

**Before Shri R.S. Virk, District Judge (RETD.)**  
**appointed to hear objections/representations in the matter of PACL Ltd.**  
**(as referred to in the orders dated 15/11/2017, 13/04/2018 and 02/07/2018 of**  
**the Hon'ble Supreme Court passed in civil appeal no. 13301/2015 titled Subrata**  
**Bhattacharya Vs SEBI, and also duly notified in SEBI Press release no. 66 dated**  
**08/12/2017).**

**File no. 467(For review of order dated 23/02/2018 File No. 43)**

**MR NOs. 25045-16, 25052-16,**  
**25057-16 & 25059-16**

**Objector Applicant :** Ramesh Kondiba Patil

**Present :** Sh. Gudipati G. Kashyap, Advocate Delhi  
(Enrolment No. D/3906/2013)  
with Sh Prakash D Bhaygude, Advocate, Pune  
(Enrolment No.NAH/5923/2009) for the applicant

**Order :**

1. This application was filed by the objector above named on 20/04/2018 seeking recall of my order dated 23/02/2018 passed in File No. 43 (Catalogue No 87) whereby the objection petition dated 16/09/2016 addressed to the Nodal Officer cum Secretary to Justice R.M. Lodha (Retd.) Committee in the matter of PACL was dismissed.

(i) The objector Ramesh Kondiba Patil above named in his letter dated 16/09/2016 addressed to the Nodal Officer of this Committee, while seeking release from attachment of the property detailed therein had specified that :-

(a) The land comprised in Gat No. 405 situated at Village Wagholi, Taluka Haveli, District Pune was purchased by him from Subhash Dhondiba Waghmare & others named therein vide two separate sale deeds dated 12/12/2012 and 31/12/2012;

(b) The land comprised in Gat No. 408 was purchased from Prakash Mhatu Waghmare and others vide sale deed dated 27/07/2012;

(c) The land comprised in Gat No. 422 was purchased from Kaluram Haribhau Waghmare and others vide sale deed dated 21/12/2012, all after due permission of the collector in which context respective mutation nos. 9425; 9226; 9443; stand recorded in its favour.

2. Review of the order dated 23/02/2018 is sought on the following grounds :-

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- (i) The order dated 23/02/2018 is confined to Gat Nos. 405 and 421 in para 3(i) thereof; Gat No. 405 in para 3(ii) thereof ; Gat No. 408 and Gat No. 422 in paras 3(iii) and (iv) thereof without passing any specific order in respect of Gat Nos. 427,421 and 428 which also formed the subject matter of the said objection petition.
- (ii) The objection petition was accompanied with voluminous documents such as mutations and sale deeds etc in Marathi language and translation thereof took time because the Advocates are Delhi based but they were not given time to produce translations thereof as the tenure of this committee was only for three months.
- (iii) The order dated 23/02/2018 was passed in haste without giving an opportunity to the applicant to file additional documents such as bank statements to substantiate the objections raised.
- (iv) The name of M/s Greenfiled Esates as having been the purchaser of the property in question has cropped up for the first time in the impugned order dated 23/02/2018.
- (v) The case of the objectors herein is at par with that of Sh. Rajesh Jiwan Uttam Chandani & Sh. Govind Jiwan Uttam Chandani whose objection petition has been accepted by this committee vide order dated 27/03/2018.
- (vi) The balance of convenience lies in favour of the applicant/objectors.
3. The application for review in so far as the gross delay in filing the same is concerned was allowed vide my order dated 10/07/2018 subject to deposit of Rs.1,00,000/- (One Lakh) by the applicant with NRO, SEBI which has been so deposited as per DD No.084220 dated 21/07/2018 drawn on Axis Bank, Bundgarden Branch, Pune (IFSC Code. UTIB0000073).
4. In the light of the provisions contained in order 47, rule 1 of the Code of Civil Procedure, 1908, read in the backdrop of observations of the Hon'ble Supreme Court in the case titled Board of Control for Cricket in India and another Versus Netaji Cricket Club and others reported in (2005) 4 Supreme Court Case 741, the application for review is held to be maintainable.
5. First coming to the ground put forth in the review application as reproduced in para 2(i) of this order above regarding the documents produced on record being in Marathi Language and translation thereof having taken time, it suffices to mention that the said documents should have been filed alongwith the requisite translation when the objection petition was instituted on 16/09/2016 which was not done even despite my

