

26.04.2022.
Item No. 34.
Court No.13
ap

W.P.A. No. 5106 of 2022
Sudip Bag & Ors.
Versus
The Union of India & Ors.

Mr. Pratip Mukherjee,
Mr. Sudip Basu,
Mr. Omar Faruk Gazi.

...For the petitioners.

Mr. Rupak Ghosh,
Mr. Sayamantak Banerjee,
Mr. P.K. Dutta,
Mr. S. K. Dutta.

...For the SEBI.

Counsel for the SEBI submits that the petitioners have not put in the bid money despite opportunities given on 25th March, 2022 and 28th March, 2022. The auction process was cancelled on 28th February, 2022. Two other bidders were unsuccessful.

It is quite possible that the Securities and Exchange Board of India may be restrained from taking any decision in terms of the applicable Rules and the Act itself for the purpose of confirming the sale in favour of the petitioners or granting further extension of time to the petitioners to put in the money.

This Court, in exercise of this... jurisdiction under Article 226 therefore, grants two options to the Securities and Exchange Board of India. Under the first option, discretion is conferred under orders of

this Court to the Regional Manager, Eastern Region of Securities and Exchange Board of India, in the interest of recovery process and the object and purpose of recovery under the SEBI Act to confirm the sale in favour of the petitioner after granting of further extension. The second option is that the auction is conducted afresh and the writ petitioners be allowed to participate therein. In the event, the petitioners are successful, the earnest money already deposited by the petitioners pursuant to the earlier sale may be considered for adjustment towards the next sale process.

It is clarified again that the Regional Manager, Eastern Region, Securities and Exchange Board of India, shall be entitled to take any of the aforesaid decisions including any other decision in terms of the objects of the SEBI Act.

The Regional Manager, Eastern Region, Securities and Exchange Board of India shall also be entitled to exercise the power of forfeiture of the earnest money deposit made by the petitioners in the event, any other option is proposed to be exercised.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)