

IN THE SUPREME COURT OF INDIA
[S.C.R., Order XXI Rule 3(1)(a)]
CIVIL APPELLATE JURISDICTION
I.A. No. 19279/2019

IN

CIVIL APPEAL NO.13301 OF 2015
(Under Article 136 of the Constitution)

IN THE MATTER OF:-

Subrata Bhattacharya

...Petitioner

Versus

Securities & Exchange Board of India

...Respondent

And

Subham Pundir

Applicant

APPLICATION FOR ORDER/DIRECTIONS

To,

The Hon'ble Chief Justice and His Companion
Justices of the Supreme Court of India

The humble application of
the petitioner above-named

MOST RESPECTFULLY SHOWETH:

1. That by way of the aforesaid petition, the applicant seeks the directions in those matters relating to PACL Pvt. Ltd. in which the objections/ Representations have

been decided by the PACL Committee as appointed by this Hon'ble Court in the present SLP.

2. That full facts leading to the filing of the instant application are that this Hon'ble Court had by its Order dated 02.02.2016 in the above said Civil Appeal directed SEBI to Constitute PACL Committee or Justice(Retired) R.M Lodha Committee to dispose the land purchased by PACL , so that the sale proceeds recovered there from can be paid to the investors who have invested their funds in the company for purchase of the land.

True Typed copy of the Order dated 02.02.2016 passed by this Hon'ble Court in Civil Appeal No. 13301 of 2015 has been annexed herewith as **ANNEXURE** P-1 at pages ___to___.

3. That in the abovesaid Order dated 02.02.2016, it was also said that it would be open to the Hon'ble Chairman of the Committee to appoint such experts or other persons, as he might think it necessary, in consultation with the SEBI to assist the Committee in dealing with the matters.

4. That this Hon'ble Court by its Order dated 15.11.2017 constituted a committee headed by Shri R.S. Virk, District Judge (Retd.) in the first instance, and directed it to hear all the grievances and Objections/

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Representations related to the attached lands of all those filing objections and decide them.

The true typed copy of the Order dated 15.11.2017 passed by this Hon'ble Court in the Civil Appeal has been annexed herewith as **ANNEXURE P-2** at pages__to__.

5. That the applicant had also filed Objections/ Representations before R.S Virk, District Judge(Retd.) in File No. 470 having MR No. 4329/14 and 4295/14 sought delisting of the property attached by the committee comprised in

A. Khata No. 216, Khasra No. 3192 Min area 0.1053 Hectare situated at Mauza Shankarpur Hakumatpur, Pargana Pachwadun, District- Dehradun, Uttarakhand ;

B. Khata No. 216, Khasra No. 3192 Min, Area 0.1052 Hectare situated at Mauza Shankarpur Hakumatpur, Pargana Pachwadun, District- Dehradun, Uttarakhand situated at Mauza Shankarpur Hakumatpur, Pargana Pachwadun, District- Dehradun, Uttarakhand as he was a bonafide purchaser of the above described property, Sh. R.S Virk by its Order dated 06.07.2018 after marshalling with the evidences

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and hearing the arguments in the matter accepted the petition and held the applicant to be a bona fide purchaser for value of the property in question and ordered to remove the above said land from the list of properties attached by the committee.

The true typed of the Order dated 06.07.2018 passed by Sh. R.S Virk in File No. 470 having M.R No. 4329/14 and 4295/14 has been annexed herewith as **ANNEXURE P-3** at pages ___to___.

6. That the Order passed by Sh. R.S Virk was also uploaded on the website of SEBI at www.sebi.gov.in/PACL.html. The applicant after getting Order dated 06.07.2018 passed by Sh. R.S Virk approached the appropriate authorities for further action so that he could enjoy his properties. But the authorities had shown their inability of taking any action in that direction as Non Objection Certificate was yet to be issued by PACL Committee.
7. That the Applicant as soon as he got to know about the NOC approached SEBI and filed application with all the concerned documents and the Order dated 06.07.2018 passed by the Sh. R.S Virk on 31.012.2018 and prayed

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for passing Non Objection Certificate in relation to the property of the applicant.

