

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11999/2025

Ashapurna Hotels Pvt. Ltd. @ Ashapurna Infra Project Pvt. Ltd.

----Petitioner

Versus

Official Liquidator, shri H.s. Patel Adarsh Credit Cooperative Society Limited (Accsl)

----Respondent

With

S.B. Civil Writ Petition No. 12000/2025

S.B. Civil Writ Petition No. 12001/2025

For Petitioner(s) : Mr. Vikas Baliya, sr. adv. with
Mr. Shantanu Sharma
Mr. Aditya Doda

For Respondent(s) :

HON'BLE MR. JUSTICE SAMEER JAIN

Order

11/08/2025

1. At the outset, learned senior counsel Mr. Vikas Baliya appearing for the petitioner has submitted that the petitioner herein is a company. It is further submitted that the petitioner is assailing the arbitrary and illegally attachment order dated 20.06.2025 passed by respondent No.1- the official liquidator of Adarsh Credit Cooperative Society Limited (hereinafter referred as 'ACCSL').

2. Further, it is submitted that in the identical matters, approximately 25 *bigas* of land was purchased in the year 2007, subsequently in the year 2011 a loan was sanctioned by ACCSL registered under the Multi-State Cooperative Societies Act, 2002. It is further submitted that there is no nexus inter-se the petitioner and ACCSL and transactions is carried at Arms length. It is also submitted that project or title of the property in question was never mortgaged, despite this official liquidator without following any procedure as

prescribed in law, without following principles of natural justice and without serving any notice, has not only attached the property but has gone to the extent of carrying out corrections under the mutation with the revenue authorities. Due to the same, petitioner apprehends that the respondent authorities may sell the properties in question, which will cause irreparable loss to the petitioner and therefore an interim protection ought to be granted to the petitioner to the extent that mutation be not carried out in favor of respondent No.1.

3. Additionally, it is submitted that Enforcement Directorate has attached the properties that belongs to the ACCSL and the present property was neither mortgaged nor was in the name of the ACCSL. Further, the said property was neither the subject matter of the loan transaction nor the same was ever attached by ED.

4. Lastly, it is submitted that the respondent No.1 is in the process of carrying out the mutation by relying upon provisions of Section 89-90 of the Multi-State Cooperative Societies Act, 2002.

5. Heard.

6. Upon perusal of the order dated 20.06.2025 this Court has made the following observations:-

6.1. That office bearers of the ACCSL are alleged of committing irregularities and the investigation is carried out by Special Fraud Investigation Office (SFIO) under the Ministry of Corporate Affairs.

6.2. That deposit of merely Rs.600-700 crores was made by investor in the respective banks and the same is siphoned to the shell companies which is owned and managed by few office bearers of ACCSL or their extended instrumentalities.

6.3. That in this regard, representations/notices were served to the authorities qua various notices which were served upon the petitioner qua recovery purposes, however, same were not answered.

6.4 That to serve the extent of investors, the properties are attached and mutation is permitted and is in progress, moreover, it is apprehended that the subject matter of dispute can be siphoned out.

7. In the facts and circumstances, this Court is inclined to issue short notices.

8. Additionally, '*dasti*' services is permitted upon respondent Nos.1-3.

9. Considering the foregoing facts and circumstances of the case, this Court directs the petitioner to implead Enforcement Directorate through appropriate officer as a party in array of respondents.

10. Amended cause title be filed.

11. This Court, in the interest of justice, before passing any interim order/further orders, is inclined to give audience to the respondents.

12. List these matters on 14.08.2025 in the supplementary cause list.

13. Learned counsel for the petitioner is directed to supply a copy of the petition in the office of learned ASG qua respondent No.4- Enforcement Directorate.

14. Name of Mr. Devesh Yadav be reflected in the cause list as counsel for respondents.

(SAMEER JAIN),J