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order dated 30/01/2018 and non-production of such translations till the hearing of the objection petition is not in itself a ground for review but nevertheless, the said translations are now taken on record for perusal because the relevant sale transactions are now accompanied with certified bank statements as being discussed in the next paras.

6. It may be specifically pointed out here that as per the consolidated chart of various Gat Nos. 405, 408, 421, 422, 427 and 428 situated at village Wagholi compiled by the counsel for the objector from the revenue documents on record and duly signed by him, each of these Gat Nos. comprises large parcels of lands which have been transferred in fragmented pieces by the respective land owners to different persons. This chart has been produced during the course of arguments on the review application.
7. Next coming to the ground put forth in the review application, as reproduced in para 2(ii) of this order above, with reference to my observation in para 5 of the impugned order dated 23/02/2018, inter-alia regarding non-production of bank statements, it may be noticed that the objector has with hindsight wisdom filed, though belatedly, alongwith the review application, the bank statements evidencing payment of sale consideration of the under mentioned amounts to the owners of the lands comprised in different Gat Nos. as detailed hereunder:-

Gat	Total Area	Purchased Area	Document No.	Name of the Seller	Ch. No.	Date	Amount	Bank
405	03 H 18 R	00 H 50 R	14/2013					
421	3 H 78 R	00 H 60 R		Subhash Dhondiba Waghmare	818176	19/8/2008	600000	HDFC , Thane
427	06 H 1 R	00 H 50 R		Sushila Subhash Waghmare	818177	19/8/2008	340000	HDFC , Thane
				Ajit Subhash Waghmare	818178	19/8/2008	200000	HDFC , Thane
				Surekha Ajit Waghmare	818179	19/8/2008	100000	HDFC , Thane
				Pravin Subhash Waghmare	818180	19/8/2008	200000	HDFC , Thane
				Nutan Pravin Waghmare	818181	19/8/2008	100000	HDFC , Thane
				Varsha Ramdas Nitnavare	818182	19/8/2008	100000	HDFC , Thane
				Bharti Bhikaji Shingare	818183	19/8/2008	100000	HDFC , Thane
				Vimal Kaluram Nitnavare	818184	19/8/2008	100000	HDFC , Thane
				Kamal Naryan Barathe	818185	19/8/2008	100000	HDFC , Thane

