

Court No. 238
(266233)

03.10.2024
(AD 2)

(S. Banerjee)

WPA 27005 of 2016

Kalipada Pal
Vs.
Union of India & Ors.

CAN 1 of 2019
(Old CAN 4506 of 2019)
CAN 4 of 2021
CAN 5 of 2022
CAN 6 of 2022
CAN 7 of 2023
CAN 8 of 2024
CAN 9 of 2024
CAN 10 of 2024
CAN 11 of 2024
CAN 12 of 2024

with

Original Side Matters

WP 275 of 2015

GA 896 of 2017
GA 315 of 2016
GA 2291 of 2015
GA 3765 of 2015
GA 4015 of 2015

with

APOT 287 of 2015

GA 2255 of 2015
GA 2256 of 2015

with

GA 1552 of 2018
GA 5 of 2022
GA 7 of 2023
GA 8 of 2024
GA 9 of 2024
(WPA 3268 of 2016)

Mr. Subhasis Chakraborty
Ms. Sushmita Kumari Singh
...for the petitioner/depositor

Mr. Dhiraj Trivedi
Mr. Partho Ghosh
Ms. Amrita Pandey

...for the ED

Mr. Anirban Kar
Mr. Suvadeep Sen

...for the Assets Disposal Committee (ADC)

Mr. Amarendra Chakraborty

...for the petitioner in WPA 3268/16

Mr. Souvik Nandy
Mr. Soumava Ghosh
Ms. Isabella Pal
Ms. Swagata Roy

...for the SFIO in CAN 8/2023 &
CAN 9/2023

Mr. Tulsi Das Roy

.....for the State

Mr. Saptansu Basu, Sr. Advocate
Mr. Arup Nath Bhattacharya
Mr. Soumya Majumdar
Ms. Sreetama Biswas

...for the Rose Valley Group of Companies

Mr. Prasanta Kumar Dutt
Mr. Susanta Kumar Dutt
Mr. Syamantak Banerjee

...for the SEBI in WPA 27005/16

Mr. Jayanta Narayan Chatterjee
Ms. Sreeparna Ghosh
Ms. Ritushree Banerjee

...for the investors in CAN 11/2024

Supplementary report of Assets Disposal
Committee dated 30th September, 2024 is placed on
record.

Heard learned counsel for the parties.

The interim report dated 24.09.2024, submitted by the Assets Disposal Committee ('ADC', for short), is subdivided into the following sections:

1. Sale of Properties: e-auction
2. Identification of Properties
3. Transfer of Seized Fund (Cash)
4. Management of Rose Valley Companies
5. The Website & Claim Processing
6. Scheme for Disbursement

With regard to 'Sale of Properties: e-auction', the ADC has proposed sale by auction through SEBI of the following properties:

(1). Property: - Muktomala, 89A, Srikrishnapur – Taki Road, Kzipara, Barasat, under Barasat Municipality, Kolkata – 700124

(2). Property: - Singur Mouza Kismat APURBAPUR, JL. NO. 51, P.S. – Singur, Dist – Hooghly, Pin – 712409

(3). Property: - Commercial Spaces, Western portion of Ground and 1st Floor and Flat on Eastern portion 1st Floor, of the 'Apartment Building', 13, Satyen Roy Road, James Long Sarani, Post & P.S. Behala, District South 24 Parganas, West Bengal, Kolkata – 700034

(4). Property: - "Ashabari- ph II", entire building, G+II+Hall Shed, 71/ 1, Jessore Road, Prasadpur, PO & PS – Barasat, Dist – North 24 Parganas, West Bengal, Kolkata – 700124

(5). Property: - Mecheda, Mouza – Bargechia, P.S. – Kolaghat, Dist – Purba Medinipore

(6). Property: - 2 No Temple Street, Block – B, P.S. – Bowbazar, Kolkata 700072

(7). Property: - Mouza – Kandnasole P.S. – Khatra, JL No. – 193, Dist- Bankura

(8). Property: - Orbit Hotel Gaya, Station Road, Gosain Bag, P.S. – Kotwali, Dist – Gaya, Bihar

We permit the ADC to sell by auction the aforesaid properties through SEBI.

Regarding 'Management of Rose Valley Companies', the ADC, we note, is monitoring the activities of the businesses of 'M/s. Chocolate Hotels Pvt. Ltd.', 'M/s. Brand Value Communications Limited'.

Mr. Basu, learned senior counsel for the Rose Valley Group of Companies and its former Chairman, Mr. Gautam Kundu, contends it is not within the remit of ADC to monitor the business activities of the companies. He strenuously contends the business of the companies are being mismanaged and adequate returns are not being fetched which could be used to satisfy the claims of the depositors.

We are of the opinion that this issue would require further deliberation and the matter is posted for further consideration on a later date.

In the meantime, we direct the ADC to audit the accounts of the aforesaid companies and place on record the report of the auditors.

With regard to 'Transfer of Seized Fund (Cash)' the ADC has recorded that a sum of Rs. 12,36,42,749/- attached by Enforcement Directorate ('ED', for short) in Case No. ML No. 02/18(ECIR/KLZO/8/2015), along with accrued

interest to the tune of Rs. 19,40,19,426/-, has been transferred to ADC by ED.

ADC proposes to disburse the said seized cash in a manner set out in the report under the heading 'Scheme for Disbursement'.

We have perused the terms of the scheme which appears to be a reasonable one. Accordingly, we approve the scheme proposed by the ADC.

To maintain transparency, ADC is directed to upload the names of the depositors, their certificate numbers and the principal sum payable under the said certificates and the amount repaid to them in terms of the scheme.

It shall be open to the representatives of the depositors and/or 'M/s. Rose Valley Group of Companies' to assist the ADC in disbursal of the funds.

ADC and other parties, including the bank, shall act in terms of the gist of the order communicated to them.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)