

IN THE COURT OF ADDITIONAL CHIEF METROPOLITAN

MAGISTRATE, DELHI

CC NO: 24/OF 2004

6/11/04

Securities and Exchange Board of India, a statutory body established under the provisions of Securities and Exchange Board of India Act, 1992, having its Head office at Mittal Court, B - Wing, 224 Nariman Point, Mumbai 400 021 represented by its Legal Officer, Shri Sharad Bansode.

C-24/01R-517-04/2004

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20/8/04

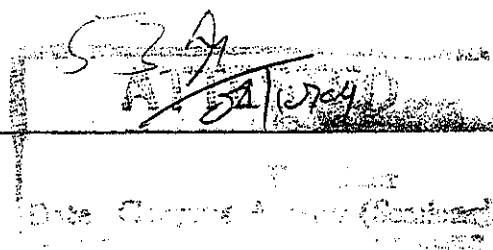
...Complainant

VERSUS.

1. Baba Forests India Ltd. a Company incorporated Under the Companies Act, 1956, having its Regd. Office at : Shagun Palace, 2nd Floor, 3 Sapru House, Lucknow-226001.
2. Shri J.P. Aggarwal, Director of Accused No.1, R/o: C-167, Nirala Nagar, Lucknow, U.P.
3. Mrs. Radha Aggarwal, Director of Accused No.1, R/o: C-167, Nirala Nagar, Lucknow, U.P.
4. Shri Manish Aggarwal, Director of Accused No.1, R/o: C-167, Nirala Nagar, Lucknow, U.P.
5. Shri Prasant Aggarwal, Director of

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Accused No.1, R/o: C-167, Nirala

Nagar, Lucknow, U.P.

.....Accused

COMPLAINT UNDER SECTION 190 & 200 OF THE CODE OF CRIMINAL
PROCEDURE, 1973 READ WITH SEC. 24(1), 27 OF SECURITIES AND EXCHANGE
BOARD OF INDIA ACT, 1992

May It Please Your Honour:

58/10/29.

Agony (G)

GC no. 52/09

SEBI Vs. Baba Forest, India Ltd.

24.09.2009

Present : Sh. Sanjay Mann, counsel for SEBI with Sh. Manish Vashist,
AGM SEBI.

Accused no. 1 is company.

Remaining accused are PO.

CW 1 Manish Vashist , AGM SEBI examined and discharged.

In view of the statement of CW 1, I am of the view that there
is sufficient evidence on record against all the accused. File is consigned to
Record Room u/s 299 Cr. P.C. to be revived as and when the accused are
arrested.

(POONAM CHAUDHARY)
ASJ(Central-01)/DELHI.
24.09.2009

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CC No. 52/09

SEBI Vs. Baba Forest India Ltd.

**CW 1 Statement of Manish Vashist Asst. General Manager SEBI Northern
Regional office 5th floor Bank of Baroda Building 16 Sansad Marg New
Delhi.**

On SA

I am working as Asst. General Manager(AGM) SEBI and I am competent to file prosecution on behalf of the complainant SEBI and continue prosecution on behalf of SEBI. The SEBI vide delegation of power dated 21.04.2003 authorized people of rank of manger and above to initiate prosecution on behalf of the SEBI. Since I am working as AGM senior to the manger I am competent to continue to this prosecution on behalf of the SEBI. The certified copy of the delegation of power dated 21.04.2003 is Ex. CW 1/1 . in the nineties various entrepreneur undertook plantations activities on commercial scale and issued various plantations bonds/scheme and mobilized thousands of crores of rupees from general public. It was further notice that promoters of those scheme were investing minimum amount themselves and were mobilizing substantial funds from general public by offering lucrative returns coupled with questionable claims of fiscal incentives. The initial success of these company mushrooming of such schemes throughout the country. The govt. of India vide press release dated 18.11.97 convened that such schemes shall be treated as collective investment scheme and shall be regulated under the provisions of SEBI Act. 1992. SEBI was directed to frame regulations for the investors protection and promotion of legitimate investments activities. SEBI vide public notice dated 18.12.1997

