

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

..Appellant

Versus

Securities and Exchange Board of India

..Respondent

AND IN THE MATTER OF:

Synergyone Infrastructure & Projects
Private Limited & Ors.

..Applicants

WITH

I.A.No. _____ OF 2019: APPLICATION FOR IMPLEADMENT

PAPER-BOOK

[FOR INDEX: KINDLY SEE INSIDE]

ADVOCATE-ON-RECORD FOR THE APPLICANTS: USHA NANDINI V.

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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 ..Appellant

Versus

Securities and Exchange Board of India ..Respondent

AND IN THE MATTER OF:

1. Synergyone Infrastructure & Projects Private Limited having its' registered office at Flat No.12, Ashoka Apartments Koregaon Park Pune MH 411001 IN
2. Green Fortune Promoters & Developers Private Limited having its' registered office at S. No 60, Nirmal Farms, Ravi Nagar, SUS Gaon, Talkua Mulshi Pune MH 411021 IN
3. Fortune Infracity Private Limited having its' registered office at House No.134, Block-J, Sector 41, Noida, Gautam Buddha Nagar UP 210301 IN
4. Sanskruti Infradevelopers Private Limited having its' registered office at 2nd Floor, Divya Drusti, Plot no.1, Swastik CHS Ltd, Gulmohar Scheme, Vile Parle West Mumbai Mumbai City MH 400056 IN

Through Mr. Prashant Prabhakar Manjrekar
duly authorized vide separate board resolution
dated 12.11.2019 of each aforementioned company.

5. Sh. Prateek Kumar son of Sh. Praful Kumar
resident of Flat no.1401-03, A- Wing,
Samartha Aangan CHS Ltd.
Near Hotel Shreeji, Lokhnadwala Complex,
Andheri (w) Mumbai-400053

Through it's GPA holder
Mr. Prashant Prabhakar Manjrekar
R/o A/201, New Narmada Tower CHS Ltd,
Saibaba Nagar, Next to St. Thomas Church Road,
Mira-Bhayandar Road, Thane-401 107

..Applicants

**APPLICATION FOR IMPLEADMENT AS PARTIES IN THE
PRESENT MATTER.**

To

The Hon'ble Chief Justice of India
and His Companion Judges of the
Supreme Court of India, New Delhi.

The humble application of the
Applicants above-named

MOST RESPECTFULLY SHOWETH: -

1. That the Applicants submit that pursuant to the investigation by the SEBI into the business and activities of the PACL Ltd., the order dated 22.8.2014 came to be passed holding that the business activities of the PACL fell within the meaning of the collective investment scheme under the provisions at the SEBI Act and consequently the PACL was thereafter directed to refund the money collected by them to the investors.
2. That moving forward to attain the objective to refund the money collected by them to the investors, this

Hon'ble Court vide order dated February 02, 2016 in the CA No. 13301/2015, Subrata Bhattacharya Vs SEBI and other connected matters, constituted The Justice (Retd.) R. M. Lodha committee ("Committee") for disposing of the land purchased by the Company so that the sale proceeds can be paid to the investors, who have invested their funds in the Company.

3. That this Hon'ble Court vide it's order dated 30.07.2019 observed as under:

"we also leave it open to the committee to receive any further offers and to explore them after duly publishing a further notice on the website. The intervenors in the present proceedings would be at liberty to submit their Expressions of Interest to the Justice Lodha Committee for evaluation. We clarify that we have not expressed any opinion on the 'viability' or the genuineness of the offers which are purportedly being placed on behalf of the intervenors and leave it to the Committee to take a decision in the matter."

4. That in pursuance of the aforementioned order, the Committee had invited Expression of Interest (EOI) from prospective buyers clearly indicating therein list of properties in each zone, its circle rate, the offer amount and other relevant details. Further proposal were

invited by the committee for properties in one or more zone aggregating in value not less than Rs.1000 crore. All proposals were to be submitted to the Nodal Officer cum Secretary, Justice (Retd.) R.M.Lodha Committee (In the matter of PACL Ltd.) either by email to committee@sebi.gov.in or forwarded to SEBI Bhavan, BKC, Plot No.C4-A, 'G' Block, Bandra-Kurla Complex, Bandra (East), Mumbai - 400051. All proposals received were uploaded on the SEBI website and recommendations of the Committee thereon were submitted to the Hon'ble Supreme Court.

