

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23495 of 2018

1. Bishwanath Baitha S/o Ramdeo Baitha, The Secretary of the Alchemist investors and Brokers Protection Group. resident of Village-Bala, Kishunpur, Siwan.
2. Ram Kumar Mishra, S/o Bashishtha Mishra, R/o village- Khairanpur, Pakari, Saran.
3. Arvind Kumar Singh, S/o Jai Lal Singh, r/m Newaji Tola, Shanti Nagar, Mehiyan, Chapra, Saran.
4. Umesh Kumar Singh, S/o Ram Singar Singh, R/o Village- Sadhpur Balli, P.O. Lejuar, Chapra, Saran.
5. Arjun Singh, S/o Ram Sewak Singh, r/o village- Ukhai Prem Hatta, Saran.
6. Dinesh Prasad Singh @ Dinesh Singh, S/o late Yogendra Singh, R/o village- Basantpur, Saran.
7. Rahmat Rai, S/o Islam Rai, R/o Village- Mora, Masjid, Mora Khash, Siwan.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Government of India, Ministry of Finance, North Block, New Delhi- 110001.
2. The Union of India, through the Secretary, Government of India, Ministry of Corporate Affair 'A', Wing Shashtri Bhawan, New Delhi- 110001.
3. The Securities and Exchanges Boards of India, Plot no. 64-A, G, Block Bandra Kurla Complex, Bandra (East), Mumbai- 400051.
4. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. The State of West Bengal, through the Chief Secretary, Government of West Bengal, Nabanna, 325, Sarat Chatterjee Road, Howrah- 711102.
6. The Principal Secretary, Ministry of Finance, Government of Bihar, Patna.
7. The Regional Special Director Enforcement Directorate, Raja Ji Salai, Chajju Bagh, Patna- 800001, Bihar.
8. The Inspector General of C.I.D. , Bihar, Patna.
9. The Police Commissioner, Home Department, Government of Bihar, Patna.
10. The Superintendent of Police, Central Investigation Bureau, Bihar, Patna.
11. The Superintendent of Police, Chhapra, Saran, Bihar.
12. The Superintendent of Police, Siwan, Bihar.
13. The Superintendent of Police, Gopalganj, Bihar.
14. Alchemist Holdings Ltd., having its Office of 405, .Jyoti Sikhar Tower, Janak Purl, District- Centre, New Delhi- 110058.
15. Alchemist Capital Ltd., having Office at SCO. 12-13 Sector-9D, Madhya Marg, Chandigarh- 160017.
16. Toubra Holding Ltd. having its Office at SCO-12-13, Sector- 90, Madhya Marg, Chandigarh- 160017.



