

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 287 of 2021

1. Ajay Kumar Singh son of Late Jivnandan Ray resident of Dost Nagar, Sherpur, Mohiuddin Chauk, P.S. - Maner, District- Patna.
2. Vijay shankar son of Rajendra Ray Resident of Nukhta Diayara, Danapur Khagaul, P.S. - Digha, District- Patna.
3. Ranjeet Kumar son of Muneshwar Ray vNakta Diyara, Danapur, P.S. Digha, District- Patna.
4. Durga Prasad son of Brahmdeo Rai Resident of Nakta Diayara, Danapur Khagaul, P.S. Digha, District- Patna
5. Bashishtha Prasad Yadav son of Late Kedar Ray Resident of Nakta Diayara, Danapur Khagaul, P.S. Digha, District- Patna
6. Shubhash Chadani Singh son of Late Dasrath Prasad Singh Resident of Nakta Diayara, Danapur Khagaul, P.S. Digha, District- Patna
7. Kanchan Kumar Singh son of Late Rajendra Singh Resident of Mirjapur Kharika, Saran, Khairka, P.S. - Sonpur, District- Patna.
8. Akhilesh Sah son of Maina Sah Resident of Akilpur, Post- Akilpur, P.S. - Akilpur, District- Patna.
9. Rita Devi wife of Keval Prasad Singh Manas Resident of Nayapanapur, P.s. - Akhilpur, District- Patna.
10. Rakesh Kumar Das son of Chandeshwar Das Resident of Pojhi, Dariyapur, P.S. - Parsa, District-Saran.
11. Paras Ray son of Late Vakil Roy Resident of Vill. and Post - Manas Akilpur, P.S. - Danapur District- Patna.
12. Munni Devi wife of Jainath Rai Resident of Nakta Diayara, P.S. - Digha, District- Patna.
13. Nand Kishor Rai son of Hari Bhajan Rai Resident of village - Prasadi Parsauna, Post - Parsa, P.S. - Parsa, District- Patna, Bihar.
14. Umesh Das son of Late Din Bandhu Das Resident of Patlapur, Post - Madhopur, P.S. - Sahpur, District - Patna.
15. Surendra Rai son of Late Sheodayal Rai Resident of Habaspur, Post-



Gangahara, P.S. - Sahpur, District- Patna.

16. Krishan Rai son of Ramangya Ray Resident of Habaspur, Post- Gangahara, P.S. - Sahpur, District- Patna.
17. Balkeshwar Prasad son of Late Ramdhahin Ram Resident of 131, Akilpur Town Villl. - Akilpur, post- Akilpur, Anchal Danapur, P.S. - Akilpur District- Patna.
18. Ajay Prasad son of Pashupati Rai Resident of Akilpur, Post- Akilpur, Diyara,Digha, Patna, P.S. - digha,district- Patna.
19. Mithilesh Kumar Singh son of Chandsi Rai Resident of Rambad, Post and P.S. - Maner, District- Patna.
20. Surendra Mahto son of Jatan Mahto Resident of Mirjapur Kharika, Saran, Kharika, P.S. - Sonpur, District- Patna.
21. Premchandra Saw son of Jamuna Saw Resident of Bakarpur, Post- Akilpur, P.S. - Akilpur, District- Patna.
22. Sadhu Singh son of Gurucharan Singh Resident of Ramsapur, Kharika, Sonpur, P.S. - Sonpur, District- Patna.
23. Md. Khalil son of Md. Kitabuddin Resident of Main Road, Patalpur, Danapur Cum Khagaul Road, Patna, P.S. - Sahpur, District- Patna.
24. Nagendra Kumar son of Seoratan Rai Village - Khojauli Rojhi, Saran, P.S. - Dariyapur, District- Saran.
25. Shri Kanti Devi wife of Marikan Rai Resident of village - Parsadi Diyar, P.S. - Parsad, Post - Parsauna, District- Saran.
26. Ram Bilash Prasad Sah son of Late Gorakhnath Sah Resident of village and Post and P.S. - Akilpur, District- Saran.
27. Suresh Prasad son of Sita Ram Rai Resident of village Ward No. 8, Vishunpur, P.O. - Madhopur, P.S. -Akilpur, District- Patna.
28. Dhiraj Kumar son of Sanchit Rai Resident of village Habaspur Dera, Post- Ganghara, P.S. - Sahpur, Danapur, District- Patna.
29. Prabhawati Devi son of Rajkishor Rai Resident of village - Baghakol, Post- Maner, District- Saran.
30. Munni Devi wife of Tribhuwan Yadav Resident of village - Marar, Post -



Parsa, P.S. - Parsad, District- Saran.

31. Harendra Prasad son of Tulasi Rai Resident of village - Nakta Diyara, P.S. - Digha, District- Patna.
32. Manish Kumar son of Lalan Rai Resident of village - Lodipur, Post - Veyapur, P.s. - Maner, District- Patna.
33. Mukesh Kumar son of Rajkishor Singh Resident of Village - Mirzapur, P.S. Sonpur, District- Saran.

