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

\+ W.P.(C) 17618/2025

INVESTOR JANSEVA ASSOCIATION .....Petitioner

Through: Mr. Jitendra Bharti, Mr. Deepak Goel and Mr. Ashwani, Advocates.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Rakesh Kumar, SPC with Ms. Samiksha, G.P. and Mr. Sunil, Advocate for UoI.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **20.11.2025**

1. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following relief:-

> *"1. Issue the Writ of Mandamus directing Respondents to release Shares of the 149 investors represented by the Petitioner (as mentioned in Annexure - P/1) into their respective Demat Accounts within a time-bound period preferably within Four Weeks."*

2. At the outset, on oral request of counsel for the Petitioner, Respondents No. 3 to 5 are deleted from the array of parties.

3. As per the case set out in the petition, Petitioner is a Company incorporated under Section 8 of the Companies Act, 2013 ('2013 Act') stated to be based in Gujarat and engaged in providing services relating to protecting the interest of the investors by creating awareness through seminars, publications etc. Petitioner has received complaints with respect to 149 investors alleging that though they had filed Forms IEPF-5 to claim their shares/refund, which were duly verified by the respective companies

and transferred to Respondent No.2/Investor Education and Protection Fund Authority, claims have not been processed despite the mandate of law to dispose of the claims within 60 days from receipt of verification reports from the respective companies.

4. Learned counsel for the Petitioner contends that the interest of the investors is being seriously jeopardized due to inaction of Respondent No.2 which has failed to process their claims and most of the investors are senior citizens/retired persons whose livelihood depends on the investments made. It is urged that as per Section 125(3)(a) of 2013 Act and Rule 7(6) of Investor Education and Protection Fund Authority (Accounting, Audit, Transfer and Refund) Rules, 2016 ('2016 Rules'), Respondent No. 2, which is a statutory body, is required to dispose of an application made for refund within 60 days from the date of receipt of verification reports from the concerned companies complete in all respects. However, there is total inaction on part of Respondent No.2 and applications for refund are pending for several months, despite reminders by the investors. In this backdrop, it is submitted that direction be issued to Respondent No.2 to process the applications of the investors and release the shares into their Demat accounts, as per details furnished in the list appended as Annexure 'P1' to this petition.

5. Issue notice.

6. Mr. Rakesh Kumar, learned Senior Panel Counsel accepts notice for Respondents No. 1 and 2 and takes a preliminary objection to the *locus* of the Petitioner. Without prejudice, it is submitted that Respondent No.2 receives thousands of applications/complaints on a daily basis and the same are taken up on 'first come first serve' basis. Considering the heavy influx of

the applications for refund, it is not practically possible to adhere to the timeline of 60 days under 2016 Rules.

7. Responding to the preliminary objection, counsel for the Petitioner submits that a similar writ petition being W.P.(C) No. 17528/2024 was disposed of by this Court vide order dated 19.12.2024 directing the Respondents to process the complaints for release of shares/amounts following the 'first come first serve' principle and Respondents never questioned the *locus* of the Petitioner in the said petition.

8. Heard learned counsels for the parties. Insofar as the position of law is concerned, there can be no dispute that Section 125(3)(a) of 2013 Act provides that Investor Education and Protection Fund shall be utilized for refund in respect of unclaimed dividends, matured deposits, matured debentures and the application money due for refund and interest thereon. Rule 7(6) of 2016 Rules provides that an application received for refund of any claim under this Rule duly verified by the concerned company shall be disposed of by the Authority within 60 days from the receipt of verification report from the company complete in all respects and any delay beyond 60 days shall be recorded in writing specifying the reasons for delay and same shall be communicated to the Claimant in writing or by electronic means. A similar issue arose before this Court in W.P.(C) No. 17528/2024 and the Court directed Respondent No. 2 to dispose of the complaints, which were subject matter of the writ petition within stipulated time depending on the year of the complaint, conscious of the fact that 'first come first serve' principle was being followed by Respondent No. 2. Following the said judgment and without commenting on the merits of the case as also the *locus* of the Petitioner, following directions are issued:-

(i) Application in respect of Serial No. 1 in list Annexure 'P1' appended to the writ petition will be processed within 6 weeks from today.

(ii) Applications in respect of Serial Nos. 2 to 135 will be processed within 3 months from today.

(iii) Applications from Serial Nos. 136 to 149 will be processed within 4 months from today.

9. Writ petition is disposed of with the aforesaid terms along with pending application, leaving all rights and contentions of the parties open.

JYOTI SINGH, J

NOVEMBER 20, 2025
S.Sharma