17. Alchemist Infra Reality Ltd. having its Office at 723, DLF Tower 'A' Jasola, District Centre, New Delhi- 110044 and also at Unit no. GF-18, Ground Floor, Omax Square, Jawla, District-Centre, New Delhi- 110025.
18. Toubra Infotech and Industries Ltd. having its Office at SCO. 12-13, Sector-90, Madhya Marg, Chandigarh- 160017.
19. Tourba Industries Ltd. having its Office at SCo. 12- 13, Sector-9D, Madhya Marg, Chandigarh- 160017.
20. Alchemest Ltd.having its office at SCO- 12-13 Sector-9D, Madhya Marg, Chandigarh- 160017.
21. Infotech Division having its office at SCO- 12-13 Sector-9D, Madhya Marg, Chandigarh- 160017.
22. Food Processing Division having its office at SCO- 12-13 Sector-9D, Madhya Marg, Chandigarh- 160017.
23. Flower Division having its office at SCO- 12-13 Sector-9D, Madhya Marg, Chandigarh- 160017.
24. Steel Division having its office at SCO- 12-13 Sector-9D, Madhya Marg, Chandigarh- 160017.
25. Biotech Divsiion having its office at SCO- 12-13 Sector-9D, Madhya Marg, Chandigarh- 160017.
26. Alchemist Township India Ltd. having its Office at Registered SCO.232-233, 3rd Floor, Sector- 34A, Chandigarh, and Office of 411-412, Anand Tower-30, Nehru Place, New Delhi- 110018.
27. Mr. Kanwar Deep Singh, Chairman Emeritus, Alchemist Group of Companies, Permanently residing at House no. 159, Sector-9B, Chandigarh, Presently residing at 100, South Avenue, New Delhi- 110011.
28. Mr. Karan Deep Singh, Chairman Emeritus, Alchemist Group of Companies, residing at House no. 159, Sector-9B, Chandigarh.
29. Mr. Pavan Kumar Verma, Director, having their Office at having his office at H.O. , SCO-12-13, Sector - 9D, Madhya Marg, Chandigarh- 160017.
30. Mrs. Maria Fernandes, Director, having their Office at having his office at H.O. , SCO-12-13, Sector - 9D, Madhya Marg, Chandigarh- 160017.
31. Mr. Bikram Bhattacharya, Director, having their Office at having his office at H.O. , SCO-12-13, Sector - 9D, Madhya Marg, Chandigarh- 160017.
32. Mr. Viney Kumar Mittal, Director, having their Office at having his office at H.O. , SCO-12-13, Sector - 9D, Madhya Marg, Chandigarh- 160017.
33. Mr. Vimal Kumar Sharma, Director, having their Office at having his office at H.O. , SCO-12-13, Sector - 9D, Madhya Marg, Chandigarh- 160017.
34. Mr. Tanveer Gill, Director, having their Office at having his office at H.O. , SCO-12-13, Sector - 9D, Madhya Marg, Chandigarh- 160017.
35. Md. Mansoor Ahmad, Director, having their office at H.M. Building, 4th Floor-IS, Ganesh Chandra, Avenue, Kolkatta-700013.
36. Mr. Hariharan Neerarghavan, Director, having their office at H.M. Building, 4th Floor-IS, Ganesh Chandra, Avenue, Kolkatta-700013.
37. Mr. Subramanian Ayyapakutti Nambi, Director, having their office at H.M.



- Building, 4th Floor-IS, Ganesh Chandra, Avenue, Kolkatta-700013.
38. Sangita Devi, Director, having their office at H.M. Building, 4th Floor-IS, Ganesh Chandra, Avenue, Kolkatta-700013.
 39. Balbir Singh, Director, having their office at H.M. Building, 4th Floor-IS, Ganesh Chandra, Avenue, Kolkatta-700013.
 40. Mr. Vikramaditya Singh, Director, having their Office at SCO-232-233, 3rd floor, Sector - 349, Chandigarh- 160022. and - 7 - Corporate Office at 411-412 Ansal Tower-38, Nehru Place, New Delhi - 110019.
 41. Mr. Chandra Shekhar Chauhan, Director, having their Office at SCO-232-233, 3rd floor, Sector - 349, Chandigarh- 160022. and - 7 - Corporate Office at 411-412 Ansal Tower-38, Nehru Place, New Delhi - 110019.
 42. Mr. Krishna Kumar Singh, Director, having their Office at SCO-232-233, 3rd floor, Sector - 349, Chandigarh- 160022. and - 7 - Corporate Office at 411-412 Ansal Tower-38, Nehru Place, New Delhi - 110019.
 43. Mr. Jaishree Noor Director, having their Office at SCO-232-233, 3rd floor, Sector - 349, Chandigarh- 160022. and - 7 - Corporate Office at 411-412 Ansal Tower-38, Nehru Place, New Delhi - 110019.
 44. Mr. Brij Mohan Mahajan, , Director, residing at House no.-194, Sector- 18A, Chandigarh- 160018.
 45. Mr. Sunil Kanti Kar, Director, residing at 14, Southend Park Lane, Kolkatta-700029.
 46. Mr. Narayan Madhav Kumar, Director, House No. 2047, Sector-44 C, Chandigarh- 160044.
 47. Mr. Chhatrasal Singh Narendra Singh Ranawat, Director, having office at 723, DLF Tower, 'A' Jasala District Centre, New Delhi- 110044, and also at Unit No. GF.-18., Ground Floor, Omax Square, Jasola, District Centre, New Delhi- 110025.
 48. Mr. Nand Kishore Singh, Director, having office at 723, DLF Tower, 'A' Jasala District Centre, New Delhi- 110044, and also at Unit No. GF.-18., Ground Floor, Omax Square, Jasola, District Centre, New Delhi- 110025.
 49. Mr. Krishna Kabir, Director, having office at 723, DLF Tower, 'A' Jasala District Centre, New Delhi- 110044, and also at Unit No. GF.-18., Ground Floor, Omax Square, Jasola, District Centre, New Delhi- 110025.
 50. Mr. Surendra Singh Malik, Director, having office at 723, DLF Tower, 'A' Jasala District Centre, New Delhi- 110044, and also at Unit No. GF.-18., Ground Floor, Omax Square, Jasola, District Centre, New Delhi- 110025.
 51. Mr. Sushil Kumar, Director, having office at 723, DLF Tower, 'A' Jasala District Centre, New Delhi- 110044, and also at Unit No. GF.-18., Ground Floor, Omax Square, Jasola, District Centre, New Delhi- 110025.
 52. Mr. Satendar Singh, Jarri , Director, having their Office at H.M. Building, 4th Floor, 15, Ganesh Chandra Avenue, Kolkata- 700013.
 53. Mr. Ajay Kumar, Director, having their Office at H.M. Building, 4th Floor, 15, Ganesh Chandra Avenue, Kolkata- 700013.
 54. Mr. Vijay Kumar, Director, having their Office at H.M. Building, 4th Floor, 15, Ganesh Chandra Avenue, Kolkata- 700013.



