

SECURITIES AND EXCHANGE BOARD OF INDIA

Recovery Certificate No. 596 of 2015

Order under section 28A of the SEBI Act, 1992 read with Rule 63(1) of the Second Schedule to the Income Tax Act, 1961

1. Recovery proceedings have been initiated against (1) Ramel Industries Limited ('Ramel') (PAN: AAGCR8991L) and its Directors/Promoters (2) Mr. Rameswar Podder (PAN: AFVPP4292B), (3) Mr. Ramendra Mohan Sarkar (PAN: AUIPS3363G), (4) Mr. Sukanta Deb (PAN: AJIPD0118R), and (5) Mr. Partha Das (PAN: ANMPD8317J), ["Defaulters"] vide Certificate No. 596 of 2015 drawn up by the Recovery Officer u/s. 28A of the SEBI Act, 1992 read with s. 222 (1) and Second Schedule to the Income-tax Act, 1961. The total amount to be recovered in the captioned certificate is Rs. 60.86 Crore along with interest of 15% per annum from the date of receipt of money from the investors till the date of refund, whichever is higher, along with further interest, all costs, charges and expenses incurred in respect of all the proceedings taken for recovery of the said sum.
2. The Recovery Officer vide an order dated June 2, 2016, had attached the immovable properties of the defaulters and issued an order prohibiting the defaulters from disposing, transferring, alienating, or charging their assets. Since Ramel and its directors failed to repay the dues, SEBI issued notice of sale dated January 28, 2022 for selling the properties of Ramel and its directors via public auction on '*as is where is and whatever there is*' basis. The last date for submitting the bid forms and EMD was February 18, 2022 and the e-auction was scheduled on February 24, 2022. In response to the said Notice of Sale, SEBI received EMD from 3 bidders for the following property of **Ramel Industries Limited**:

*S No	Property description	Name of bidder	PAN of bidder
2	Land admeasuring (35 Properties) 966.528 Decimal (584.36 Cottah), Situated at Thana - Jagaddal, Gram Panchayat - Kowgachi - II, Under Jurisdiction of ADSR - Naihati, Dist. - North 24 Parganas, appertaining to Mouza - Kayrapur, JL No. - 27, Touzi No. 3, 1070/2894	Maa Tara Developers , represented by Krishnendu Mallick, Partner	ABTFM0786F
		Rabi Lochan Pan	AHVPP0145P
		Apnapan Consultancy Pvt Ltd. , represented by Sanjay Agarwala, Director	AAFCA6744H

*S No as appearing in published Notice of Sale



3. The auction of the abovementioned property was knocked down in favour of the highest bidder, viz. **Maa Tara Developers**, for a bid value of Rs. 4,30,96,400/- (Rupees Four Crores Thirty Lakh Ninety Six Thousand Four Hundred Only) on the day of the auction. Abovementioned bidder defaulted in making full payments for their highest bid within the stipulated timeline. As they failed to make payment within timeline given by Recovery Officer, their bid was cancelled by Recovery Officer in terms of the provisions of Point 11 (*Default of payment*) of the detailed terms and conditions of the sale notice are applicable and Point 16(b) (*Stay/Cancellation of Sale*) of the same, and EMD paid by them forfeited.
4. Subsequently, Sudip Bag, one of the partners of the bidder firm filed a writ petition (WPA 5106 of 2022) before the Hon'ble Calcutta High Court, seeking recall/rescinding of the cancellation of the bid and also time/opportunity to make the residual payment. The Hon'ble High Court of Calcutta has been pleased to pass the following order (dated April 26, 2022) in respect of the abovementioned writ petition-

*"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. (emphasis supplied)"

5. As per the above direction, the first option was exercised and bidder was informed that the final sale consideration was to be paid by them by 5 p.m. on May 17, 2022. Along with the final bid price and poundage, simple interest at the rate of 6% p.a (from date of sale to date of payment of sale consideration) was also charged on the final bid price. The final sale consideration towards the said property subsequently stands at Rs 4,39,78,016 (i.e. Four Crores Thirty Nine Lakh Seventy Eight Thousand Sixteen Only).
6. According to the terms and conditions of the Notice of Sale dated January 28, 2022, an amount of Rs 26,10,000 was already paid by the bidder firm as EMD towards the property in question. Accordingly, the petitioner (on behalf of the bidder firm) has deposited the balance due from them, i.e **Rs 4,13,68,016/- (including interest of Rs. 4,50,651/-)** on May 17, 2022 by RTGS in favour of SEBI Recovery Proceeds. Subsequently, Regional Director-ERO approved for confirmation of sale in favour of M/s. Maa Tara Developers in terms of Hon'ble High Court order dated 26.04.2022.



7. In view of the above, and in exercise of powers conferred upon me under section 28A of the SEBI Act, 1992 read with Rule 63 (1) of the Second Schedule to the Income-tax Act, 1961, read in conjunction with the order dated April 26, 2022 of Hon'ble High Court of Calcutta in exercise of their jurisdiction under Section 226 of the Indian Constitution (*Annexure I to this order*), I hereby confirm the sale of the undermentioned properties in favour of the following entities:

<i>S No</i>	<i>Property description</i>	<i>Name of buyer</i>	<i>PAN of buyer</i>
1	Land admeasuring (35 Properties) 966.528 Decimal (584.36 Cottah), Situated at Thana - Jagaddal, Gram Panchayat - Kowgachi - II, Under Jurisdiction of ADSR - Naihati, Dist. - North 24 Parganas, appertaining to Mouza - Kayrapur, JL No. - 27, Touzi No. 3, 1070/2894	Maa Tara Developers, now represented by Sudip Bag, Partner	ABTFM0786F

Dated: May 19, 2022




Rajkumar Kaluri
Dy. General Manager & Recovery Officer

राज कुमार कलुरि / Raj Kumar Kaluri
वसूली अधिकारी एवं उप महाप्रबंधक
Recovery Officer & Dy. General Manager
भारतीय प्रतिभूति और विनियम बोर्ड
Securities and Exchange Board of India
कोलकाता / Kolkata

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.)