

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2179 of 2015**

Rosevalley Kalyan Samiti Through Their Secretary, Mr. Dhananjay Chandrawanshi S/o Shri Baburam Chandrawanshi, Aged About 29 Years, Presently Residing At 11/849 Near Mans Meadows, Bhartiya Nagar, Bilaspur, Tahsil : Bilaspur, Civil & Revenue District : Bilaspur, Chhattisgarh P I N 495001.

---- **Petitioner**

Versus

1. Union Of India Through The Secretary, Department Of Corporate Affairs, A Wing, Shastri Bhawan, Rajendra Prasad Road, New Delhi, Delhi 110001.
2. State Of Chhattisgarh Through The Chief Secretary, Mantralaya, Mahanadi Gate, Naya Raipur Capital Complex, Raipur, District Raipur, Chhattisgarh, P I N 492001.
3. Securities & Exchange Board Of India, Through Its Chairman, S E B I Bhavan, Bandra Kurla Complex, Bandra (East), Mumbai 400051.
4. Director, Enforcement, Enforcement Directorate, 6th Floor, Lok Nayak Bhawan, Khan Market, New Delhi 110003.
5. The Director General Of Police, Government Of Chhattisgarh, Police Head Quarters, Raipur, P. O. : Raipur, Tahsil : Raipur, Distt. Raipur, Chhattisgarh. P I N 492001.
6. Rose Valley Hotels & Entertainments Limited Through Its Authorized Director, Godrej Waterside, Tower 1, 2nd Floor, Office No. 201 & 202, Plot 5, Block Dp, Sector V, Kolkata, West Bengal 700059.
7. Rose Valley Real Estates Constructions Limited Through Its Authorized Director, Godrej Waterside, Tower 1, 2nd Floor, Office No. 201 & 202, Plot 5, Block Dp, Sector V, Kolkata, West Bengal 700059.
8. Gautam Kundu, Chairman & Addl Director Rose Valley Hotels & Entertainments Limited, R/o: 71, Jessore Road (South), Ashabari Appartment Barasat, 24 Pgs (N), West Bengal 743201.
9. Shibamoy Dutta, Managing Director Rose Valley Hotels & Entertainments Limited, R/o : Regent Enclave, Flat No. 1 B, Block 4, 1st Floor, V I P Road, Kolkata, West Bengal 700052.
10. Abir Kundu, Addl Director Rose Valley Hotels & Entertainments Ltd, R/o: 6, S. K. Deb Road, 5th Bye Lane, Patipukur, Kolkata, West Bengal 700048.

11. Debdas Mukherjee, Additional Director Rose Valley Hotels & Entertainments Limited, R/o : Village Mondlai, P O : Elsova Mondlai, P S & Tahsil : Pandua, Dist : Hoogly , West Bengal 712146.
12. Ram Lal Goswami, Director Rose Valley Real Estates Constructions Limited, Godrej Waterside, Tower 1, 2nd Floor, Office No. 201 & 202, Plot 5, Block Dp, Sector V, Kolkata, West Bengal 700059.
13. Ashok Kumar Saha, Director Rose Valley Real Estates Constructions Limited, Godrej Waterside, Tower 1, 2nd Floor, Office No. 201 & 202, Plot 5, Block Dp, Sector V, Kolkata, West Bengal 700059.

---- Respondents

For Petitioner	Shri Rajkamal Singh, Advocate.
For Respondent No.1.	Shri Sachin Singh Rajput, Advocate.
For Respondent No.2 & 5	Shri Bhaskar Pyasi, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

14/12/2015

1. In short, the relief sought for by the petitioner is for an order of this court to attach the assets & properties and further liquidating of the company. In addition, the petitioner also sought for repayment to the investors by the Respondents No.6 & 7.
2. The petitioner has also sought for a direction against the State to take suitable action and for initiating prosecution against the Directors of the company.
3. In the opinion of this court, the petitioner has efficacious statutory alternative remedy under the provisions of Companies Act particularly for liquidation and for other incidental and similar reliefs sought for.
4. It is well settled law that when there is a statutory efficacious alternative remedy available to a person, normally the writ jurisdiction should not be invoked. Recent decision in this regard is 2015 (6) SCC 773 (Union of India and Others Vs. Major General Shri Kant Sharma and Another).

5. So far as the relief No.3 sought for by the petitioner for directing the State for suitable action against the Directors of the Company is concerned, the petitioner, for this also has an appropriate remedy under the provisions of Code of Criminal Procedure. The law in this regard is also well settled by the Supreme Court in AIR 2014 (SC) 187 (Lalita Kumari Vs. Govt. of U.P. & Others).
6. Accordingly, the writ petition is dismissed as not maintainable in view of availability of efficacious statutory alternative remedy. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE