

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 897 of 2013

 Care Vision Mutual Benefit Limited through its Regional Manager Sanjay Mishra son of Jogendra Mishra, having its Registered Office at Mangal Tower, First Floor, 103, Kanta Toli Chowk, P.O. & P.S. Lower Bazar, District Ranchi

..... **Petitioner**

Versus

1. The State of Jharkhand through its Chief Secretary, having Office at Jharkhand Mantraya, Project Bhawan, P.O. & P.S. Dhurwa, District Ranchi.
2. The Deputy Commissioner, Deoghar, P.O., P.S. & District Deoghar.
3. Sub-Divisional Officer, Deoghar, P.O., P.S. & District Deoghar.
4. Union of India through Secretary Ministry of Corporate Affairs, New Delhi, P.O. & P.S. New Delhi.
5. Registrar of Companies cum Official Liquidator (Bihar & Jharkhand).
6. The Regional Director, Reserve Bank of India, South Gandhi Maidan, P.O. & P.S. Gandhi Maidan, District Patna, Bihar.
7. D & M, Eastern Regional Office, SEBI, L & T Chambers, 3rd Floor, 16-Camae Street, P.O. & P.S. Camae Street, Kolkata-W.B.

..... **Respondents**

with

W.P.(C) No.1565 of 2013

 1. Prayag Infotech Hi-Rise Ltd., a Company incorporated under the Companies Act, 1956 having its registered office at P-45, Bhupen Roy Road, P.O. & P.S. Kolkata, District-Kolkata-700034.

2. Shri Laxmikant son of Sri Rajendra Prasad Mishra, Marketing Director of Prayag Infotech Hi-rise Ltd. Working for Gain at P-45, Bhupen Roy, Road, P.O. & P.S. Kolkata, District – Kolkata-700034.

..... **Petitioners**

Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Deoghar, P.O. & P.S. Deoghar, District - Deoghar.

3. Sub Divisional Magistrate, Deoghar, P.O. & P.S. Deoghar, District - Deoghar.
4. Deputy Commissioner, Godda, P.O. & P.S. Godda, District-Godda.
5. Sub Divisional Magistrate, Godda, P.O. & P.S. Godda, District - Godda.
6. Union of India through Secretary Ministry of Corporate Affairs, Nizam Palace, 2nd M.S.O. Building 234/4, AJC Bose Road, P.O. Nizam Palace, P.s. Maidan, Kolkata.
7. Regional Manager, RBI, South Gandhi Maidan, P.O. & P.S. Gandhi Maidan, Town & District Patna, Bihar.
8. Regional Manager, Eastern Regional Office, SEBI, L & T Chambers, 3rd Floor, 16-Camae Street, P.O. and P.S. Camae Street, Town & District Kolkata, West Bengal.

..... **Respondents**

with

W.P.(C) No.1571 of 2013

1. Ramel Industries Limited, a Company registered under the Companies Act, 1956, represented by one of its Directors, namely, Rameshwar Poddar, Son of Sri Suresh Chandra Poddar having his residence and office at Matrapali 1207 North 24 Pragana Kolkata.
2. Biswajit Karmakar, son of Sri Yadu Karmakar, Branch Manager of the Ramel Industries Limited at Govindpur having its office and works at Govindpur, P.O. + P.S. Govindpur, District Dhanbad and resident of Pandra, P.O. + P.S. Nirsa, District Dhanbad.
3. Vimal Kumar Mishra, son of Sri Khadu Mishra, Branch Manager of Ramel Industries Limited having its office at Nirsa, P.O + Police Station Nirsa, District Dhanbad and resident of Selected Fatka Colliery, P.O. + Police Station Nirsa, District Dhanbad.
4. Sunil Kumar Giri, son of Sri Kripa Nand Giri, Regional Manager of Ramel Industries Limited having its office at Near Dandua Hospital, Post Office Salanpur, P.S. Salanpur, District Bardwan (West Bengal).