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				Godhabai Ishwar Rokde	818186	19/8/2008	100000	HDFC , Thane
				Ranjana Jaywant Dolas	818187	19/8/2008	100000	HDFC , Thane
				Subhash Dhondiba Waghmare	234346	18/9/2010	914000	IDBI Noida
				Sushila subhash Waghmare	234347	18/9/2010	900000	IDBI Noida
				Ajit Subhash Waghmare	234348	18/9/2010	50000	IDBI Noida
				Surekha Ajit Waghmare	234349	18/9/2010	25000	IDBI Noida
				Pravin Subhahs Waghmare	234350	18/9/2010	50000	IDBI Noida
				Nutan Pravin Waghmare	234351	18/9/2010	25000	IDBI Noida
				Varsha Ramdas Nitnavare	234352	18/9/2010	25000	IDBI Noida
				Bharati Bhikaji Shingare	234353	18/9/2010	25000	IDBI Noida
				Vimal Kaluram Nitnavare	234354	18/9/2010	100000	IDBI Noida
				Kamal Narayan Barathe	234355	18/9/2010	100000	IDBI Noida
				Godhabai Ishwar Rokde	234356	18/9/2010	100000	IDBI Noida
				Ranjana Jaywant Dolas	234357	18/9/2010	100000	IDBI Noida
				Subhash Dhondiba Waghmare	50501	01-03- 2013	300000	Axis Bank B.G
				Subhash Dhondiba Waghmare	50502	02-06- 2013	300000	Axis Bank B.G
				Sushila subhash Waghmare	50503	01-03- 2013	100000	Axis Bank B.G
				Sushila subhash Waghmare	50504	02-06- 2013	100000	Axis Bank B.G
				Ajit Subhash Waghmare	50505	01-03- 2013	150000	Axis Bank B.G
				Ajit Subhash Waghmare	50506	02-06- 2013	150000	Axis Bank B.G
				Surekha Ajit Waghmare	50507	01-03- 2013	100000	Axis Bank B.G
				Pravin Subhash Waghmare	50508	01-03- 2013	150000	Axis Bank B.G
				Pravin Subhash Waghmare	50509	02-06- 2013	150000	Axis Bank B.G
				Nutan Pravin Waghmare	50510	01-03- 2013	100000	Axis Bank B.G
				Varsha Ramdas Nitnavare	50511	01-03- 2013	100000	Axis Bank B.G
				Varsha Ramdas Nitnavare	50512	02-06- 2013	100000	Axis Bank B.G
				Bharati Bhikaji Shingare	50513	01-03- 2013	100000	Axis Bank B.G
				Bharati Bhikaji Shingare	50514	02-06- 2013	100000	Axis

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						2013		Bank B.G
				Vimal Kaluram Nitnavare	50515	01-03-2013	250000	Axis Bank B.G
				Vimal Kaluram Nitnavare	50516	02-06-2013	250000	Axis Bank B.G
				Kamal Narayan Barathe	50517	01-03-2013	250000	Axis Bank B.G
				Kamal Narayan Barathe	50518	02-06-2013	250000	Axis Bank B.G
				Godhabai Ishwar Rokde	50519	01-03-2013	250000	Axis Bank B.G
				Godhabai Ishwar Rokde	50520	02-06-2013	250000	Axis Bank B.G
				Ranjana Jaywant Dolas	50521	01-03-2013	250000	Axis Bank B.G
				Ranjana Jaywant Dolas	50522	02-06-2013	250000	Axis Bank B.G
405	03 H 18 R	00 H 36.44 R	10899/2012					
421	03 H 78 R	00 H 43.32 R		Prabhu Genu Waghmare	575813	10-10-2008	62645	HDFC , Thane
427	06 H 01 R	00 H 36.85 R		Muktabai Prabhu Waghmare	575814	10-10-2008	72645	HDFC , Thane
				Ramesh Prabhu Waghmare	575815	10-10-2008	32645	HDFC , Thane
				Shobha Ramesh Waghmare	575830	10-10-2008	25000	HDFC , Thane
				Sunil Ramesh Waghmare	575832	10-10-2008	5000	HDFC , Thane
				Sushma Ramesh Waghmare	575833	10-10-2008	5000	HDFC , Thane
				Sneha Ramesh Waghmare	575834	10-10-2008	5000	HDFC , Thane
				Prakash Prabhu Waghmare	575816	10-10-2008	72645	HDFC , Thane
				Chandrakant Prabhu Waghmare	575817	10-10-2008	32645	HDFC , Thane
				Alka Chandrakant Waghmare	575835	10-10-2008	20000	HDFC , Thane
				Mukesh Chandrakant Waghmare	575836	10-10-2008	10000	HDFC , Thane
				Manisha Chandrakant Waghmare	575837	10-10-2008	10000	HDFC , Thane
				Kalpna Vinod Waghmare	575819	10-10-2008	72645	HDFC , Thane
				Shankar Prabhu Waghmare	575820	10-10-2008	46645	HDFC , Thane
				Asha Shankar Waghmare	575821	10-10-2008	30000	HDFC , Thane
				Anil Dnyanu Waghmare	575829	10-10-2008	508500	HDFC , Thane
				Saibai Sadhu Ghadge	575827	10-10-2008	125000	HDFC , Thane
				Sitabai Pandurang Ovhal	575828	10-10-2008	125000	HDFC , Thane

