

**न्यायमूर्ति (सेवानिवृत्त) आर.एम. लोढा समिति**  
**Justice (Retd.) R. M. Lodha Committee**  
**(पीएसीएल लि. के मामले से संबंधित / in the matter of PACL Ltd.)**

संदर्भ सं. जेआरएमएलसी/पीएसीएल/  
Ref. No. JRMLC/PACL/

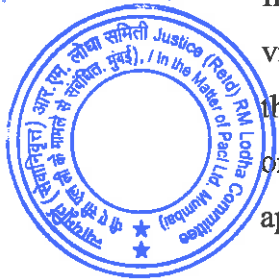
*Order on the objection filed by Fakir Mohammed*  
*SEBI/PACL/OBJ/AR/00004/2024*

**BEFORE THE RECOVERY OFFICER, SEBI**  
**ATTACHED TO**  
**JUSTICE (RETD.) R.M. LODHA COMMITTEE**  
**(IN THE MATTER OF PACL LTD.)**

File No.	SEBI/PACL/OBJ/AR/00004/2024
Name of the Objector(s)	Shri Fakir Mohammad
MR No.	4335-14 & 4371-14

**Background:**

1. Securities and Exchange Board of India (hereinafter referred to as "SEBI") on 22.08.2014 passed an order against the PACL Ltd., its promoters and directors, *inter alia* holding the schemes run by PACL Ltd. as CIS and directing them to refund the amounts collected from the investors within three months from the date of the order. By the said order, it was also directed that PACL Ltd. and its promoters/directors, shall not alienate or dispose of or sell any of the assets of PACL Ltd. except for the purpose of making refunds as directed in the order.
2. The order passed by SEBI was challenged by PACL Ltd. and 4 of its directors by filing appeals before Hon'ble SAT. The said appeals were dismissed by Hon'ble SAT vide its common order dated 12.08.2015, with a direction to the appellants to refund the amounts collected from the investors within three months. Aggrieved by the order dated 12.08.2015 passed by Hon'ble SAT, PACL Ltd. and its directors filed appeals before Hon'ble Supreme Court of India.
3. Hon'ble Supreme Court did not grant any stay on the aforesaid impugned order dated 12.08.2015 of Hon'ble SAT, however, PACL Ltd. and its promoters/directors did



*Shri/m*

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SEBI Bhavan, BKC, Plot No. C4-A, 'G' Block, Bandra-Kurla Complex, Bandra (East), Mumbai - 400051

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not refund the money to its investors. Accordingly, SEBI initiated recovery proceedings under Section 28A of SEBI Act, 1992 against PACL Ltd. and its promoters/directors vide recovery certificate no. 832 of 2015 drawn on 11.12.2015 and as a consequence thereof, all bank/demat accounts and folios of mutual funds of PACL Ltd. and its promoters/directors were attached by the Recovery Officer vide attachment order dated 11.12.2015.

4. During hearing on the aforesaid civil appeals filed by the PACL Ltd. and its directors (i.e. Civil Appeal No. 13301 of 2015 – Subrata Bhattacharya Vs. SEBI and other connected matters), Hon'ble Supreme Court vide its order dated 02.02.2016, directed SEBI to constitute a committee under the Chairmanship of Hon'ble Mr. Justice R.M. Lodha, the former Chief Justice of India, (hereinafter referred to as “**the Committee**”), for disposing of the land purchased by PACL Ltd. so that the sale proceeds can be paid to the investors, who have invested their funds in PACL Ltd. for purchase of the land. In the said civil appeals, Hon'ble Supreme Court did not grant any stay on the orders passed by SEBI and the Hon'ble SAT. Therefore, direction for refund and direction regarding restraint on the PACL Ltd. and its promoters and directors from disposing, alienating or selling the assets of the PACL Ltd., as given in the order continue till date.
5. The Committee has from time to time requested the authorities for registration and revenue of different states to take necessary steps and issue necessary directions to Land Revenue Officers and Sub-registrar offices, to not effect registration/mutation/sale/transfer, etc. of properties wherein PACL Ltd. and or its group or its associates have, in any manner right of interest.
6. Also, Hon'ble Supreme Court vide its order dated 25.07.2016 restrained PACL Ltd. and/or its Directors/Promoters/agents/employees/Group and/or associate companies



*[Handwritten signature]*

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from in any manner selling/transferring/alienating any of the properties wherein PACL Ltd. has, in any manner, a right/interest situated either within or outside India.

