IN THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES) ACT, 1992 AT BOMBAY

CUSTODIAN REPORT NO. 3 OF 2021
REPRESENTATION IN COMPLIANCE OF SPECIAL COURT ORDER DATED 30TH JUNE, 2020 IN MISCELLANEOUS APPLICATION NO.24 OF 2020
WITH
MISCELLANEOUS APPLICATION (L) NO.26 OF 2021

Growmore Leasing and Investments Ltd. .. Applicant

v/s.

The Custodian .. Respondent

Mr. Gandhar Raikar a/w. Ms.Shilpa Bhate i/b. M/s.Leena Adhvaryu & Associates for the Custodian.

Dr. Milind Sathe, Senior Advocate i/b. Vipul Shukla for Respondent nos. 1 & 2.

Mr. Ashwin Mehta for the applicant in SPMAL/26/2021.

Mr. Vishal Kanade a/w Nidhi Singh, Hersh Choudhary, Nipa Paka and Riddhi Pawar i/b. Vidhii Partners for SEBI.

CORAM : A. K. MENON,
JUDGE, SPECIAL COURT.
DATE : 2ND JULY, 2021
(THROUGH VIDEO CONFERENCE)

P.C. :

1. On 18th June, 2021 Mr. Raikar had sought leave to amend prayer clause (e). Having carried out the amendment, he submits that a

detailed working of the accruals has since has been furnished to the notified parties. On behalf of Mr. H.P. Dalal, Mr. Kale had already submitted to orders of the court on 11th June, 2021. The other notified party FFSL represented by its Director Mr. Yogesh Patel is said to have informed the Custodian that he also submits to the order of the court. This communication has vide an e-mail. Mr. Raikar undertakes to place on record of this court within a period of one week from today by forwarding e-mail to the registry.

2. Dr. Sathe on behalf of the company confirms that the statement of accruals are substantially correct. Meanwhile prayer clauses C-(1) and C-(2) seek directions against the Securities and Exchange Board of India (SEBI) to record the name of the Custodian as holder of the subject shares upon dematerialization. Mr. Kanade submits that there being no prohibition against the Custodian seeking such relief, he submits to orders of the court. Accordingly, I pass the following order;

(i) Report is allowed in terms of prayer clauses C-(1) and C-(2) and prayer (e). SEBI is directed to proceed accordingly.

(ii) List for compliance on 6th August, 2021.

(A. K. MENON, J.)

IN THE SPECIAL COURT AT BOMBAY

Constituted under the Special Court [Trial of Offences Relating to Transactions in Securities] Act, 1992

CUSTODIAN'S REPORT NO.3 OF 2021

The Custodian's Report with regard to compliance of Special Court Order dated 30th June 2020 in Miscellaneous Application No.24 of 2020.

ALONG WITH

MISCELLANEOUS APPLICATION NO.19 OF 2021

Growmore Leasing & Investments Ltd. ....Applicant

V/s.

The Custodian ....Respondent

Mr. Gandhar Raikar, with Ms. Shilpa Bhate, i/by M/s. Leena Adhvaryu & Associates, for Respondent No.1-Custodian.

Mr. Vipul Shukla for Respondent Nos.1 and 2 in SPCR/3/2021 and for Respondent Nos.2 and 3 in SPMA/19/2021.

Mr. Vishal Kanade, with Ms. Nidhi Singh, Mr. Hersh Choudhari, Ms. Nipa Paka and Ms. Riddhi Pawar, i/by Vidhii Partners, for SEBI.

CORAM : A.K. MENON, J.
JUDGE, SPECIAL COURT

DATE : 23RD JULY, 2021.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. Called for speaking to the minutes of the order dated 2nd July 2021.

2. Although the matter is listed for speaking to the minutes, what effectively the applicant-SEBI seeks is modification of the order to the extent of deletion of reference to prayer clause C-(1) in view of the fact that there is no prohibition against the Custodian seeking de-materialization of shares. The operative portion of the order of 2nd July 2021 shall therefore be substituted with the following :-

(i) The Custodian is directed to apply for de-materialization of the shares forming subject matter of the report.

(ii) Since there is no prohibition against the Custodian seeking such relief and in view of the provisions of the Special Court Act, the SEBI is directed to act accordingly.

3. List the matter for compliance on 13th August 2021.

[A.K. MENON, J.]