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				Tanhubai Nana Waghmare	575822	10-10-2008	112610	HDFC , Thane
				Alka Vidhaydhar Gaikwad	575823	10-10-2008	127125	HDFC , Thane
				Ashok Nana Waghmare	575824	10-10-2008	57125	HDFC , Thane
				Daya Ashok Waghmare	575825	10-10-2008	50000	HDFC , Thane
				Vishal Ashok Waghmare	575840	10-10-2008	10000	HDFC , Thane
				Manisha Nishikant Nikalje	575838	10-10-2008	10000	HDFC , Thane
				Sheetal Vishal Jagtap	575839	10-10-2008	10000	HDFC , Thane
				Triveni Ashok Waghmare	575841	10-10-2008	10000	HDFC , Thane
				Daulat Nana Waghmare	575826	10-10-2008	127125	HDFC , Thane
				Prabhu Genu Waghmare	00-2923	20/10/2010	88035	IDBI Yerawada
				Ramesh Prabhu Waghmare	00-2924	20/10/2010	36516	IDBI Yerawada
				Shobha Ramesh Waghmare	00-2925	20/10/2010	36517	IDBI Yerawada
				Sunil Ramesh Waghmare	00-2926	20/10/2010	5000	IDBI Yerawada
				Sushama Ramesh Waghmare	00-2927	20/10/2010	5000	IDBI Yerawada
				Sneha Ramesh Waghmare	00-2928	20/10/2010	5000	IDBI Yerawada
				Prakash Prabhu Waghmare	00-2929	20/10/2010	88032	IDBI Yerawada
				Chandrakant Prabhu Waghmare	00-2930	20/10/2010	34016	IDBI Yerawada
				Alka Chandrakant Waghmare	00-2931	20/10/2010	34016	IDBI Yerawada
				Mukesh Chandrakant Waghmare	00-2932	20/10/2010	10000	IDBI Yerawada
				Manisha Chandrakant Waghmare	00-2933	20/10/2010	10000	IDBI Yerawada
				Kalpana Vinod Waghmare	00-2934	20/10/2010	88032	IDBI Yerawada
				Shankar Prabhu Waghmare	00-2935	20/10/2010	44016	IDBI Yerawada
				Asha Shankar Waghmare	00-2936	20/10/2010	34016	IDBI Yerawada
				Kartik Shankar Waghmare	00-2937	20/10/2010	10000	IDBI Yerawada
				Ranjana Dnyanu Waghmare	00-2938	20/10/2010	264098	IDBI Yerawada
				Anil Dnyanu Waghmare	00-2939	20/10/2010	264098	IDBI Yerawada
				Saibai Sadhu Ghadge	00-2940	20/10/2010	125000	IDBI Yerawada
				Sitabai Pandurang Ovhal	00-	20/10/2010	125000	IDBI