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and also through press release dated 26.11.97 called upon such entities to file information regarding mobilization of funds by such entities under various scheme of the promoters of such scheme and also promoters/director of the entities. Accused no. 1 company vide letter dated 15.01.98 inter alia informed the SEBI about its directors i.e accused no. 2, 3, 4 and 5 and also informed about its various activities in field of farming plantations etc. The letter dated 15.01.98 is Ex. CW 1/2 . subsequently SEBI wrote a letter to accused no. 1 company dated 15.04.98 and sought further clarification and in reply to the same the accused company vide letter received by SEBI on 4.05.98 furnished the certified copy memorandum and article of association of the accused no. 1 company. the balance sheet of accused company and as per the said balance sheet the accused company has mobilize vide its various schemes a sum of Rs. 28, 23,570/- as on 31.03.97. the said letter along with annexures is Ex. CW 1/3. SEBI collective investments scheme regulation 1999 were notified on 15.10.99 , the intimation of the same was given to the accused vide press released dated 20.10.99 (Ex. CW 1/4) and also through specific letter addressed to accused no. 1 company, the said letter however returned undelivered with remarks " Left without address" Ex. CW 1/5 . The statutory obligation under the SEBI CIS regulation 1999 were communicated to the accused vide public notice dated 10.12.99 , the same was published in major national daily newspapers and also vernacular. The same was also published in the "Hindustan Times" dated 19.12.99. The copy of the same is Ex. CW/ 1/6 and also through specific letter dated 10.12.99 Ex. CW 1/7.

The said letter returned undelivered. The contents of the same

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and also through press release dated 26.11.97 called upon such entities to file information regarding mobilization of funds by such entities under various scheme of the promoters of such scheme and also promoters/director of the entities. Accused no. 1 company vide letter dated 15.01.98 inter alia informed the SEBI about its directors i.e accused no. 2, 3, 4 and 5 and also informed about its various activities in field of farming plantations etc. The letter dated 15.01.98 is Ex. CW 1/2 . Subsequently SEBI wrote a letter to accused no. 1 company dated 15.04.98 and sought further clarification and in reply to the same the accused company vide letter received by SEBI on 4.05.98 furnished the certified copy memorandum and article of association of the accused no. 1 company, the balance sheet of accused company and as per the said balance sheet the accused company has mobilize vide its various schemes a sum of Rs. 28, 23,570/- as on 31.03.97. the said letter along with annexures is Ex. CW 1/3. SEBI collective investments scheme regulation 1999 were notified on 15.10.99 , the intimation of the same was given to the accused vide press released dated 20.10.99 (Ex. CW 1/4) and also through specific letter addressed to accused no. 1 company, the said letter however returned undelivered with remarks " Left without address" Ex. CW 1/5 . The statutory obligation under the SEBI CIS regulation 1999 were communicated to the accused vide public notice dated 10.12.99 , the same was published in major national daily newspapers and also vernacular. The same was also published in the "Hindustan Times" dated 19.12.99. The copy of the same is Ex. CW/ 1/6 and also through specific letter dated 10.12.99 Ex. CW 1/7.

The said letter returned undelivered. The contents of the same

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were also intimated through reminder letter dated 29.12.99 which is Ex. CW 1/8. The same was also returned undelivered. Since accused were not complying with the statutory provisions as prescribed under the SEBI act and regulation made there under, the SEBI issued Show cause notice dated 12.05.2000 to the accused. The same show caused notice returned undelivered with remarks " the said addressee was not there on the said address" , the same is Ex. CW 1/9. Since accused company did not reply to the show cause notice, a format of winding up and repayment report was forwarded to the accused company vide letter dated 31.07.2000 , the same also returned undelivered, which is Ex. CW 1/ 10. since the accused company and directors their under and people In-charge and responsible for accused no. 1 company did not comply with the statutory provisions, the SEBI through its chairman issued directions under section 11 B of the SEBI act to refund all money collected in various schemes as per original offer within one month of the said directions and etc. the copy of the directions is Ex. CW 1/11. The said directions were forwarded to the accused company vide letter dated 18.12.2000. the said letter returned undelivered and same is Ex. CW 1/12. The contents of the directions were also got published through public notice dated 7.12.2000 in all major national dailies and also in vernacular newspapers. The same was also published in the Hindustan Times dated 14.01.2001 ; the copy of the same is Ex. CW 1/ 13. Original seen and returned.

Despite intimation through public notice and specific letters addressed to the accused , the accused till date has not complied with the statutory provisions , the winding up and repayment report has not been filed

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till date. The accused have not complied with the direction issued under section 11 B of the SEBI act. The accused were never given registration by SEBI provisional or otherwise to sponsor or caused to be sponsored collective investment schemes and mobilize funds from general public.

All accused are PO.

RO & AC

Manish Vashist

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(POONAM CHAUDHARY)
ASJ(Central - 01)/Delhi.
24.09.2009.

Office of the District & Sessions Judge	
Delhi	
Certified to be true copy	
Date	28/09/09
Signature	<i>[Signature]</i>
Initial	