

Court No. - 21

Case :- WRIT - C No. - 33178 of 2023

Petitioner :- Indrawati Devi And 9 Others

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Sanjay Kumar Mishra

Counsel for Respondent :- A.S.G.I.,C.S.C.,Farough Ahmad,Pawan Kumar Rao

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

1. Heard Sri Sanjay Kumar Mishra, learned counsel for the petitioners, Sri Pawan Kumar Rao, learned counsel for respondent nos. 3 and 5 and Sri Rajiv Gupta, learned counsel for respondent no.2. Notice on behalf of respondent no.1 has been accepted by learned Additional Solicitor General of India, but he is not present.

2. The petitioners have prayed for a direction to the respondents to pay them the maturity amount of their fixed deposits with respondent nos. 3 and 5. According to the petitioners, the amount invested by them with the respondent-Bank in shape of FDR had matured long back, but the maturity amount has not been paid to them so far.

3. Learned counsel for the parties state that the issue involved in the instant petition is covered by the judgment and order dated 10.04.2023 passed in **Writ C No. 3827 of 2023 (Umesh Kumar Vishwakarma Vs. State of U.P. and 3 Others)** and therefore, the instant petition be also disposed of in same terms.

4. The judgment and order dated 10.4.2023 passed in Writ C No. 3827 of 2023 (Umesh Kumar Vishwakarma vs. State of U.P. and 3 Others) is reproduced below:-

"Heard learned counsel for the parties.

Shri Farough Ahmad, Advocate has put in appearance on behalf of respondent No.4 and has filed today the counter affidavit dated 6.04.2022 on behalf of respondent No.4.

This writ petition has been filed praying for the following relief;

"(i) issue a writ, order or direction in the nature of mandamus directing and

commanding the respondents to decide the representation dated 03.01.2022, within some stipulated period."

Grievance of the petitioner is that her mother namely Chamela Devi had deposited a sum of Rs.5 lacs before the Saharayan Universal Multipurpose Society Ltd. of which various receipts have been issued by the Branch/Authorised Center Nawabganj, Kaudihar, F.C.1805 (6446) Sector Phulpur Region, Allahabad which matured on 29.01.2022 total amounting Rs.11,49,790/-. The mother of the petitioner died on 29.04.2021 and petitioner's name has also been recorded as successor but the respondent No.4 has not paid the maturity amount of the aforesaid deposits made by the mother of the petitioner.

In paragraph No.11 of the counter affidavit filed by respondent No.4, it has been stated as under:-

"11. That the contents of paragraph nos.11 of the writ petition are incorrect and denied and in reply it is submitted that the matter of Sahara Group under which Saharayan Universal Multipurpose Society Ltd. also comes was pending before the Hon'ble Supreme Court and an embargo was put on the Sahara Group's by Hon'ble Supreme Court barring transfer or release the amount deposited in Sahara Group bank accounts. Hon'ble Supreme Court in writ petition (C) No.191 of 2022 (Pinak Pani Mohanty Vs. Union of India and Ors.) vide order dated 29.03.2023 was pleased to direct SEBI to transfer Rs.5,000 crores to the Central Registrar Co-operative Society who in turn, shall disburse the same against the legitimate dues of the depositors of the Sahara Group of Cooperative Societies, which shall be paid to the genuine depositors in the most transparent manner and on proper identification and on submitting proof of their deposits and proof of their claim and to be deposited in their respective bank accounts directly. A true copy of the order dated 29.03.2023 passed by the Hon'ble Supreme Court in writ petition (C) No.191 of 2022 is being filed herewith and marked as Annexure No.CA-1 to this counter affidavit."

Along with the aforesaid counter affidavit, respondent No.4 has filed, a copy of the order dated 29.03.2023 passed by the Hon'ble Supreme Court in Writ Petition (C) No.191 of 2022 (Pinak Pani Mohanty Vs. Union of India and Ors.).

In the aforesaid writ petition, an I.A. No.56308 of 2023 was filed which has been disposed of by the Hon'ble Supreme Court by the aforesaid order dated 29.03.2023, directing as under:-

"Therefore, the present application stands disposed of with the following directions:-

(i) Out of the total amount of Rs.24,979.67 Crores lying in the 'Sahara-SEBI Refund Account', Rs.5000 Crores be transferred to the Central Registrar Cooperative Societies, who, in turn, shall disburse the same against the legitimate dues of the depositors of the Sahara Group of Cooperative Societies, which shall be paid to the genuine depositors in the most transparent manner and on proper identification and on submitting proof of their deposits and proof of their claims and to be deposited in their respective bank accounts directly.

(ii) The disbursement shall be supervised and monitored by Justice R.Subhash Reddy, Former Judge of this Court with the able assistance of Shri Gaurav Agarwal, learned Advocate, who is appointed as Amicus Curiae to assist Justice R. Subhash Reddy as well as the Central Registrar of Cooperative Societies in disbursing the amount to the genuine depositors of the Sahara Group of Cooperative Societies. The manner and modalities for making the payment is to be worked out by the Central Registrar of Cooperative Societies in consultation with Justice R. Subhash Reddy, Former Judge of this Court and Shri Gaurav Agarwal, learned Advocate.

(iii) Rs.15 lakhs per month be paid to justice R. Subhash Reddy, Former Judge of this Court and Rs.5 lakhs per month be paid to Shri Gaurav Agarwal, learned Amicus Curiae towards their honorarium.

(iv) We direct direct that the amount be paid to the respective genuine depositors of the Sahara Group of Cooperative Societies out of the aforesaid amount of Rs. 5,000 Crores at the earliest, but not later than nine months from today. The balance amount thereafter be again transferred to the "Sahara-SEBI Refund Account."

Since in paragraph no.11 of the Counter Affidavit filed by respondent No.4, it has been stated that Saharayan Universal Multipurpose Society Ltd. belongs to Sahara Group and under direction of Hon'ble Supreme Court a sum of Rs. 5,000 crores have been transferred to the Central Registrar Cooperative Society for disbursement of legitimate dues of Sahara Group of Cooperative Societies, therefore, it would be appropriate that the petitioner may approach the Central Registrar of Cooperative Society or to Amicus Curiae recommended by the Hon'ble Supreme Court for the payment of his maturity amount.

With the aforesaid observation, the writ petition is disposed of."

5. Accordingly, as prayed by learned counsel for the parties, the instant petition also stands disposed of in terms of the judgment and order dated 10.04.2023 passed in **Writ C No. 3827 of 2023**.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 17.11.2023

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