..... **Petitioners**

Versus

1. The State of Jharkhand.
2. The Deputy Commissioner, Dhanbad, Post Office and Police Station Dhanbad, District Dhanbad
3. Sub Divisional Officer having his office at Dhanbad, P.O., P.S. and District Dhanbad.
4. Superintendent of Police, Dhanbad, Post Office and Police Station Dhanbad, District Dhanbad
5. Deputy Superintendent of Police, Govindpur-Nirsa, Dhanbad Region No. 2, Post Office and Police Station Dhanbad, District Dhanbad
6. Circle Officer, Nirsa, P.O. & P.S. Nirsa, District Dhanbad.
7. Circle Officer, Govindpur Circle, P.O. & P.S. Govindpur, District Dhanbad.
8. Officer Incharge, Nirsa Police Station, P.O & P.S. Nirsa, District Dhanbad.
9. Officer Incharge, Govindpur Police Station, P.O. & P.S. Govindpur, District Dhanbad.
10. Union of India, through Ministry of Corporate Affairs, through its Secretary having his office at New Delhi, P.O. & P.S. New Delhi, District New Delhi.
11. Registrar of Companies-cum-Officer Liquidator, Bihar and Jharkhand at Ranchi, Jharkhand High Court, At + P.O: Doranda, Ranchi-2.
12. Asst. General Manager, Security Exchange Board of India, SEBI, 5th Floor, Bank of Baroda Building, 6 Sansad Marg, New Delhi-1
13. Reserve Bank of India through its Zonal Office at Patna and Branch office at Ranchi.
14. Registrar of Companies cum official liquidator W. Bengal at Kolkata.

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners : Mr. Ankit Vishal, Advocate
(WPC No. 897 of 2013)
Mr. Mahesh Tewari, Advocate
(WPC No. 1571 of 2013)

For the Resp.-State : Mr. Kishore Kumar Singh, SC V
Mr. Vishnu Prabhakar, AC to SC V
Mr. Rohan Kashyap, AC to G.A. II

For the Resp.-S.E.B.I.: Mr. Anil Kr. Sinha, Sr. Adv
Mr. Abhishek Sinha, Adv.

For the Resp.-R.B.I. : Mr. Pandey Neeraj Rai, Adv
: Mr. Rohit Ranjan Sinha, Adv

Order No. 5/Dated 22nd August, 2022

In these batch of writ petitions since similar issues are involved, as such, the same have been ordered to be heard together, accordingly, the matters are being heard and disposed of by this common order.

2. The prayers made in these writ petitions are for direction in the nature of writ of mandamus and prohibition to handover the key of the office of the petitioners from the concerned officers and to allow the petitioners to continue its lawful financing business and not to interfere with in any manner in continuing the lawful financing business from the office of the petitioners which had been sealed by the concerned authority without serving any proper notice and without giving any opportunity to the representative of the petitioners to place their defence.

3. The petitioners are the Company incorporated under the Companies Act and were doing the business i.e., fixed deposit scheme, issuance of debenture and other financing scheme by following the lawful financing procedure from all their branches, zonal and corporate offices, besides allegedly doing other business in the territory of State of Jharkhand.

It is the case of the petitioners that though they are operating their business as per the Guidelines time to time

issued by the Reserve Bank of India and Securities and Exchange Board of India as also by the State Government but without affording any opportunity their business offices were sealed by the respondents-authorities in utter violation of their fundamental rights to carry on business and also infringes the right of the petitioner under Article 300 A of the Constitution of India.

4. Heard learned counsel for the petitioners and learned counsel for the respondents-State as also learned counsel appearing for the respondent-Securities and Exchange Board of India and respondent-Reserve Bank of India.

5. After some argument, Mr. K.K. Singh, learned S.C. V appearing for the respondents-State of Jharkhand has submitted that the issue has already been decided by this Court in the judgment rendered in W.P. (C) No. 989 of 2013 and analogous cases vide order dated 10.02.2020, therefore, argument has been advanced that these batch matter may also be disposed of in terms thereof.

6. Learned counsel for the petitioners does not dispute the fact that the these cases are squarely covered by the decision rendered in W.P. (C) No. 989 of 2013 and analogous cases disposed of vide order dated 10.02.2020.

7. In view of submissions advanced by learned counsel for the parties, this Court is of the view that the instant batch cases is fit to be disposed of in terms of order passed

in W.P. (C) No. 989 of 2013 and analogous cases disposed of vide order dated 10.02.2020.

8. Accordingly, this Court holds that since the prohibitory order has been passed by the authority in pursuance to the inquiry conducted by the concerned authority and if such decision has been taken, the same cannot be faulted with.

9 In view of such finding, this Court is not inclined to pass any positive direction.

10. Accordingly, these writ petitions fail and are dismissed.

(Sujit Narayan Prasad, J.)

Alankar/-