

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. OF 2019
IN
CIVIL APPEAL NO.13301 OF 2015

IN THE MATTER OF:

Subrata Bhattacharya	Versus	...	Appellant
Securities and Exchange Board of India		...	Respondent

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ADVOCATES FOR SEBI/RESPONDENT: M/s.K.J.JOHN & CO.

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...Appellant

Versus

Securities and Exchange Board of India

..Respondent

**AN APPLICATION ON BEHALF OF THE SECURITIES AND
EXCHANGE BOARD OF INDIA – RESPONDENT FOR
APPROPRIATE ORDERS**

TO,

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

THE HUMBLE APPLICATION OF
THE APPLICANT/ RESPONDENT
ABOVENAMED.

MOST RESPECTFULLY SHEWETH:

1. The Applicant / Respondent submits that this Hon'ble Court had vide order dated 08.07.2019 in C.A. No.13301/2015, inter alia directed as under:

“ IA No.165235 of 2019 in Civil Appeal No.13301/2015

The application by SEBI is for extending the tenure of Shri R S Virk, former District Judge by a further period of six months. The application is allowed in terms of prayer (a). ”

2. Applicant submits that Shri R.S. Virk, District Judge (Retd.) had been appointed by the Justice (Retd.) R. M. Lodha Committee (in the matter of PACL Ltd.) with the permission of this Hon’ble Court to hear objections pertaining to the properties of PACL Ltd., directed to be sold by the Committee. Applicant further submits that Shri R.S. Virk has forwarded a Special Report, which report has been filed in a sealed cover with the Registry of this Hon’ble Court on 2.02.2020, as stated in Office Report dated 25.02.2020.
3. Applicant submits that there are pending matters and objections received at the office of Shri R.S. Virk, Retired District Judge, at New Delhi, as also matters directed by this Hon’ble Court to be heard by Shri Virk, Retired District Judge, which are yet to be disposed of. Furthermore, there are also recommendations to be passed on matters heard by Shri. R.S.Virk. Retired District Judge.

4. In the foregoing circumstances, it is most respectfully submitted that it would be just, expedient and in the interest of Justice that this Hon'ble Court may be pleased to pass an order extending the tenure of Shri R.S. Virk, District Judge (Retd.), In the matter of PACL Ltd., by a period of 6 months and further keeping in view the "lockdown" on account of the prevailing Covid-19 situation, permit hearing and making of recommendations by Shri Virk, Retired District Judge, through video conferencing mode.

PRAYER

In the foregoing circumstances, Applicant - Securities and Exchange Board of India most respectfully prays that this Hon'ble Court may be pleased to:

- (a) pass an order extending the tenure of Shri R.S. Virk, District Judge (Retd.), In the matter of PACL Ltd., by a period of 6 months;
- (b) pass an order permitting hearing of matters by and making of recommendations thereon by Shri Virk, Retired District Judge, through video conferencing mode; and

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(c) pass such other and /or further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

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

DRAWN & FILED BY :


M/s. K.J. JOHN & CO.,

Advocates for the Applicant/
Respondent

New Delhi
Dated: 21.05.2020.

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Versus

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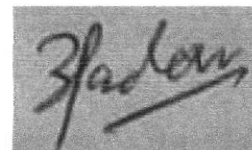
...Respondent

AFFIDAVIT

I, Amit Yadav, S/o Shri R.N. Yadav, aged about 29 years, presently working as Manager, Securities and Exchange Board of India, Northern Regional Office, Bank of Baroda Building, 5th Floor, 16, Parliament Street, New Delhi – 110 001, do hereby solemnly affirm and state as under:

1. I am fully conversant with the facts and circumstances of the present case and am authorized and competent to depose to the present Affidavit on behalf of the Respondent No.1.
2. I have read and understood the contents of the accompanying Application on behalf of the Securities and Exchange Board of India – Respondent for appropriate Orders and say that the facts set out


on legal advice received from the Advocates for the Respondent and believed to be true and correct.

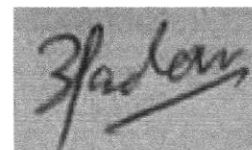


DEPONENT

VERIFICATION:

Verified at New Delhi on this the 12th day of May, 2020, that the contents of paragraphs 1 to 2 of my above affidavit are true and correct to the best of my knowledge, information and belief, that no part of it is false and nothing material has been concealed there from.

*signatures
identified*

PRATIK VENKATESH
ADVOCATE



DEPONENT