7. In the recovery proceedings mentioned in para 3 above, the Recovery Officer issued an attachment order dated 07.09.2016, against 640 associate companies of PACL Ltd. In the said order, *inter alia*, the registration authorities of all States and Union Territories were requested not to act upon any document purporting to be dealing with transfer of properties by PACL Ltd. and/or the group/associate entities of PACL Ltd. mentioned in the Annexure to the said attachment order, if presented for registration.
8. Hon'ble Supreme Court vide its order dated 15.11.2017 passed in C. A. No. 13301/2015 and connected matters directed that all the grievances/objections pertaining to properties of PACL Ltd. would be taken up by Mr. R. S. Virk, Retired District Judge.
9. On 30.04.2019, in the recovery proceedings initiated against PACL Ltd. & Ors., the Recovery Officer issued a notice of attachment in respect 25 front companies of PACL Ltd. Thereafter, on 01.03.2021, the Recovery Officer issued another notice of attachment in respect of 32 associate companies of PACL Ltd., which included 25 front companies of PACL Ltd. whose accounts were attached vide order dated 30.04.2019.
10. Vide order dated 08.08.2024, passed in Civil Appeal No. 13301 of 2015 – Subrata Bhattacharya Vs. SEBI and other connected matters, Hon'ble Supreme Court has directed as under:

*“.....10. Since, we had directed in our order dated 25.07.2024, that no fresh applications or objections shall be filed before or entertained by Shri R.S. Virk,*

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*Shri R.S. Virk*

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*District Judge (Retd.) and that the same shall be filed before the Committee, the  
Committee may deal with such applications/objections, if filed before it, and dispose  
them of as per the provisions contained under Section-28(A) of the SEBI  
Act.....”*

11. In compliance with aforesaid order dated 08.08.2016 passed by Hon'ble Supreme Court, all objections with respect to properties of PACL Ltd., which were pending before Shri R. S. Virk, Retired District Judge and all new objections, are now to be dealt by the Recovery Officers attached to the Committee.

**Present Objection:**

12. Present objection has been filed by Shri Fakir Mohammad S/o Shri Jung Bahadur, R/o Village –Redapur Chharba, Tehsil – Vikasnagar, District – Dehradun, Uttrakhand (hereinafter referred to as “**the Objector**”) through Sukhbir Singh S/o Khusal Singh, aged about 46 years, R/o Village – Marvada Mawkibadi, District - Pauri Garhwal, Uttrakhand – 246121, his constituted Special Power of Attorney Holder, objecting the attachment of his undivided land parcel having Khata No. 115 and Khasra Nos. 4469, 4474, 4475, 4476, 4477, 4478 and 4479Kha, admeasuring 0.2190 Hectare, situated at Village Chharba, Tehsil Vikasnagar, District – Dehradun, Uttrakhand (hereinafter referred to as “**the Impugned Property**”), due to the attachment of the property covered in MR Nos. 4335/14 & 4371/14, which stands attached by the Committee.

13. Objector was granted an opportunity of hearing on 15.01.2025. Authorised representative (AR) of the Objector appeared for the hearing and made submissions on the lines of averments made in the objection petition. Since, the copy of the sale deed No. 4723/2015 dated 31.07.2015, as sent by the AR vide email dated 15.01.2025, was not certified one, accordingly, during the hearing, AR was advised

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to file the certified copy of the said sale deed within 10 days. Vide email dated 27.01.2025, AR of the Objector has forwarded the copy of the sale deed dated 31.07.2015 and an affidavit dated 16.01.2025 of the Objector giving therein *inter alia* the details of the boundaries of the Impugned Property.

14. The Objector has contended that he had purchased the Impugned Property from Shri Roshan Lal S/o Heera Lal, R/o Chakarpur, Bajpur, District – Udham Singh Nagar, Uttrakhand, vide registered sale deed dated 31.07.2015 registered in the office of SRO I, Vikasnagar at Bahi No. 1, Jild 3724, Page 23-50 at S. No. 4723, for a consideration of Rs. 3,00,000/-. It is submitted by the Objector that he is having lawful possession of the said land, he is cultivating the said land and his name is duly recorded in the revenue records with transferrable rights in the land. It is submitted that the Objector has never sold the said land to anyone more specifically to PACL Ltd. and the Objector was not aware about the wrong attachment and restraint order till recently. It is submitted that the Objector came to know about the said attachment and restraint order from other landowners of same Khata/Khasra. It has been submitted that the Objector also came to know about order dated 09.01.2018 passed by the Director General, Registry, Uttrakhand, directing the Registrars to restrain from transferring any title/ownership of land considered to be owned by PACL Ltd. or its subsidiaries as per direction of the Committee.

