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

+ **W.P.(C) 6949/2024 & CM APPL. 46121/2024**

RELIGARE ENTERPRISES LIMITED

.....Petitioner

Through: Mr. H.S. Chandhoke, Mr. Anant Garg, Mr. Sharmishta Dube and Mr. Satwik Rajesh Prakash, Advocates.

versus

SECURITIES AND EXCHANGE BOARD OF INDIA.....Respondent

Through: Mr. Ashish Aggarwal, Advocate for SEBI.

Mr. Arun Kathpalia, Senior Advocate with Mr. Abhimanyu Bhandari, Mr. Mahesh Agarwal, Mr. Nirvikar Singh, Ms. Geetika Sharma, Ms. Saachi Piliya, Ms. Sonam Mathur, Mr. Dhruv Sethi and Ms. Diksha Gupta, Advocates for Applicants in CM. APPL. 46120/2024.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.08.2024

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CM APPL. 46120/2024 (for impleadment)

1. Through this application, the Applicants – M.B. Finmart Pvt. Ltd., Puran Associates Pvt. Ltd., VIC Enterprises Pvt. Ltd., and Milky Investment & Trading Company, seek impleadment/intervention in the present writ petition as Respondent Nos. 2 to 5. At the same time, the Applicants have apprised the Court that the primary relief sought in the present writ petition, as worded in the prayer clause, already stands redressed.

2. In light of the above development, the Court, instead of issuing notice



and calling for reply to the present application, has taken up the main writ petition on the board for hearing, today itself.

3. Accordingly, the application is disposed of.

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4. The present writ petition, as already noted by this Court in the order dated 16th May, 2024, seeks a direction to Respondent - Securities and Exchange Board of India¹ to consider the Petitioner's representations dated 18th October, 2023, 14th November, 2023, 16th November, 2023, 9th January, 2024, 1st February, 2024, 5th February, 2024, 6th March, 2024, 11th March, 2024, 1st May, 2024 and 10th May, 2024.

5. To that extent, indeed as pointed out by the Applicants in CM APPL. 46120/2024 and also confirmed by counsel appearing for the Respondent - SEBI, a decision has been rendered on such representations through communication dated 31st May, 2024, which is placed on record as Annexure-14 (Colly) to CM APPL. 46120/2024.

6. The aforesaid communication makes reference to all the representations which are subject matter of the present writ petition, as mentioned above.

7. In light of the above, in the opinion of the Court, the primary grievance of the Petitioner stands redressed and to that extent the relief sought in the present writ petition has been rendered infructuous.

8. At this juncture, Mr. H.S. Chandhoke, counsel for Petitioner, makes a nuanced submission. He submits that in the prayer clause, apart from seeking a direction for SEBI to decide on the Petitioner's representation, the Petitioner has also sought a direction to be issued to SEBI for conducting a



time bound forensic investigation.

9. In the opinion of the Court, the decision taken on the Petitioner's representation is inter-linked to the Petitioner's request for forensic investigation. It is noted that through the decision dated 31st May, 2024, SEBI has not found merit in the Petitioner's representations, and accordingly, they have not directed any further action to be taken in this regard. In view of this development, Petitioner's remedy, if any, is to challenge the decision of 31st May, 2024, in accordance with law.

10. In this regard, it is noticed that the Petitioner has also preferred an appeal bearing no. 394/2024 before the Securities Appellate Tribunal, Mumbai², wherein the Petitioner has challenged SEBI's decision dated 31st May, 2024 along with the interim order cum show cause notice issued by SEBI dated 19th June, 2024.

11. Mr. Chandhoke states that there is no specific prayer made by the Petitioner requesting for a forensic audit before the SAT and therefore if this Court is disposing of the instant writ petition, the Petitioner should be given liberty to approach the SAT for such a request.

12. In light of the foregoing developments, since the primary prayer of the Petitioner in the present writ petition stands redressed, the writ petition is disposed of. It is made clear that in case the Petitioner were to make a request for the conduct of a forensic audit in the pending Appeal no. 394/2024 before SAT, the same shall be considered in accordance with law.

13. At this juncture, Mr. Chandhoke has also pointed out that subsequent to the filing of the present writ petition, the Petitioner has received an email

¹ "SEBI"

² "SAT"



communication attaching therewith a WhatsApp communication received from a phone number which allegedly belongs to Mr. Arjun Lamba, who is closely associated with representatives of the Burman family. Mr. Chandhoke states that the Petitioner submitted a representation to this effect to SEBI on 15th May, 2024. Since, this is not the subject matter of the present writ petition, Mr. Ashish Aggarwal, counsel representing SEBI, is unable to confirm receipt of the said communication, nonetheless, Mr. Aggarwal states that if such a representation was made, the same shall be considered on its own merits in accordance with law.

14. All rights and contentions of the parties including those of the Applicants in CM APPL. 46120/2024, are kept open. The Court has not made any comments on the merits of the case.

15. With the above directions, the writ petition is disposed of, along with pending application(s).

16. The date of 20th August, 2024, stands cancelled.

SANJEEV NARULA, J

AUGUST 12, 2024

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