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					2941				Yerawada
				Tanhubai Nana Waghmare	00-2942	20/10/2010	200000		IDBI Yerawada
				Alka Vidyadhar Gaikwad	00-2943	20/10/2010	50000		IDBI Yerawada
				Ashok Nana Waghmare	00-2944	20/10/2010	130000		IDBI Yerawada
				Daya Ashok Waghmare	00-2945	20/10/2010	25000		IDBI Yerawada
				Vishal Ashok Waghmare	00-2946	20/10/2010	10000		IDBI Yerawada
				Triveni Ashok Waghmare	00-2947	20/10/2010	10000		IDBI Yerawada
				Daulat Nana Waghmare	00-2948	20/10/2010	103195		IDBI Yerawada
				Prabhu Waghmare	669954	23/2/2011	50000		Axis Bank B G
				Tanhubai N Waghmare	465699	02-02-2011	218000		Axis Bank B G
				Tanhubai N Waghmare	18810	23/4/2011	200000		Axis Bank B G
				Tanubai Nana Waghmare	31470	17/12/2012	250000		Axis Bank B G
				Alka Vidhyadhar Gaikwad	31471	17/12/2012	100000		Axis Bank B G
				Ashok Nana Waghmare	31472	17/12/2012	100000		Axis Bank B G
				Daya Ashok Waghmare	31473	17/12/2012	100000		Axis Bank B G
				Vishal Ashok Waghmare	31474	17/12/2012	50000		Axis Bank B G
				Daulat Nana Waghmare	31475	17/12/2012	100000		Axis Bank B G
				Prabhu Genu Waghmare	31451	17/12/2012	110000		Axis Bank B G
				Ramesh Prabhu Waghmare	31452	17/12/2012	50000		Axis Bank B G
				Shobha Ramesh Waghmare	31453	17/12/2012	20000		Axis Bank B G
				Sunil Ramesh Waghmare	31454	17/12/2012	20000		Axis Bank B G
				Sushma Ramesh Waghmare	31455	17/12/2012	20000		Axis Bank B G
				Sneha Ramesh Waghmare	31456	17/12/2012	20000		Axis Bank B G
				Prakash Prabhu Waghmare	31457	17/12/2012	100000		Axis Bank B G
				Chandrakant Prabhu Waghmare	31458	17/12/2012	70000		Axis Bank B G
				Alka Chandrakant Waghmare	31459	17/12/2012	20000		Axis Bank B G
				Mukesh Chandrakant Waghmare	31460	17/12/2012	20000		Axis Bank B G
				Manisha Chandrakant Waghmare	31461	17/12/2012	20000		Axis Bank B G

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				Kalpna Vinod Waghmare	31462	17/12/2012	100000	Axis Bank B G
				Shankar Prabhu Waghmare	31463	17/12/2012	90000	Axis Bank B G
				Asha Shankar Waghmare	31464	17/12/2012	20000	Axis Bank B G
				Kartik Shankar Waghmare	31465	17/12/2012	20000	Axis Bank B G
				Saibai Sadhu Ghadge	31468	17/12/2012	100000	Axis Bank B G
				Sitabai Pandurang Ovhal	31469	17/12/2012	100000	Axis Bank B G
				Ranjana Dnyanu Waghmare	31466	17/12/2012	100000	Axis Bank B G
				Anil Dnyanu Waghmare	31467	17/12/2012	100000	Axis Bank B G
408	01 H 09 R	00 H 27.25 R	6594/2012					
				Prakash Mhatu Waghmare	00-3010	01.11.2010	100000	IDBI Yerawada
				Laxmibai Prakash Waghmare	00-3011	01.11.2010	40000	IDBI Yerawada
				Jyoti Maruti Shinde	00-3012	01.11.2010	16125	IDBI Yerawada
				Madhavi Prakash Waghmare	00-3013	01.11.2010	16125	IDBI Yerawada
				Vikram Prakash Waghmare	00-3014	01.11.2010	16125	IDBI Yerawada
				Arun Mhatu Waghmare	00-3015	01.11.2010	100000	IDBI Yerawada
				Radha Arun Waghmare	00-3016	01.11.2010	40000	IDBI Yerawada
				Prakash Mhatu Waghmare	586892	24/11/2008	100000	HDFC , Thane
				Laxmibai Prakash Waghmare	586893	24/11/2008	100000	HDFC , Thane
				Jyoti Maruti Shinde	586894	24/11/2008	30000	HDFC , Thane
				Madhavi Prakash Waghmare	586895	24/11/2008	20000	HDFC , Thane
				Vikram Prakash Waghmare	586896	24/11/2008	20000	HDFC , Thane
				Arun Mhatu Waghmare	586897	24/11/2008	100000	HDFC , Thane
				Radha Arun Waghmare	586898	24/11/2008	35000	HDFC , Thane
				Laxmibai P Waghmare	373969	12-07-2009	50000	Axis Bank B G
				Prakash Mhatu Waghmare	18808	10-04-2012	200000	Axis Bank B G
				Prakash Mhatu Waghmare	783091	27/7/2012	500000	Axis Bank B G
				Laxmibai Prakash Waghmare	783092	27/7/2012	350000	Axis Bank B G
				Jyoti Maruti Shinde	783066	27/7/2012	25000	Axis

