

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 in civil appeal no. 13301/2015 Subrata Bhattacharya Vs SEBI,
and notified in SEBI Press release no. 66 dated 08/12/2017).

File no. 573

**MR Nos. 4293-14, 18711-16,
12079-16, 12075-16.**

Objector : Shri Arun Sharma

Argued by : Sh Abhay Pratap, Advocate (Enrol. No. P/1766/12)

Order :

1. It may be noticed at the outset that vide order dated 02/02/2016, passed in civil appeal no. 13301/2015 bearing the title Subarata Bhattacharaya Versus Securities & Exchange Board Of India, the Hon'ble supreme court had directed constitution of a committee by SEBI to be headed by Hon'ble Mr. Justice R.M. Lodha former Chief Justice of India as its Chairman for disposing of 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.
2. The objector above named seeks delisting from attachment, four separate parcels of land, two of which were purchased by him from PACL, statedly acting through Rajiv Kumar, and two other parcels of land were purchased by him from Tarlochan Singh, as all detailed in the chart hereunder alongwith particulars of sale deed, area purchased, sale consideration and mode of payment:-

S.No.	Vendor	Buyer	Sale deed no. & date	Khasra No. & area	Sale Consideration	Mutation (by order of Naib Tehsildar)	Bank Name with mode of payment
1.	PACL through Rajiv Kumar s/o Ramesh Chand	Sh. Arun Sharma s/o B.N.Sharma	2284 dated 06/01/2015	3192 (area 0.2105 Hectare), 3193 Min (area 0.3390) & 3193 Min (area 0.0460 Hectare) total area 0.5955 Hectare	Rs.76,35,000/-	2763/15 28/03/2015 Khata No. 216 and 519	DD No.532424 dated 05/01/2015, Dist. Co-operative Bank, Dehradun, Uttrakhand

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2.	PACL through Rajiv Kumar s/o Ramesh Chand	Sh. Arun Sharma s/o B.N.Sharma	2283 dated 06/01/2015	3194 Min (area 364.77 Sq.Mtrs) out of which there is a construction in 101.48 Sq. Mtrs)	Rs.20,75,000/-	2762/15 28/03/2015 Khata No. 519	DD No.000863 dated 02/01/2015, HDFC Bank, Dehradun, Branch-Rajpur Road, Dehradun payable at Delhi
3.	Tarlochan Singh s/o Sh.Sadhu Singh	Sh. Arun Sharma s/o B.N.Sharma	757 dated 07/01/2015	3177 ka (area 0.3080 Hectare)	Rs.35,00,000/-	3713/15 30/05/2015 Khata No. 1130 and 175	DD No.000865 dated 02/01/2005 & 000008 dated 10/04/2015 both of HDFC Bank, Branch-Rajpur Road, Dehradun.
4.	Tarlochan Singh s/o Sh.Sadhu Singh	Sh. Arun Sharma s/o B.N.Sharma	756 dated 07/01/2015	3178 ka (area 0.1530 Hectare)	Rs.38,25,000/-	3712/14-15 20/05/2015 Khata No. 370	DD No.000864 dated 02/01/2005 & 000007 dated 10/04/2015 both of HDFC Bank, Branch-Rajpur Road, Dehradun.

3. It is mentioned in para 10 of the objection petition in hand that PACL Ltd had submitted a letter dated 10/08/2016 in the office of District Collector cum Registrar, Dehradun requesting him not to transfer the properties mentioned in the said letter (which included the properties detailed in the above chart in para 2 of this order).
4. It is contended that the properties forming the subject matter of the objection petition in hand have been wrongly included in the auction list in as much as neither PACL Ltd nor its agents have any right, title or interest therein and rather the objector had bonafidely purchased the same prior to the order dated 02/02/2016 passed by the Hon'ble Supreme Court in civil appeal no. 13301/2015 PACL (Subrata Bhattacharya) Vs SEBI and most of which property has subsequently been sold by him to various persons who have raised their constructions thereon. It is asserted inter-alia that PACL wrongly claims itself to be the owner of the aforesaid parcels of land.
5. I have heard the learned counsel for the objector and have gone through the case file which reveals that out of four sale deeds mentioned in column no. 4 of the chart detailed in para 2 of this order above, two sale deeds viz, sale deed nos. 2284 and 2283, both dated 06/01/2015, were executed by one Rajiv Kumar s/o Ramesh Chand statedly on behalf of PACL Ltd in favour of the objector herein. It is mentioned in para nos. 14 of both these sale deeds that he (Rajiv Kumar) was executing the same on the strength of authority vested in him by virtue of decision taken in the meeting dated 16/08/2014 of the board of directors of PACL Ltd. It is indeed surprising as to how the registering

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officer, Dehradun came to register the said two documents without any authority letter/board resolution having been attached to the said sale deed. Even in the present objection petition, no copy of any board meeting wherein the purported vendor Rajiv Kumar s/o Ramesh Chand might have been authorized by PACL Ltd to execute the said two sale deeds in question on its behalf been produced on record. The objector cannot therefore claim any valid title to the land detailed at Sr. Nos. 1 and 2 of the chart in para 2 of this order above. In these circumstances the objection raised by PACL Ltd vide its above referred letter dated 10/08/2016 submitted before the District Collector cum Registrar, Dehradun requesting him not to transfer the properties detailed therein, including the properties detailed above, cannot be considered to be unjustified.

6. Next coming to the sale deed nos. 756 and 757, both dated 07/01/2015, statedly executed by Tarlochan Singh s/o Sadhu Singh in favour of the objector herein, the said vendor has mentioned therein that he had earlier acquired title to the lands detailed therein on the strength of registered sale deeds both dated 01/05/2007, statedly executed in his favour by one S.K. Gupta s/o P.C. Gupta but no copy of the said sale deed nos. 4997 and 4999, both dated 01/05/2007, have been produced on record for which reason mere mutation entry no. 3713 dated 30/05/2015 and 3712 dated 20/05/2015 cannot be considered to be conclusive because it is settled law that mutation does not confer title.
7. In view of the foregoing discussion, the objection petition in hand is held to be devoid of any merit and is accordingly dismissed.


Date : 11/10/2018


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.

Date :11/10/2018


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