True typed copy of the Application dated 31.12.2018 filed by the applicant in the offices of PACL Committee in SEBI has been annexed herewith as **ANNEXURE P-4** at pages ___ to ___.

8. That till now no action has been taken in the direction of issuing NOC to the applicant. The Applicant had tried many times to contact the concerned offices but no response has ever given by them in any way. The applicant had sent many e-mails to them but got nothing in concrete but to one computer generated reply. The applicant had on 26.12.2018 sent an email to them requesting the status of the property of the applicant. The but office of the Respondent had sent a computer generated reply which was at all related to the query of the applicant. Then applicant again sent an email dated 04.02.2019, 23.02.2019 but no reply was given by them. Then a letter dated 03.04.2019 was again sent to them requesting them to provide the status of applications filed by the applicant in regard to the property attached.

Then a reply dated 09.04.2019 was received by me from one Sangram Keshari Mallick one of the officer in

SEBI in which it was said that the letter did not mention the date of the Order passed by the Sh. R. S Virk. It is pertinent to mention here that the applicant had already filed all the relevant documents including the above said Order on 31.12.2018 and have received the receiving. Then the applicant had again replied them on 10.04.2019 again providing all the relevant information. But till then no response has been given to the applicant.

The true copies of the email dated 26.12.2018, 04.02.2019, 23.02.2019; 09.04.2019, 10.04.2019 and letter dated 03.04.2019 sent to the respondent requesting them to issue the NOC for the land attached of the applicant have been annexed herewith as **ANNEXURE P-5** at pages___to___.

9. That it is now the applicant has come to know that it is not the SEBI but this Hon'ble Court which has to pass an appropriate Order in this direction and get the properties in question delist from the list of properties attached by the committee as no general information regarding this was available to the applicant.
10. That most of the said properties have been sold by the applicant with lawful considerations as the title is clear and have been entered the records of

the State of Uttarakhand before the attachment as well as before the filing of the concerned SLP in this Hon'ble Court or before any knowledge of such attachment and it has become very difficult for the applicant to satisfy all the purchasers.

10. That the PACL Ltd. has wrongly stated the said properties respectively purchased and owned by the applicant as their properties and has misrepresented before this Hon'ble Committee. The misguidance about the said properties done by PACL Ltd. has resulted into the harassment of the applicant. The applicant has further sold most of the properties legally with lawful considerations and the applicant as well as other people who have purchased the said properties have raised the permanent structures on the said properties as legal possessions have been given to the purchasers.

11. That the said properties of the applicant have been wrongly included in the list of the properties to be auctioned because those properties have been bought by the applicant herein in the year of 2014-2015 by way of payment of lawful consideration. More so, the mutation has also been done in the

name of the applicant and they are in possession of the abovesaid properties. All the above transactions have attained finality much before the Order dated 02.02.2016 passed by the Hon'ble Supreme Court of India.

12. That the appellant has an apt case to be considered and it would cause a great monetary loss as well physical and mental harassment if the said properties are not excluded from the list of the properties fixed for the auction.

PRAYER

IT IS THEREFORE MOST RESPECTFULLY PRAYED THAT YOUR LORDSHIPS MAY GRACIOUSLY BE PLEASED TO:

Allow the present application with an appropriate Order confirming the Orders dated 06.07.2018 passed by Sh. R. S Virk Judge(Retd.) in File No. 470 having M.R Nos. 4329/14 and 4295/14 so that land in question could be removed from the list of properties attached by the committee;

- (a) pass any such and further order(s) as this Hon'ble Court deems fit in the interest of justice.

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AND FOR THIS ACT OF KINDNESS THE PETITIONERS,
AS IS DUTY BOUND, SHALL EVER PRAY.

ABHAY PRATAP
ADVOCATES

MANJU JETLEY
ADVOCATE ON RECORD FOR
THE PETITIONER

PLACE: New Delhi

FILED ON: 23.12.2019