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								Bank B G
				Vikram Prakash Waghmare	783068	27/7/2012	25000	Axis Bank B G
				Radha Arun Waghmare	586898	24-11-2008	35000	HDFC , Thane
422	03 H 17 R	00 H 78.6 R	11184/2012					
428	01 H 25 R	00 H 31.2 R		Kaluram Hartibhau Waghmare	802363	04-06-2008	420000	HDFC , Thane
				Bhaganbai Haribhau Waghmare	802364	04-06-2008	400000	HDFC , Thane
				Subhadra Ramchandra Chavan	802365	04-06-2008	30000	HDFC , Thane
				Sharda Mahendra Mane	802366	04-06-2008	30000	HDFC , Thane
				Shobhabai Ashok Bhalerao	802367	04-06-2008	30000	HDFC , Thane
				Lilabai Anil Barathe	802368	04-06-2008	30000	HDFC , Thane
				Saminda Dattoja Jagtap	802369	04-06-2008	30000	HDFC , Thane
				Sugandhbai Ganpat Sarode	802370	04-06-2008	30000	HDFC , Thane
				Gajrabai Maruti Gaikwad	802371	04-06-2008	600000	HDFC , Thane
				Kaluram Haribhau Waghmare	00-2997	30/10/2010	500000	IDBI Yerawada
				Bhaganbai Haribhau Waghmare	00-2998	30/10/2010	436000	IDBI Yerawada
				Subhadra Ramchandra Chavan	00-2999	30/10/2010	30000	IDBI Yerawada
				Sharda Mahendra Mane	00-3000	30/10/2010	30000	IDBI Yerawada
				Shobhabai Ashok Bhalerao	00-3001	30/10/2010	30000	IDBI Yerawada
				Lilabai Anil Barathe	00-3002	30/10/2010	30000	IDBI Yerawada
				Saminda Dattoja Jagtap	00-3003	30/10/2010	30000	IDBI Yerawada
				Sugandhbai Ganpat Sarode	00-3004	30/10/2010	30000	IDBI Yerawada
				Kaluram H Waghmare	985840	09-03-2012	100000	Axis Bank B G
				Kaluram H Waghmare	791944	11-02-2012	500000	Axis Bank B G
				Bhaganbai H Waghmare	791945	16/11/2012	500000	Axis Bank B G
				Kaluram Haribhau Waghmare	18773	18/12/2012	650000	Axis Bank B G
				Subhadra Ramchandra Chavan	18774	18/12/2012	100000	Axis Bank B G
				Sharda Mahendra Mane	18779	18/12/2012	30000	Axis Bank B G
				Sharda Mahendra Mane	18780	18/12/2012	30000	Axis Bank B G

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				Sharda Mahendra Mane	18781	18/12/2012	40000	Axis Bank B G
				Shobhabai Ashok Bhalerao	18775	18/12/2012	100000	Axis Bank B G
				Lilabai Anil Barathe	18776	18/12/2012	100000	Axis Bank B G
				Saminda Dattoba Jagtap	18777	18/12/2012	100000	Axis Bank B G
				Sugandhabai Ganpat Sarode	18778	18/12/2012	100000	Axis Bank B G

8. As regards reference in para 5 of my order dated 23/02/2018 regarding properties mentioned against various MR Nos by the CBI having been purchased by Apoorva Promoters not on its own behalf but by M/s Greenfield Estates through the objector herein, the said observation has to be recalled in the light of various bank transactions reproduced above, read with the sale deeds executed, after due sanction of the Collector and the consequent mutations as detailed hereunder :-