5. That the applicants have also gone through the various Expression of Interest (EOI) from prospective buyers as uploaded on the SEBI website.
6. That the applicants humbly submit that during this process, various properties against which the expression interested has been invited vide public Notice dated August 23, 2019 for sale of properties of PACL Limited or it's related entities , does not even belong and owned by the PACL limited it's related entities, there are various properties which are owned by the applicants which has been wrongly made part of the list which has been listed on the Committee's Website

www.auctionpacl.com against which the expression has been invited, list of such properties which are owned by the applicants are annexed with an application for objections.

7. That it is further submitted that the names of the applicants are not in the list of the associates/ affiliates/ subsidiaries of PACL as prepared by SEBI. Furthermore, neither Mr. Prateek Kumar nor the companies in which he is a majority shareholder, directly or indirectly, finds mention in the said list. True copy of the list dated 07.09.2016 prepared by SEBI is annexed with the application for objection.
8. That it is also submitted that in the due process of inviting EOI, some of the companies which have submitted their EOI's have made their offer against the properties duly owned by the applicants.
9. That it is also pertinent to mention here that list of properties (Annexure A-1) which has been made part of list, against which the expression of interest has been invited is already under litigation in which the Hon'ble High Court of Bombay vide its order dated 22.12.2014 passed an order restraining Mr. Prateek Kumar and the

group companies, not to alienate any property or to create any ~~third~~ party interest in them.

10. That presently the aforesaid matter is pending adjudication in arbitration before the Sole Arbitrator, Mr. Justice Mohit S. Shah Former Chief Justice of Bombay High Court.

11. That in view of the foregoing, it is submitted that during the pendency of the aforesaid arbitration, it is not be just and proper for the Committee to list the properties of applicants assuming as list properties of PACL or it's related entities and seek expression on interest against such properties as the same are being adjudicated upon in the said arbitration.

PRAYER

In the light of above submissions, this Hon'ble Court may graciously be pleased to:

- a) Implead the applicants as parties in the aforesaid Civil Appeal No.13301 of 2015; and
- b) Pass such other and further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANTS/
OBJECTORS SHALL EVER PRAY TO THEIR LORDSHIPS.

DRAWN BY:

FILED BY:

[RISHI KAUSHAL]
Advocate

[USHA NANDINI V.]
Advocate for the applicants/ Objectors

SETTLED BY:

[JASBIR SINGH MALIK]
Advocate

DRAWN ON: 12.12.2019

FILED ON: 13.12.2019

VERIFICATION

I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, belief. No part of it is false and nothing material has been concealed therein.

Verified at New Delhi on this 13th day of December, 2019.

DEPONENT

CERTIFIED TRUE COPY OF THE BOARD RESOLUTION PASSED AT THE BOARD MEETING OF THE DIRECTORS OF SYNERGYONE INFRASTRUCTURE & PROJECTS PRIVATE LIMITED HELD ON 12th DECEMBER, 2019 AT THE REGISTERED OFFICE OF THE COMPANY SITUATED AT FLAT NO. 12, ASHOKA APARTMENTS KOREGAON PARK PUNE - 411001 AT 11:30 AM.

AUTHORITY TO MR. PRASHANT MANJREKAR:

"RESOLVED THAT the consent of the Board of Directors of the Company be and is hereby accorded to authorise Mr. Prashant Manjrekar, to file suit(s), claim(s), dispute(s), act(s), appeal(s), petition(s) before the Hon'ble Supreme Court of India, High Court or otherwise and represent the interest of the Company and its properties therein, in any matter."