15. I have perused the Objection Petition, documents submitted by the Objector pursuant to hearing, submissions made during the hearing and vide email dated 01.01.2025 and the copy of title deeds seized under MR Nos. 4335-14 & 4371-14, on the basis of which the Impugned Property has been shown in the list of properties of PACL Ltd. In the sale deed dated 31.07.2015, relied upon by the Objector, land parcel of 0.2190 Hectare out of total land parcel of 2.2130 Hectare comprised in Khasra no. 4469 area 0.6800 Hectare, Khasra no. 4474 area 0.2470 Hectare, Khasra no. 4475

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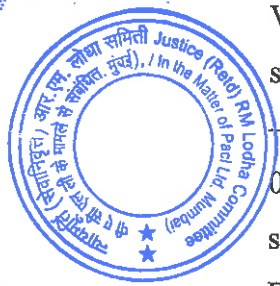
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area 0.2760 Hectare, Khasra no. 4476 area 0.3700 Hectare, Khasra no. 4477 area 0.2400 Hectare, Khasra no. 4478 area 0.3600 Hectare and Khasra no. 4479kha area 0.0400 Hectare, has been shown as the land sold through the said sale deed.

16. On perusal of the title deed covered in MR No. 4335-14, it is noted that sale deed is dated 03.01.2008 wherein Yusuf Ali S/o Yakub Ali R/o Village – Chharba, Tehsil – Vikasnagar, District Dehradun, Utrakhnad is seller and Kasim Ali S/o Phool Mohammad R/o Village – Bhuddi, Tehsil – Vikasnagar, District – Dehradun, Utrakhnad is purchaser, of the land parcel situated at Mauja – Chharba, Tehsil – Vikasnagar, Pargana – Pachwadoon, District – Dehradun, in Khata no. 116, Khasra nos. 4469, 4474, 4475, 4476, 4477, 4478 and 4479 kha, admeasuring 20<sup>th</sup> part of the total land area of 2.2130 covered in this Khata no. 116, i.e. 0.11065 Hectare. It shows that total land covered in Khata no. 116 is 2.2130 Hectare, however, title deed seized under the MR No. 4335-14, pertains only to 0.11065 Hectare.

17. Under MR No. 4371-14 two sale deeds have been seized. In the first sale deed dated 30.04.2007, Lakshman Singh Rawat S/o Kundan Singh Rawat R/o Village – Noar Patti Kujji, Post – Phakot, District – Tehri Garhwal, Utrakhnad is seller and Smt. Wahidan W/o Late Matloob Hasan R/o Gurudwara Gali, Vikasnagar, Tehsil – Vikasnagar, District – Dehradun, Utrakhnad is purchaser, of the land parcel situated at Mauja – Chharba, Tehsil – Vikasnagar, Pargana – Pachwadoon, District – Dehradun in Khata no. 113, Khasra no. 1507 and Khasra no. 1508, admeasuring 0.154 Hectare, out of the total land area of 0.154 Hectare. The said land parcel was sold by Smt. Wahidan to Darshan Singh S/o Ujagar Singh R/o Manorathpur – 3 Badiyonwala, Tejarpur, District Udham Singh Nagar, Utrakhnad vide sale deed dated 09.10.2007. Said sale deed is the second document seized under MR No. 4371-14. It is observed that though Smt. Wahidan had purchased and at the time of sale deed dated 09.10.2007, was owning land admeasuring 0.154 Hectare in Khata no.



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113 only, however, in the sale deed dated 09.10.2007, in the description of the land sold, Khata nos. 112, 114, 115 and 116 are also mentioned alongwith Khata no. 113. It is noted that total area covered under Khata no. 112, 113, 114, 115 & 116, is 18.915 Hectare, out of which Smt. Wahidan had sold 0.154 Hectare of land falling under Khata no. 113, to Darshan Singh, vide sale deed dated 09.10.2007 covered under MR No. 4371-14.

18. From perusal of the copy of the Khatauni (land record in the state of Uttrakhand) as submitted by the Objector, it is noted that for fasli year 1417-1422 in Khata no. 115, there are 07 Khasra numbers covering a total 2.2130 Hectare of land. In the column no. 7-12 of this Khatauni, which contain the details of mutation, it has been mentioned that by the order no. 3888/17 dated 17.04.2017 of Nayab Tehsildaar, Vikasnagar, 0.2190 Hectare of land out of total land area of 2.2130 Hectare in Khata No. 115, Khasra no. 4469 area 0.6800 Hectare, Khasra no. 4474 area 0.2470 Hectare, Khasra no. 4475 area 0.2760 Hectare, Khasra no. 4476 area 0.3700 Hectare, Khasra no. 4477 area 0.2400 Hectare, Khasra no. 4478 area 0.3600 Hectare and Khasra no. 4479kha area 0.0400 Hectare, has been sold by Roshanlal S/o Heeralal through registered sale deed dated 25.01.2007 for Rs. 15,33,000/- and the name of purchaser i.e. Fakir Mohammad S/o Jung Bhadur R/o Redapur Chharba, Tehsil – Vikasnagar, has been entered in place of name of sellers. During the hearing held on 15.01.2025, AR of the Objector was asked to explain the two aspects, (i) as to why the date of sale deed is mentioned as 25.01.2007 in Khatauni when the sale deed relied upon by the Objector is of 31.07.2015; and (ii) why Rs. 15,33,000/- is mentioned as the sale consideration in the Khatuni whereas as per the sale deed relied upon by the Objector, the amount of consideration is Rs. 3,00,000/- only. In response to the said queries, the AR vide email dated 04.02.2025 has submitted that due to typographical error, date of sale deed is mentioned as 25.01.2007 instead of 31.07.2015 and to rectify the error the Objector has made an application before the Tehsildar,