Gat No.	Total Area	Purchased Area	Document No.	Document Date	Name of the Seller	Name of the Purchaser	Collector Order No.	Collector Order Date	Mutation Entry No.
405	03 H 18 Are	00 H 50 Are	14/2013	01-01-2013	Subhash Dhondiba Waghmare and others	Ramesh Kondiba Patil	PTK/SR/314/11	11-02-2012	9457
405	03 H 18 Are	00 H 36.44 Are	10899/2012	12-12-2012	Prabhu Genu Waghmare and others	Ramesh Kondiba Patil	PTK/SR/314/11	11-02-2012	9425
408	01 H 09 Are	00 H 27.25 Are	6594/2012	08-01-2012	Prakash Mhatu Waghmare and others	Ramesh Kondiba Patil	PTK/SR/190/11	18/6/2012	9226
421	3 H 78 Are	00 H 60 Are	14/2013	01-01-2013	Subhash Dhondiba Waghmare and others	Ramesh Kondiba Patil	PTK/SR/314/11	11-02-2012	9457
421	03 H 78 Are	00 H 43.32 R	10899/2012	12-12-2012	Prabhu Genu Waghmare and others	Ramesh Kondiba Patil	PTK/SR/314/11	11-02-2012	9425
422	03 H 17 Are	00 H 78.6 Are	11184/2012	21/12/2012	Kaluram Haribhau Waghmare and others	Ramesh Kondiba Patil	PTK/SR/191/11	19/10/2012	9443
427	06 H 1 Are	00 H 50 Are	14/2013	01-01-2013	Subhash Dhondiba Waghmare and others	Ramesh Kondiba Patil	PTK/SR/314/11	11-02-2012	9457
427	06 H 01 Are	00 H 36.85 Are	10899/2012	12-12-2012	Prabhu Genu Waghmare and others	Ramesh Kondiba Patil	PTK/SR/314/11	11-02-2012	9425
428	01 H 25 Are	00 H 31.2 Are	11184/2012	21/12/2012	Kaluram Haribhau Waghmare and others	Ramesh Kondiba Patil	PTK/SR/191/11	19/10/2012	9443

9. Reference may at this stage be made to Section 36 A of Maharashtra Land Revenue Code (Maharashtra Act No.XLI) of 1966 (herein after referred to as the 'code') relevant part whereof is reproduced verbatim hereunder for facility of ready reference :-

*(1) Notwithstanding anything contained in sub-section (1) section 36, no occupancy of a Tribal shall, after the commencement of the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974, be transferred in favour of any non-Tribal by way of sale (including sales in execution of a decree of a Civil Court or an award or order of any Tribunal or authority), gift, exchange, mortgage, lease or otherwise, except on the application of such non-Tribal and except with the previous sanction-*

*(a) in the case of a lease or mortgage for a period not exceeding 5 years, of the Collector; and*

*(b) in all other cases, of the Collector with the previous approval of the State Government . . . . .*

10. With reference to the above quoted section 36A of the 'code', learned counsel has pointed out that section 330A of the 'code' empowers the Revenue Officers mentioned in the notification issued under the 'code' to exercise the powers of the State Government which were so exercised by the Commissioner while issuing permission while granting permission vide various letters as detailed in column numbers 8 and 9 of para 6 above.

11. In the light of the facts and circumstances enumerated above, the objector above named in view of the registered sale deeds of the above described lands executed against due sale consideration by the owners (who had earlier purchased the same from the farmers after requisite sanction of the concerned authorities as per the provisions of the 'Code') does have a valid ground to resist the inclusion of the land in question in the list put up for auction for recovery of amount in respect of properties belonging to PACL or its associates/subsidiaries. Consequently, the objection petition in hand is liable to be and is hereby accepted in toto.

**Date : 10/08/2018**

  
**R. S. Virk**  
**Distt. Judge (Retd.)**

**Note:**

Two copies of this order are being signed simultaneously, one of which shall be retained on this file whereas the other one, also duly signed, shall be delivered to the objector as and when requested /applied for. No certified copies are being issued by this office. However, the orders passed by me can be downloaded from official website of SEBI at [www.sebi.gov.in/PACL.html](http://www.sebi.gov.in/PACL.html).

**Date : 10/08/2018**



**R. S. Virk**  
**Distt. Judge (Retd.)**