"RESOLVED FURTHER THAT Mr. Prashant Manjrekar, authorised person of the Company, be and is hereby authorized to sign all papers, petitions, applications, appeals, affidavits, declaration, vakalatnama, etc. or any other documents, as may be required in relation thereto, and also to appoint advocate(s), counsel (s) etc. to represent the Company before judicial, quasi-judicial or other authorities mentioned herein above, and to do all such acts, deeds and things as may be necessary for the above said purpose and in relation thereto."

Certified to be true copy,

FOR SYNERGYONE INFRASTRUCTURE & PROJECTS PRIVATE LIMITED



RICHI AGGARWAL
DIRECTOR
DIN: 08133477

GREEN FORTUNE PROMOTERS & DEVELOPERS PRIVATE LIMITED

CERTIFIED TRUE COPY OF THE BOARD RESOLUTION PASSED AT THE BOARD MEETING OF THE DIRECTORS OF GREEN FORTUNE PROMOTERS & DEVELOPERS PRIVATE LIMITED HELD ON 12th DECEMBER, 2019 AT THE REGISTERED OFFICE OF THE COMPANY SITUATED AT S. NO 60, NIRMAL FARMS, RAVI NAGAR, SUS GAON, TALUKA MULSHI PUNE - 411021 AT 11:00 AM.

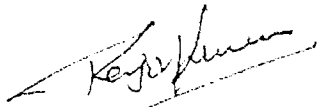
AUTHORITY TO MR. PRASHANT MANJREKAR:

"RESOLVED THAT the consent of the Board of Directors of the Company be and is hereby accorded to authorise Mr. Prashant Manjrekar, to file suit(s), claim(s), dispute(s), act(s), appeal(s), petition(s) before the Hon'ble Supreme Court of India, High Court or otherwise and represent the interest of the Company in any matter."

"RESOLVED FURTHER THAT Mr. Prashant Manjrekar, authorised person of the Company, be and is hereby authorized to sign all papers, petitions, applications, appeals, affidavits, declaration, vakalatnama, etc. or any other documents, as may be required in relation thereto, and also to appoint advocate(s), counsel (s) etc. to represent the Company before judicial, quasi-judicial or other authorities mentioned herein above, and to do all such acts, deeds and things as may be necessary for the above said purpose and in relation thereto."

Certified to be true copy,

FOR GREEN FORTUNE PROMOTERS & DEVELOPERS PRIVATE LIMITED



RAJIV KUMAR
DIRECTOR
DIN: 01992109

GREEN FORTUNE PROMOTERS & DEVELOPERS PRIVATE LIMITED

REG. OFFICE: S NO 60, NIRMAL FARMS, RAVI NAGAR, SUS GAON, TALUKA MULSHI, PUNE - 411021, MAHARASHTRA, INDIA, TEL.: 020 41285517
BRANCH OFFICE: A - 60, SUSHANT LOK, PHASE - 3, GURGAON - 122001, HARYANA INDIA, TEL.: 0124 4385605
CIN: U45200PN2010PTC136572. Email: info@strideindia.com | Website: www.strideindia.com

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FORTUNE INFRACITY PVT LTD

CERTIFIED TRUE COPY OF THE BOARD RESOLUTION PASSED AT THE BOARD MEETING OF THE DIRECTORS OF FORTUNE INFRACITY PRIVATE LIMITED HELD ON 11th DECEMBER, 2019 AT THE REGISTERED OFFICE OF THE COMPANY SITUATED AT HOUSE NO. 134, BLOCK -J SECTOR 41, NOIDA, GAUTAM BUDDHA NAGAR - 201301 AT 10:30 AM.

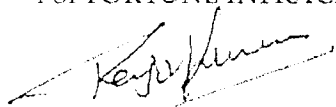
AUTHORITY TO MR. PRASHANT MANJREKAR:

"RESOLVED THAT the consent of the Board of Directors of the Company be and is hereby accorded to authorise Mr. Prashant Manjrekar, to file suit(s), claim(s), dispute(s), act(s), appeal(s), petition(s) before the Hon'ble Supreme Court of India, High Court or otherwise and represent the interest of the Company and its properties therein, in any matter."