IN THE SPECIAL COURT AT BOMBAY

Constituted under the Special Court [Trial of Offences Relating to Transactions in Securities] Act, 1992

CUSTODIAN'S REPORT NO.3 OF 2021

The Custodian's Report with regard to compliance of Special Court Order dated 30th June 2020 in Miscellaneous Application No.24 of 2020.

ALONG WITH

MISCELLANEOUS APPLICATION NO.19 OF 2021

Growmore Leasing & Investments Ltd. ....Applicant

V/s.

The Custodian ....Respondent

Mr. Hormaz Daruwalla, with Ms. Shilpa Bhate, i/by Leena Adhvaryu Associates, for the Custodian.

Mr. Vishal Kanade, with Ms. Aditi Palnitkar, i/by Vidhi Partners, for SEBI.

Mr. Vipul Shukla for Respondent Nos.1 and 2 in SPCR/3/2021 and for Respondent No.3 in SPMA/19/2021.

Mr. Ashwin Mehta for the Applicant in SPMA/19/2021.

CORAM : A.K. MENON, J.
JUDGE, SPECIAL COURT
DATE : 13TH AUGUST, 2021.

P.C. :

1. Mr. Daruwalla states that compliance is complete. In view thereof, the Custodian's Report No.3 of 2021 stands disposed.

2. Miscellaneous Application No.19 of 2021, along with Miscellaneous Application No.4 of 2021, to be listed on 24th September 2021.

3. Affidavits-in-reply, if any, in both these MAs to be filed by 3rd September 2021. Affidavits-in-rejoinder, if any, to be filed by 17th September 2021.

[A.K. MENON, J.]

IN THE SPECIAL COURT (TRIAL OF OFFENCES RELATING TO

TRANSACTIONS IN SECURITIES) ACT, 1992

MISCELLANEOUS APPLICATION NO. 11 OF 2021

The Custodian … Applicant

vs.

Haresh K. Dalal … Respondent

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Mr. Gandhar Raikar i/b. M/s. Shilpa Bhate & Associates for the Custodian.

Ms. Nidhi Singh a/w. Ms. Aditi Palnitkar i/b. Vidhi Partners for the Respondent no.13.

CORAM : A.K. MENON, J.
Judge, Special Court

DATE : 4th DECEMBER, 2021

P.C. :

1. Called for hearing and final disposal. Mr. Raikar states that all respondents have been served except respondent no.11. However only respondent no. 13 appears today. Mr. Raikar relies upon affidavit of service of one Vaibhav Gamare dated 26th April, 2021 in support. He submits that respondent no. 11 is the share transfer agent of respondent no.10 and hence the application shall be heard and disposed even in the absence of respondent no. 11. Respondent no. 13 is The Securities Exchange Board of India (SEBI). Learned counsel for respondent no. 13 states that she has no objection to the application being allowed. In view thereof I have proceeded to hear Mr. Raikar in support.

2. Essentially this application is filed by the Custodian seeking leave to register shares of respondent nos. 2, 4, 6, 8 and 10 companies in the name of "Custodian Account-Unregistered shares of Haresh K. Dalal". Haresh K. Dalal is a notified party and hence Mr. Raikar submits that the shares are required to be registered in his name. In view of the fact of notification, the Custodian is exempted from submitting share transfer deed in the usual form with the relevant supporting documents.

3. Custodian also seeks a direction to the share transfer agents to follow necessary formalities and complete the transfer in terms of registering the shares to the aforesaid designated account. He also seeks leave to open separate demat account with title "Custodian Account-Unregistered shares of Haresh K. Dalal" to enable the Custodian to have the shares dematerialised and for that purpose permitting release of funds required to be paid over to the Depository participant for dematerilisation.

4. Although the application contains direction for sale of the shares and an injunction restraining the companies from transferring the shares to any other person and direction against SEBI for relaxing the notified time limit for dematerialisation, Mr. Raikar submits that he does not press for prayer clause (f), (g) and (h) especially if the application is allowed in terms of the other prayers. He further submits that the relief sought are only in the interest of the notified party and he has invited my attention to similar orders dated 4th October, 2019 and 11th October, 2019 copies of which are annexed permitting the similar reliefs. In view

thereof the application is liable to be disposed. Accordingly, I pass the following order :

(i) Application is made absolute in terms of prayer clause (a) to (e).

(ii) Application is disposed in the above terms.

(iii) All concerned to act on a certified copy of this order.

(iv) Certified copy expedited.

(A.K. MENON, J.)