

15.06.2022
KC(5)

WPA 27005 of 2016
Kalipada Pal
-versus-
Union of India and Ors.
With
CAN 1 of 2019 (Old CAN No. 4506 of 2019)
With
CAN 2 of 2021
With
CAN 3 of 2021
With
CAN 4 of 2021
With
WP 275 of 2015
With
GA 896 of 2017
With
GA 315 of 2016
With
GA 2291 of 2015
With
GA 3765 of 2015
With
GA 4015 of 2015
With
APOT 287 of 2015
With
GA 2255 of 2015
With
GA 2256 of 2015
With
GA 1552 of 2018
(Ponzy Matter)

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.,
Mr. Subhasis Chakraborty,
Mr. Arindam Das,
Ms. Rumeli Sarkar,
Ms. Shshmita Kumari Singh.....For the petitioner
in WPA 27005/2016.

Mr. Tulsi Das Roy.....For the State.

Mr. Partha Ghosh.....For the E.D.

Mr. Anirban Kar,
Mr. Suvadeep Sen.....For the Asset Disposal
Committee.

Mr. Arup Nath Bhattacharya,
 Ms. Sreetama Biswas.....For Rose Valley.

Mr. Amit Chakraborty,
 Mr. Sunil Singhanian,
 Ms. Twinkle Kaur.....For the respondent
 nos. 11 and 12 in
 WPA 27005 of 2016.

It has been recorded in the last order dated 19th May, 2022 that one of the members of the Asset Disposal Committee (A.D.C.) has retired. The Enforcement Directorate proposes Mr. Ram Dhan Dagar, Deputy Director, Enforcement Directorate to be nominated in place of the superannuated member.

Mr. Partha Ghosh, learned advocate for the Enforcement Directorate submits that Mr. Dagar satisfies the eligibility criteria for being so nominated. Hence, we approve the nomination of Mr. Ram Dhan Dagar as a member of the A.D.C.

Similarly, the representative of the State in the A.D.C. has retired and a new member is to be nominated. We direct the State to immediately nominate a suitable new member in place of the retired member within two weeks of communication of this order.

It was also submitted before us that whereas the remuneration of the Chairmen of the One Man Committees was borne by the State, it was not doing so in case of A.D.C. and the remuneration of the Chairman of the A.D.C. remains outstanding.

As far as this issue is concerned, we direct the State to file an affidavit on the basis of our above observations with regard to their willingness to bear the remuneration of the Chairman of the A.D.C. as well the expenses of the Commission. In our opinion the remuneration of the Chairman must be similar to his counter-parts in the One Man Committees. Such affidavit is to be filed by 30th June, 2022.

List the main writ application along with other connected applications on 11th July, 2022.

Any rejoinder to the affidavit of the State may be filed in the meantime.

Meanwhile, on reconstitution of the Committee after nomination of Enforcement Directorate and State members, as directed above, the Committee will proceed with the work of ascertaining the claim of the depositors/ investors in terms of the existing orders in the matter

We dispose of the connected applications (CAN 2 of 2021 and CAN 3 of 2021) without directing addition of any party.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)