"RESOLVED FURTHER THAT Mr. Prashant Manjrekar, authorised person of the Company, be and is hereby authorized to sign all papers, petitions, applications, appeals, affidavits, declaration, vakalatnama, etc. or any other documents, as may be required in relation thereto, and also to appoint advocate(s), counsel (s) etc. to represent the Company before judicial, quasi-judicial or other authorities mentioned herein above, and to do all such acts, deeds and things as may be necessary for the above said purpose and in relation thereto."

//Certified True Copy//

For FORTUNE INFRACITY PRIVATE LIMITED



MR. RAJIV KUMAR
DIRECTOR
DIN: 01992109

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CERTIFIED TRUE COPY OF THE BOARD RESOLUTION PASSED AT THE BOARD MEETING OF THE DIRECTORS OF SANSKRUTI INFRADEVELOPERS PRIVATE LIMITED HELD ON 12th DECEMBER, 2019 AT THE REGISTERED OFFICE OF THE COMPANY SITUATED AT 2ND FLOOR, DIVYA DRUSTI, PLOT NO. 1, SWASTIK CHS LTD., GULMOHAR SCHEME, VILE PARLE WEST, MUMBAI - 400056 AT 04:00 PM.

AUTHORITY TO MR. PRASHANT MANJREKAR:

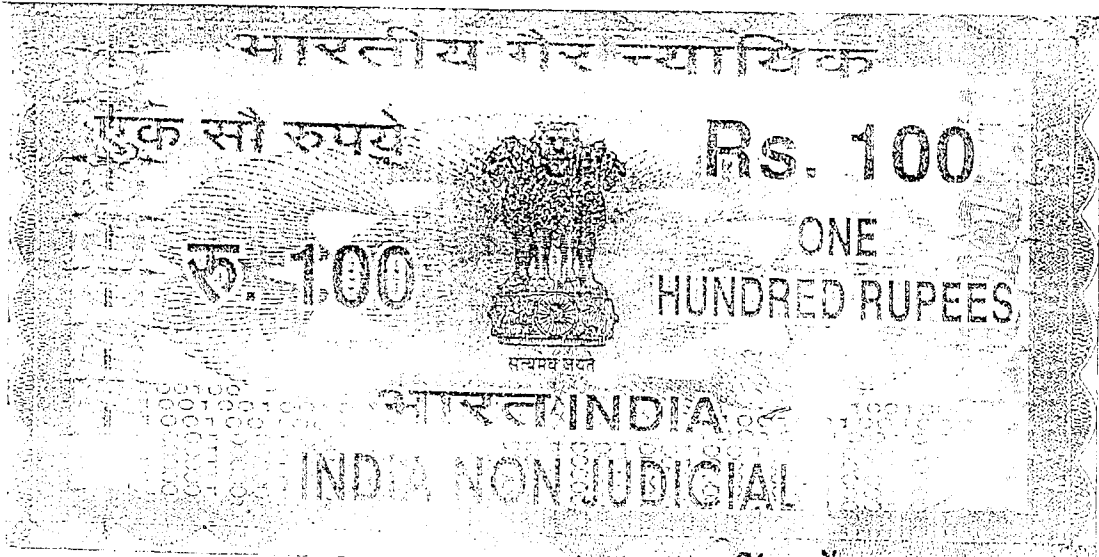
"RESOLVED THAT the consent of the Board of Directors of the Company be and is hereby accorded to authorise Mr. Prashant Manjrekar, to file suit(s), claim(s), dispute(s), act(s), appeal(s), petition(s) before the Hon'ble Supreme Court of India, High Court or otherwise and represent the interest of the Company and its properties therein, in any matter."

"RESOLVED FURTHER THAT Mr. Prashant Manjrekar, authorised person of the Company, be and is hereby authorized to sign all papers, petitions, applications, appeals, affidavits, declaration, vakalatnama, etc. or any other documents, as may be required in relation thereto, and also to appoint advocate(s), counsel (s) etc. to represent the Company before judicial, quasi-judicial or other authorities mentioned herein above, and to do all such acts, deeds and things as may be necessary for the above said purpose and in relation thereto."

