble Circuit Bench of Calcutta High Court, Jalpaiguri on 25.02.201 in CRC No. 1 of 2021

With reference to the above, I the undersigned, being the Secretary of Chandmoni Uttorayan Welfare Society, registered under the West Bengal Societies Registration Act, 1961 with its office situates at Uttorayan, PO. Matigara & PS. Matigara -734010, Siliguri, District : Darjeeling [West Bengal] like to inform your good office that the one Sri Jiwan Lal Agarwal, Son of Late Hiralal Agarwal, Smt. Rekha Agarwal, Wife of Sri Jiwan Lal Agarwal, Sri Gaurav Agarwal, Son of Sri Jiwan Lal Agarwal and Smt. Komal Agarwal, Wife of Sri Gaurav Agarwal, all resident of Thirani Mills Copound, Gosala Road, 1st Lane, Post Office Siliguri, District : Darjeeling [West Bengal] have started the construction of their building over the land meant for construction of community centre in Uttorayan Township within the area of Matigara Police Station, in violation and willful disobedience of the orders passed by the following different Courts.

It is stated that recently in a proceedings, which arises in between the above named society and one Luxmi Township & Holding Limited, the Learned Learned Arbitrator Justice Pranab Kumar Chattopadhyay, Former Judge, High Court at Calcutta has been pleased to pass an order on 12.09.2021 in an Arbitration Proceeding to the effect that the interim order passed by the Learned District Judge, Darjeeling on 02nd September, 2021 in Misc. Arbitration Case No. 12 of 2019 will continue till the holding of the next meeting of the parties and that let there be a further interim order restraining both the parties from carrying on any unauthorized construction at the site in question. The copy of the said order dated: 12.09.2021 as passed by the Learned Arbitrator and also the copy of the order dated: 02.09.2021 as passed by the Learned District Judge, Darjeeling is annexed hereto for perusal and consideration of the matter.

It is stated that recently, the Hon'ble National Consumer Disputes Redressal Commission has also been pleased to dispose of an appeal being No. FA/617/2021 which preferred by the above named Sri Jiwan Lal Agarwal and three others, by an order dated: 07.10.2021. The said appeal was preferred by the said Sri Jiwanlal Agarwal & others only against an order dated: 16.09.2021 as passed by the Hon'ble State Consumer Disputes Redressal Commission, Siliguri Circuit Bench. It is clarified here that the said Sri Jiwan Lal Agarwal and three others have challenged the order passed by the Hon'ble State Commission in respect of an application under Section 12(1)(c) of the Consumer Protection Act, 2021 on 16.09.2021 and that they had/have not challenged the injunction order passed by the Hon'ble State Commission, Siliguri on 04.06.2019. And that while deciding the said appeal, the Hon'ble National Commission has not set aside the order of injunction passed on 04.06.2019 in any way rather the Hon'ble National Commission clarified that the order whereby the opposite parties are restrained should remain intact. And such the order of injunction as passed by the Hon'ble State Commission, Siliguri remains intact as there is no other or further order from the Hon'ble National Commission in any way. Contrarily, there is the order of stay passed by the Hon'ble National Commission, New Delhi in FA/499/2021, whereby the Hon'ble State Commission has previously vacated the order of injunction by its order dated: 14.07.2021. And that the order dated: 06.01.2021 and 08.02.2021 as passed by the Hon'ble State Commission, Siliguri are still in force and cannot be violated by any one whosoever. All the relevant orders passed by the Hon'ble State Commission, Siliguri on 04.06.2019, 06.01.2021, 08.02.2021, 14.07.2021, 16.09.2021 and also by the Hon'ble National

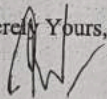
Commission, New Delhi on 16.08.2021 and 07.10.2021 are annexed hereto for perusal and consideration of the matter.

Besides the aforesaid proceedings, there is also the contempt-rule passed by the Hon'ble Circuit Bench of Calcutta High Court at Jalpaiguri on 25.02.2021 and that the said contempt rule as passed against Sri Jiwan Lal Agarwal and Sri Gaurav Agarwal were//are still in force and in operative. And none of the orders as passed by the different Courts were/are allowing the said Sri Jiwan Lal Agarwal and Sri Gaurav Agarwal to start the construction work over the injuncted area/land meant for construction of community centre.

In view of the above, it is very much clear that the above named Sri Jiwan Lal Agarwal and his associates have started the construction of their building in violation and wilful disobedience of the orders passed by the Learned/Hon'ble Courts and an appropriate action is required to be taken against them as per law.

Dated: 20.10.2021

Sincerely Yours,



[Gopal Majumder]
Son of Pratul Chandra Majumder
Secretary, Chandmoni Uttorayan Welfare
Uttorayan, PO. Matigara & PS. Matigara
734010, District : Darjeeling [West Bengal]


Encl copies of the orders as stated above.

Copy to :

1. The Commissioner of Police,
Siliguri Police Commissionerate,
Siliguri, District : Darjeeling [West-Bengal]
2. The Deputy Commissioner of Police,
Zone-II, Siliguri Police Commissionerate
Hill Cart Road, Pradhan Nagar, Siliguri-734 003

.....for information and necessary action, please

Received on 29.10.2021
at 11.25 L midp CIOE
No. 1190 Dt 29.10.2021
and started Matigara
PS Case No 1246/24
Dt 29.10.2021 u/s 1044
1188/341PE and evdand
to Sri Subodha Ch. Bhowmik
for its investigation


29.10.2021
Officer in-charge
Matigara Police Station
Siliguri Police Commissionerate