55. Mr. Charan Deep Singh Jolly, Director, having their Office at H.M. Building, 4th Floor, 15, Ganesh Chandra Avenue, Kolkata- 700013.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maheshwar Prasad, Advocate
For the Respondent/s : Mr. S.D. Sanjay, Addl. S.G.
Mr. Kanak Verma, C.G.C

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 06.12.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following relief:

“(i) To issue direction to respondent that a declaration that all revealed/disclosed/concealed properties lying and/or standing in the name of Alchemist Group of companies and/or any other body or person derived from the fund massive deposits received by them under various ponzy schemes operated by and/or in the name of the said group companies or either of them is liable to be confiscated by the process of law under the PML Act 2002 and in the alternative.

(ii) To issue a direction that all such properties standing in the name of the said group of companies and/or any body or person, derived from any deposits received by the said group of companies be confiscated and disposed of for distribution of the proceeds thereof to the depositors, including the



petitioners.

(iii) To issue direction to the State Respondents including the state public to take up investigation of the criminality of the matter in accordance with law under the supervision of this Hon'ble Court and take all action including arrest of the directors of the respondents no. 27 to 55 of company and detention of the scam stars.

(iv) To issue direction the respondents authority being C.B.I. to take up investigation of the criminality of the matter in accordance with law under the supervision of this Hon'ble Court and take all actions including arrest and detentions of the seem stars the direction of the respondent company.

(v) To issue direction to appoint a special officer to take into custody all such revealed/disclosed/concealed properties held by the respondent group of companies in their name or in the names of any body or person derived from the deposits received by the said group of companies in various ponzy schemes.

(vi) To issue direction to compensate the loss and damages suffered by countless deposit including the petitioners for the act, action and omission allowed to be committed by the said Alchemist group of companies to mobilise the huge public deposits by defrauding the depositors and denying refund thereof to the depositors by sudden closure of the business and activity of the said group of companies.

(vii) To issue direction in the nature of certiorary calling upon the respondent authorities to certify and transmit to this Hon'ble Court all relevant document in connection with Alchemist Group of companies so



that conscionable justice may be done to them.

(viii) To direction that the respondent company/ Principal Officers to submit with all Special Officer so appointed all title deeds and document in respect of such properties and disclosed all other movable and immovable properties including Bank account stands in the name of the company as well as in the name of the directors within a given time.

(ix) To direction to injunction restraining the respondents/private respondents from dealing with and/or disposing off/and or from creating any third party interest in respect of any of the properties/assets standing the name of said Alchemist Groups of companies or any body or person connected/related thereto in any manner what's over till the disposal of the present petition.

(x) To direction that the state respondent to ensure that no transfer/alienation/creation at any third party interest in respect of any such properties take place by issuance of a general order and/or publication of notification in the print media.

(xi) To issue direction that the appointment of Special Officer/Administration on the affairs so prospective of the said group and to appoint chartered account and to make evaluation of all such properties held in the name of each of the 11 companies under Alchemist Group of Companies, derived from the said deposits held in the name of any other.

(xii) To any others direction if any the lordships deem to fit and proper. ”

After the matter was heard for some time, learned



counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioners shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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