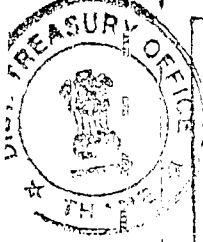
##CERTIFIED TRUE COPY##

FOR SANSKRUTI INFRADEVELOPERS PRIVATE LIMITED

MR. RICHI AGGARWAL
DIRECTOR
DIN: 08133477



महाराष्ट्र MAHARASHTRA



जिल्हा कोषागार कार्यालय,
ठाणे.
27 NOV 2013
मुद्रांक प्रत्यक्ष लिपीक/लिपीक

गंगा झेरॉक्स/टायपिंग सेंटर

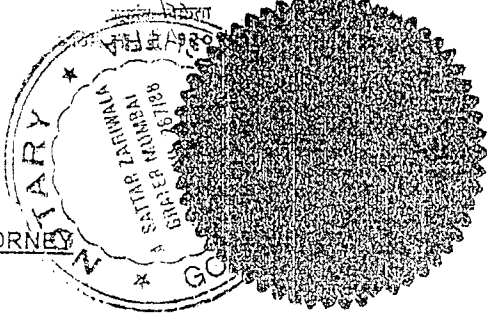
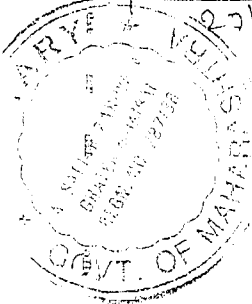
दुकान नं. ३४, भवानी मार्केट, कलेक्टर ऑफिसजवळ, ठाणे. KD 087346

अनुक्रमांक 74 673 किंमत रु. 100/-
ज्या Prateek Kumar, Andheri, Mumbai
पत्ते ...
दिनांक

29 NOV 2013

29 NOV 2013

022-25395785
ता. सं. २/२०००



GENERAL POWER OF ATTORNEY

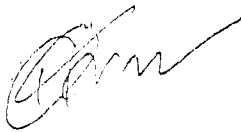
TO ALL TO WHOM THESE PRESENTS SHALL COME. I MR. PRATEEK
KUMAR son of MR. PRAFUL KUMAR, aged 43 years, an Indian Inhabitant,
residing at Flat No.1401-03, A-3 wing, Samartha Aangan CHS Ltd, Near Hotel
Shreeji, Lokhandwala Complex, Andheri (W), Mumbai - 400 053 SEND
GREETINGS:

(Signature)



NOW KNOW YE BY THESE PRESENTS THAT I, MR. PRATEEK KUMAR son of MR. PRAFUL KUMAR do hereby nominate, constitute and appoint MR. PRASHANT PRABHAKAR MANJREKAR aged 39 years, Indian Inhabitant, residing at A/201, New Namada Tower CHS Ltd, Saibaba Nagar, Next to St. Thomas Church Road, Mira-Bhayandar Road, Mira Road, Thane – 401 107 to be my true and lawful attorney for and on my behalf and to do all or any of the acts, deeds, matters and things and to exercise all or any of the powers and authorities hereby conferred only in respect of legal proceedings filed or to be filed by me or to defend or deal with any legal proceedings filed against me.

1. To correspond with and appear before all authorities with respect to matters, complaints, cases on my behalf.
2. To file legal proceedings or make representations in my name and on my behalf and to defend any proceedings filed against me and for the purpose to sign and declare / affirm, re-declare or re-affirm Suits, Appeals, Plaints, Writ Petitions, Affidavits, Applications, Representations or Written Statements, Affidavit-in-reply, rejoinder etc. in the Hon'ble High Court at Bombay, Hon'ble Supreme Court, Hon'ble City Civil Court at Bombay, Hon'ble District Court, before all administrative authorities like Collector, Commissioner, Hon'ble Minister etc.
3. To appoint Lawyers, Solicitors or Counsels for the purpose and pay their fees and give necessary instructions and file Vakalatnama in my name and on my behalf.



