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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5946/2017

R MANGALAM

..... Petitioner

Through: Mr R. Subramanian, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Manish Mohan, CGSC with Mr  
Saksham Tyagi and Ms Manisha  
Saroja, Advocates for R-1.  
Ms Mukta Dutta and Mr Priyank  
Mangal, Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**18.07.2017**

**CM Nos.24687-88/2017**

Allowed, subject to all just exceptions.

**W.P.(C) 5946/2017 & CM No.24686/2017**

1. The petitioner alleges that respondent no.3 company had not received 90% of the subscription pursuant to the public offer of shares and debentures and had forged documents to indicate so. In the circumstances, the issue ought to have failed and the subscription collected for public ought to have been returned in terms of Section 73 of the Companies Act, 1956. The petitioner further states that although, the public issue was floated in the year 1995 pursuant to a letter of offer dated 19.09.1995, the fact that the respondent no.3 had not received the subscription claimed to have received

by it was discovered only in the year 2015. It is further claimed that this was so determined by SEBI and this finding has become final.

2. The learned counsel for the petitioner submits that in the circumstances, SEBI would have the power to issue consequential directions for refunding the money collected by respondent no.3 pursuant to the public offer, to all subscribers.

3. In the given circumstances, SEBI is directed to examine whether any relief as sought is warranted. SEBI shall also examine whether it has the power to grant such relief. SEBI shall take view and communicate the same to the petitioner within a period of eight weeks from today.

4. In the event, the petitioner is aggrieved, it will be open for the petitioner to take appropriate remedies in accordance with law.

5. The petition and the pending application are disposed of with the aforesaid observations.

**VIBHU BAKHRU, J**

**JULY 18, 2017**  
**MK**