

**Before Shri R.S. Virk, District Judge (Retd.)  
In the matter of PACL Ltd.**

**File no. 657**

**Objector** : Harish Gupta

**Present** : Objector in person

**Order** :

1. (a) 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.

(b) 2<sup>nd</sup> Status Report (Volume-I) of the Justice (Retd.) R.M. Lodha Committee (in the matter of PACL Ltd) submitted before the Hon'ble Supreme Court, had at page 77 thereof, proposed as under :-

“It would be in the interest of the investors of the Company, that all objections based on documents purportedly executed after 02-02-2016 be scrutinized and then heard and disposed of by a retired Judicial Officer(s) assisted by requisite number of Advocates, appointed by the Committee.”

(c) The aforesaid proposal of committee was accepted by the Hon'ble Supreme Court.

2. (a) Subsequent thereto, I have been appointed by the said committee to hear objections/representations against attachments of various properties in the matter of PACL Ltd which appointment has been duly notified in SEBI Press release no. 66 dated 08/12/2017.

(b) My said appointment is also duly mentioned in the order dated 15/11/2017 (to be read with orders dated 13/04/2018, 02/07/2018 and 07/12/2018) of the Hon'ble Supreme Court in civil appeal no. 13301/2015 Subrata Bhattacharya Vs SEBI.

3. The applicant above named has averred that on payment of Rs.72,80,150/- in April 2011, he had purchased plot no. 1557 measuring 500 Sq. Yds. situated in Pearls City, Sector-100, Mohali as developed by Pearl Infrastructure Projects Ltd. It is claimed that the development work for this project was very slow for which reason he being an NRI based in Canada, had moved the NRI Commission, Punjab seeking expediting of the project or refund of his investment and pursuant thereto vide addendum to the Buyer's Agreement dated 15/03/2016, he was allotted alternate plot nos. B-1385 and B-1386, both situated in Sector-104, Mohali against his previously deposited amount in lieu of above described plot no. 1557 situated in

Sector-100 at Mohali. The applicant has prayed that sale deed of the aforesaid two plot nos. B-1385 and B-1386 situated in Sector-104, Mohali as allotted to him by PIPL be executed in his favour.

4. I have heard the objector appearing in person and have gone through the file. It may be noticed at the outset that Pearl Infrastructure Projects Ltd which has executed the buyer's agreement dated 15/03/2016 in favour of the applicant above named is an associate entity of PACL Ltd as so held by Shri Mohammad Atif Alvi, DGM and Recovery Officer, SEBI vide his order dated 22/11/2017 wherein after taking into consideration the various circumstances/documents detailed therein, it was concluded by him that PACL Ltd holds 94.82 % shareholding of PIPL directly and indirectly through its associate subsidiary companies.
5. It is also pertinent to point out here that Shri Prashant Saran, Whole Time Member, Securities and Exchange Board of India had passed an order dated 22/08/2014 under sections 11 and 11B of the Securities and Exchange Board of India Act, 1992, read with Regulation 65 of the Securities and Exchange Board of India (collective investment scheme) Regulations, 1999 inter-alia prohibiting PACL Ltd, including its Directors, from alienating or disposing off or selling any of the assets of PACL Ltd except for the purposes of making refunds to its investors.
6. Subsequent thereto, the properties of PACL Ltd have also been ordered by the Hon'ble Supreme Court to be sold as per its order dated 02/02/2016, passed in civil appeal no. 13301/2015 bearing the title Subarata Bhattacharaya Versus Securities & Exchange Board of India.
7. In view of the foregoing discussion, the relief prayed for by the applicant, above named cannot be granted more so when it is borne in mind that my mandate is confined to dealing with objections/representations received by the Committee 'against' attachment of properties detailed in [www.auctionpacl.com](http://www.auctionpacl.com), which aspect is duly referred to in the order dated 15/11/2017 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 for the guidance of investors.
8. In view of the foregoing discussion, the application in hand is liable to be and is hereby dismissed.


**Date : 01/05/2019**

  
**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 : 01/05/2019**

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