4. AND GENERALLY to act as my attorney or agent only in relation to the said legal proceedings before any Hon'ble Court or authority and on my behalf to execute and enact all instruments, deeds, acts, matters and things as fully and effectually in all respects as I myself would individually do if personally present.

Dated this 29th day of November 2013

SIGNED, SEALED AND DELIVERED)

By the withinnamed)

MR. PRATEEK KUMAR)

son of MR. PRAFUL KUMAR)

In the presence of)

[Handwritten Signature]



Before me



WITNESS :

1.

2.

[Handwritten Signature]



MR. PRASHANT PRABHAKAR MANJREKAR

Specimen Signature of Attorney

Identified by me



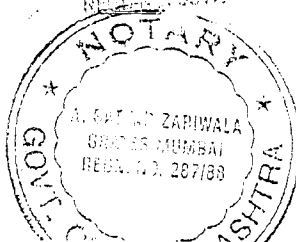
*Forwarded by me
intentionally
29/11/13*

CERTIFIED TRUE COPY
[Handwritten Signature]
29/11/13
NOTARY PUBLIC (JALILE)
APPOINTED BY THE GOVT OF INDIA
MUMBAI (MAHARASHTRA)
REG. NO. 5972

BEFORE ME

[Handwritten Signature]

A. SATTAR ZARIWALA
NOTARY
GREATER MUMBAI
REGISTER SERIAL NO. 215
PAGE NO. 47 DATE 29.11.2013





आयकर विभाग
INCOME TAX DEPARTMENT

भारत सरकार
GOVT. OF INDIA

PRADEEK KUMAR
PRAFUL KUMAR

06/06/1970
Permanent Account Number
APDPK6666A

Signature 



यस कार्य के लिए मैंने परामर्श करने के लिए
आयकर के सेवा प्रदाता, एन एस सी से
सहायता ली है। अधिक जानकारी के लिए
कृपया ई-मेल: info@nscl.com, संपर्क करें।



This card is not someone's tax ID. It is issued
by the Income Tax Department.
Income Tax PAN Services Unit, NSCL
1st Floor, Tunes Tower,
Lotus NRI Compound,
Maraj, Lower Phase, Mumbai - 400113.
Tel: 91-22-24994650, Fax: 91-22-24-50664,
Email: info@nscl.com

h



भारतीय विशिष्टता आधाराधिकारण

भारत सरकार

Unique Identification Authority of India
Government of India

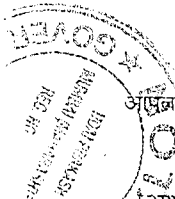
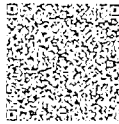
नांदवियाचा अनांक / Enrolment No 117770078/01068

23/07/2013
10
प्राटेक प्रफुल कुमार
Prateek Pratul Kumar
Row House No 150, Club 9, Society
Jas NIBM Road, Kurla West
Pune City
M. I. B. M. Pune City, Pune
Maharashtra 411018
888022187

Ref: 232-07D / 387055 - 3574701 P



SH3E0737746DF



आपला आधार क्रमांक / Your Aadhaar No. :

05282 2731 6792

आधार -- सामान्य माणसाचा अधिकार



भारत सरकार
GOVERNMENT OF INDIA

प्राटेक प्रफुल कुमार
Prateek Pratul Kumar
जन्म तारीख / Year of Birth : 1979
पुंम / Male



5282 2731 6792

आधार -- सामान्य माणसाचा अधिकार

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09*
 10
 PRAFUL KUMAR SHAH
 ILA SHAH
 RUPAL PRATEEK KUMAR
 A-60 SUSHANT LOK-II
 GURGAON
 HARYANA 122001
 H4838805 147572009 DELHI
 UAED10264912 CL PPT CLD AND RETURNED

CERTIFIED TRUE COPY

UDAI PRAKASHI (M.A., LL.M.)
 ADVOCATE & NOTARY GOVT OF INDIA
 MUMBAI (MAHARASHTRA)
 REGD NO. 9972