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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2018

IN

CIVIL APPEAL NO. 13301 OF 2015

IN THE MATTER OF: -

Subrata Bhattacharya

...Appellant

Versus

Securities & Exchange Board of India

...Respondents

AND IN THE MATTER OF:

AGM SUPER ESTATES LTD
Through its Director
Mr. Ashok Kumar Mehta
G.H.9, Flat No.5,
Near Sunder Vihar,
Paschim Vihar, West Delhi,
Delhi-110 087

...Applicant

APPLICATION FOR IMPLEADMENT

TO,
THE HON'BLE CHIEF JUSTICE AND
HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE APPLICANT ABOVE
NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the present application has been filed by the abovenamed Applicant herein challenging the order dated 22.12.2017 passed by Ld. Shri R.S. Virk, District Judge (Retd.) whereby, the Ld. District Judge (Retd.) has dismissed the objections filed by the Applicant herein.

2. By way of said objections, the Applicant herein being an actual and rightful owner of property admeasuring 325.54 sq. mtrs, bearing Plot No.28, Sector 10, Dwarka, New Delhi (hereinafter referred as **“subject property”**) had sought for delisting of subject property which has been wrongfully included in the auction list as one of the properties of PACL for sale.
3. The dismissal of objections filed by the Applicant herein is based upon an erroneous finding of the Ld. District Judge that the transfer of the subject property has already been affected by the Applicant herein in favour of PACL on the strength of GPA dated 5/11/2014 (Stamp Paper No. IN-DL2840184105205M) and therefore, the Applicant has no locus standi to prefer any objection against the inclusion of subject property in the auction list.
4. The Ld. District Judge has erroneously placed reliance upon GPA dated 5/11/2014. On a bare perusal of the said GPA, it is evidently clear that although the said GPA has been executed between abovenamed Applicant/AGM Super Estates Pvt. Ltd. and M/s. PACL Ltd but in relation to some other property i.e. No.7, Block Number-C, built upon land measuring 324 square metres, Vikas

Puri, New Delhi-110018 and not in relation to the subject property in question. The relevant extracts of an unregistered GPA are reproduced herein under:

“..... legal and lawful General Attorney to do the following acts, deeds, and things in our name and on our behalf in respect of Built up second floor, (Without Roof Rights) of Freehold Property Number 7, In Block Number C, Vikas Puri, New Delhi-110018, consisting of Four Bedroom, Four Toilet cum bathroom, one drawing Room, One Kitchen Dining, Front Balcony.....”

5. The order dated 22.12.2017 passed by the Ld. District Judge is detrimental to the valuable and legal rights of ownership of the Applicant herein in the subject property. Aggrieved by the order dated 22.12.2017 passed by Learned District Judge, the Applicant herein has preferred the said application.
6. The present application has been preferred by the applicant herein for the fact that this Hon'ble Court has categorically restrained any other Court or Tribunal situated in India to interfere with the decision in regards to sale of properties of PACL by the Committee as reflected in the auction list apart from this Hon'ble Court.
7. In view of the facts and circumstances, submitted herein above, the Applicants herein submits that this Hon'ble Court may be pleased to implead the AGM SUPER

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ESTATES LTD., through its Director Mr. Ashok Kumar Mehta, Authorised under Board Resolution dated 14.5.2018, G.H.9, Flat No.5, Near Sunder Vihar, Paschim Vihar, West Delhi, Delhi-110 087 as a party Respondents in the present proceedings being a proper and necessary party.

8. Unless and until this Hon'ble Court passes orders as submitted herein above the Applicant will suffer irreparable hardships much to their detriment besides causing other hardships.
9. This application is made bonafide and in the interest of justice.
10. In the premises, the Applicant most respectfully pray your Lordships be pleased to:

PRAYER

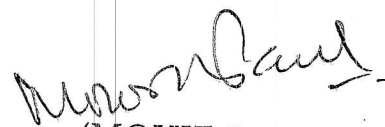
- a) implead the AGM SUPER ESTATES LTD., through its Director Mr. Ashok Kumar Mehta, Authorised under Board Resolution dated 14.5.2018, G.H.9, Flat No.5, Near Sunder Vihar, Paschim Vihar, West Delhi, Delhi-110 087 as a party Respondent in the present proceedings; and

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(b) pass such other order or orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:



(MOHIT PAUL)

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C.C. 1899

Place : New Delhi

Dated : 01.06.2018