IN THE HIGH COURT OF KARNATAKA
AT BANGALORE

Dated this the 18th day of November, 2013

BEFORE:

THE HON'BLE MR JUSTICE K L MANJUNATH

Writ Petition Nos. 9699-9700 of 2011 (GM-RES)

BETWEEN:

1. M/S GURU TEAK INVESTMENTS
(MYSORE) PVT. LTD.
A COMPANY INCORPORATED
UNDER THE PROVISIONS OF
COMPANIES ACT, 1956, HAVING
ITS REGISTERED OFFICE AT
NO.93, LIC COLONY
NEAR SHANKAR MATH CIRCLE
BANGALORE – 560 079
REP. THROUGH ITS
MANAGING DIRECTOR
MR. GANGADHAR

2. MR GANGADHAR
S/O SRI LINGADEVARAIAH
AGED ABOUT 51 YEARS
NO.1778/14, 6TH MAIN, 9TH CROSS
RPC LAYOUT, VIJAYANAGAR
BANGALORE – 560 040 ... PETITIONERS

[By Sri S Sriranga, Adv. for
M/s Just Law, Advs.]

AND:

1. UNION OF INDIA
REP. BY SECRETARY TO THE
DEPARTMENT OF FINANCE
NEW DELHI

2. SECURITIES & EXCHANGE
BOARD OF INDIA
CONSTITUTED UNDER SECURITIES
EXCHANGE BOARD OF INDIA ACT,
1992, HAVING ITS OFFICE AT
MITTAL CHAMBERS,
NARIMAN POINT
MUMBAI – 400 021
REP. HEREIN
BY ITS CHAIRMAN

3. ASST. GENERAL MANAGER
SECURITIES & EXCHANGE
BOARD OF INDIA
SOUTHERN REGIONAL OFFICE
D'MONTE BUILDING COLONY
TTK ROAD, ALWARPET
CHENNAI – 600 018 ... RESPONDENTS

[By Smt Prema Hatti, Adv. for R1;
M/s King & Partridge, Advs. for R2 & R3]

THESE PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE SHOW CAUSE NOTICE DATED 15.02.2011 VIDE ANNEXURE – U OF THE 3RD RESPONDENT DATED REQUIRING THE COMPANY TO SEND ALL THE INVESTORS INDIVIDUALLY THROUGH REGISTERED POST AND PUBLISH THE SAME IN A NEWSPAPER, THE INFORMATION MEMORANDUM AND ETC.,

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING, 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:-

O R D E R

These petitions are filed challenging the show cause notice dated 15-2-2011 [Annexure-U] issued by the third respondent under Section 11B of the Securities and Exchange Board of India Act, 1992 [for short, the Act].

2. Upon hearing the learned counsel for the parties, it is seen that instead of sending a reply to the show cause notice, straightaway, these writ petitions have been filed. Hence, these writ petitions are required to be dismissed.

3. Learned counsel for the petitioners contends that though Annexure-U is sought to have been referred to as a show cause notice, a direction has been issued for compliance.

4. On going through the entire Annexure-U, this court is of the opinion that earlier letters were given and in continuation to those letters, time has been given to the petitioners to comply with the directions. It is to be noted that under Section 11B of the Act, power to issue such a notice and direction is provided to safeguard the interest of the investors and in such circumstances, this court cannot interfere with the same. It is always open for the petitioners to reply to Annexure-U and if such reply is

submitted by the petitioners within two weeks from today, the same can be considered in accordance with law.

5. With the above observation, these petitions are dismissed.

Sd/-
JUDGE

*pjk

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