16.09.2021
Court No.1
Item No. 31,
70 & 91
SD & SB

WPA 1389 of 2017
Ajay Kumar Das & Ors.
-vs-
Union of India & Ors.
with
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with
WPA 20070 of 2018
CAN 1 of 2019 (Old CAN 106 of 2019)
Amarendranath Roy, Pres, INV. Welfare Ass. In Alchmist Group
-vs-
Union of India & Ors.
with
WPA 26915 of 2017
Alchemist Investors and Borker Welfare Association & Ors.
-vs-
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
… for the petitioner present on virtual mode.
Mr. Subhasis Chakraborty,
Mr.Arindam Das
Ms. Sushmita Kumari Singh, advocates
….for the petitioner present in Court in WPA 1389 of 2017.
Mr. Pradyut Kumar Das, advocate
….for the applicants/petitioners in Court in WPA 1389 of 2017 & CAN 272 of 2018, CAN 273 of 2018, CAN 561 of 2018, CAN 1764 of 2018 & CAN 1766 of 2018.
Mr. Y. J. Dastoor, Additional Solicitor General with
Mr. Phiroze Edulji, advocate
Ms. Amrita Pandey, advocate
Ms. Sumitra Das, advocate
…. for the UOI present in Court.
M/s. Prasanta Kumar Dutt and
Susanta Kumar Dutt, advocates
… for the SEBI present in Court
Mr. Syamantak Banerjee, advocate.
….for the SEBI present on virtual mode.
Mr. Saptarshi Chattopadhyay, advocate
…. for the applicant in CAN 670 of 2019.
Mrs. Hironmoyee Ghosh, advocate
Mr. Surojit Dutta, advocate
…. for the applicants in CAN 678 of 2021.
Md. Jannatul Firdous, advocate
….for the applicant in CAN 680 of 2021.
M/s. Nabankur Paul,
Md. Apzal Asari, advocates
….for the applicants in CAN 566 of 2019 and CAN 345 of 2018.

Learned counsel for the Alchemist Group of companies seeks time to file supplementary affidavit.

Let the same be filed. In addition to whatever information is sought to be furnished in the affidavit, information regarding details of the properties owned by the Alchemist Group of Companies along with its approximate value be furnished. If any proceedings are pending before any authority, the details thereof be also mentioned.

The amount to be refunded by the Alchemist Group of Companies to the depositors under various schemes as on August 31, 2021 be detailed out.

The learned counsel appearing for the SEBI shall apprise this Court as to whether any proceedings against the Alchemist Group of Companies are pending. If yes, the status thereof, and also as to whether any amount is to be recovered by SEBI on account of penalty or otherwise from the Alchemist Group of Companies.

It was further pointed out that at the time of hearing, that some of the investors have approached the National Company Law Tribunal (NCLT). To this serious issue was raised by the learned counsel for the petitioner stating that when all the issues regarding refund of the amount deposited with the Alchemist Group of Companies, is being considered by this Court, certain depositors have been planted to file application before the NCLT with the active support of the company to misdirect the issue.

We are not finally opining on this issue. However, we direct that no final order shall be passed by the NCLT during the pendency of the present writ petition before this Court.

A bunch of CAN applications have been filed in WPA 1389 of 2017 for being impleaded as parties, claiming that the applicants are also depositors with the Alchemist Group of Companies under various schemes. In our opinion when the issue regarding refund of the money to all the depositors of the Alchemist Group of Companies is being considered in the main petition, the individual depositors are not required to be impleaded as parties to the proceedings. In case they have any grievance or any issue to be pointed out, they shall be at liberty to assist the Court in the pending matters.

The writ petitions being WPA 1389 of 2017, WPA 20070 of 2018 (CAN 106 of 2019) and WPA 26915 of 2017 are adjourned to November 23, 2021.

The connected applications in WPA 1389 of 2017 except the application being CAN 5390 of 2018 are disposed of.

[Rajesh Bindal, C.J. (A.)]

[Rajarshi Bharadwaj, J]