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Department of Corporate Affairs, New Delhi.
2. The Reserve Bank of India, Through its Governor Main Building P.B. No. 901, Saheed Bhagat Singh Road, Mumbai, Maharashtra.
3. The Regional Manager, Reserve Bank of India, South Gandhi Maidan, Patna - 800004.
4. The Securities and Exchange Board of India, Plot No. - C-4-A G Block, Bandra Kurla Complex Bandra (East) Mumbai- 400051.
5. The Local Office Securities and Exchange Bank of India, Udhog Bhawan, East Gandhi Maidan, Patna- 800004.
6. Indus Weir Industries Limited Registered Office - 74/8, Defence Enclave, Part-1, Mohan Garden, Uttam Nagar, New Delhi- 110059, Its Head office FF- 42 and 2nd and 3rd Floor Mangol Bazar Road near, V35 Mall, laxmi Nagar, New Delhi- 110059.
7. Arunesh Kumar @ Arunesh Sita son of Sri Sita Ram resident of Maa Jagdamba Niketan, Ganga Gate No. 33, Rajapur, Mainpura, Patna - 800001 (Bihar).
8. Anil Kumar Trivedi Son of Sri Parmeshwar Trivedi Resident of 149, Jigna Tiwari Tola, Rivilganj, District- Saran, Bihar- 841301.
9. Rasheed Qamar son of Late Manzar Alam Resident of village - 3H-319, New Patliputra Colony Patna Bihar- 800001.
10. Prince Rana, son of Shree Sheetal Prasad, Resident of 45/43 Naugarh, P.O. -



Kachani, Distt.- Singrauli, M.P. - 486887

11. Mazharul Quadari resident of Basahi, P.S. - Janta Bazar, Dist. - Saran, Bihar- 841422.
12. Paras Nath Sharma son of Sri Mahadeo Sharma Resident of 241, Telidhi Chas, P.O. and Distt.- Bokaro, Jharkhand - 827013 and also Yadubansh Nagar, Chas Bokaro, Jharkhand - 8271013.
13. Balchand Chaurasiya son of Sri Mohan Chaurasiya Resident of Karchi Pariva, Kamapur, P.O. - Singapur, Dist.- Salliya, U.P. - 277208.
14. Syam Sunder Seth, son of Late Sri Ram Siromani Seth Resident of 95 GT-Road, North Salkia, Howrah West Bengal- 711106.
15. Ranjeet Kumar son of Late Surendra Prasad Singh Resident of village - Lodipur, P.O. - Byapur, P.S. - Maner, District- Patna, Pin- 801503.
16. Mukesh Kumar Yadav son of Sri Nirmal Rai Resident of village - Haldi Chapra Satana, P.O. and P.S. - Maner, District- Patna, Pin- 801108.
17. Shiv Shankar Kumar son of Late Lalmohan Rai Resident of village - Haldi Chapra Satana, P.O. and P.S. - Maner, District- Patna, Pin- 801108.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. Dr. K. N. Singh (ASG)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 08-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking the following reliefs:-



“(i) For issuance of a writ in the nature of mandamus commanding and directing the respondents to take immediate steps for refund of the money collected by Indus Weir Industries Limited, Sakshi Financial Services Private Limited and its Directors, Promoters through issuance of redeemable preference shares as well as many ponzy schemes, the money collected from the petitioners and so many investors in different schemes/plain, till date with interest of 12% per annum from the date of receipt of money from the investors till the date of payment.

(ii) For issuance of writ in the nature of mandamus for directing the respondents to take immediate steps for restraining the Indus Weir Industries Limited and Sakshi Financial Services Private Limited and its Directors, Promoters not to transfer the investors of investors made in the company to any other company society.

(iii) For issuance of writ in the nature of mandamus for directing the respondents to initiate a proceeding against Indus Weir Industries Limited and Sakshi Financial Services Private Limited and its Directors/Promoters and to take immediate steps for refund of money collected by the aforesaid companies and its Directors/Promoters.

(iv) For issuance of writ in the nature of mandamus directing the attachment of the properties belonging



to Indus Weir Industries Limited and Sakshi Financial Services Private Limited.

(v) For issuance of writ in the nature of mandamus directing the respondents as well as appropriate authorities for inquired the matter who allowing them to collect illegally huge sums of money from innocent and siphoning them of to monitor the case by this Hon'ble Court."

At the outset, the learned counsel for the petitioners faced with the issue of maintainability of the present writ petition, on the ground that no writ can be issued against a private person, seeks liberty to approach the appropriate forum/Regulator for redressal of the grievances of the petitioners.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off as not pressed, however, with liberty to the petitioners to approach the appropriate forum/Regulator for redressal of their grievances.

(Mohit Kumar Shah, J)

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