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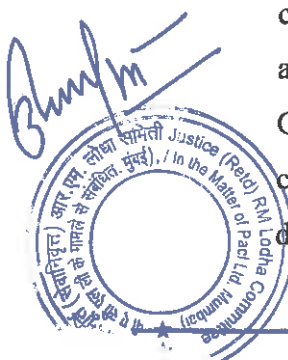
Vikasnagar, District Dehradun, Uttarakhand. The AR has also forwarded the copy of application made before Tehsildar, Vikasnagar, District Dehradun, Uttarakhand, in this regard. Regarding the mention of different consideration price in the Khatauni, the AR has submitted that Rs. 15,33,000/- was the market rate of the land calculated as per circle rate of that time and Rs. 3,00,000/- was the actual sale price or deal price between seller and objector, which are clearly mentioned on 1<sup>st</sup> and 8<sup>th</sup> page of sale deed. When the actual selling price is less than the market rate then for the purpose of registry and stamp duty market rate is taken into consideration, which was Rs. 15,33,000/- in the present case, therefore, in mutation entry the same value is written. Vide email dated 08.04.2025, the AR has furnished the copy of the khatauni, as modified vide order dated 27.03.2025 of Tehsildar, which modifies date of sale deed from 25.01.2007 to 31.07.2015.

19. Khasra no. 4469 area 0.6800 Hectare, Khasra no. 4474 area 0.2470 Hectare, Khasra no. 4475 area 0.2760 Hectare, Khasra no. 4476 area 0.3700 Hectare, Khasra no. 4477 area 0.2400 Hectare, Khasra no. 4478 area 0.3600 Hectare and Khasra no. 4479kha area 0.0400 Hectare, makes up total land area of 2.2130 Hectare. The area of land comprised in two title deeds covered in MR No. 4335-14 & MR No. 4371-14 is total 0.26465 Hectare (i.e. 0.154 Hectare + 0.11065 Hectare) and when the said area is subtracted from the total land area (i.e. 2.2130) comprised in these Khasra nos., an area of 1.96635 Hectare still remains. Even after taking out of land parcel being claimed by the Objectors, i.e. 0.2190 Hectare from the total land covered in these Khasra nos. a land parcel of 1.74735 Hectare still remains. It shows that land comprised in the aforesaid Khasra nos. is much larger portion of land from which after taking all the lands covered in the two MR Nos. and the land claimed by the Objector, a land parcel of 1.74735 Hectare still remains. Thus, these land parcels covered in the MR Nos. and the land claimed by the Objectors are separate and distinct land parcels though they happen to fall in the same Khasra nos. Accordingly,

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the question of delisting the property of the Objector from the list of the properties of PACL Ltd., as prayed for by the Objector, does not arise, as the said land parcel to the extent of 0.2190 Hectare, claimed by the Objector, in Khasra no. 4469, Khasra no. 4474, Khasra no. 4475, Khasra no. 4476, Khasra no. 4477, Khasra no. 4478 and Khasra no. 4479 kha, is not covered under MR No. 4335-14 and MR No. 4371-14.

20. Given the above, objection raised by the Objector is disposed of.

**Place: Mumbai**

**Date: April 08, 2025**



**ANUBHAV ROY**

**RECOVERY OFFICER**

**For and on behalf of Justice (Retd.) R. M. Lodha  
Committee (in the matter of PACL Ltd.)**



**अनुभव रॉय / ANUBHAV ROY**  
उप महाप्रबन्धक एवं वसुली अधिकारी  
Deputy General Manager & Recovery Officer  
न्यायमूर्ति (सेवानिवृत्त) आर.एम. लोढा समिति  
Justice (Retd) RM Lodha Committee  
(पीएसीएल लि. के मामले से संबंधित, मुंबई) / In the Matter of PacL Ltd. Mumbai

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