

(2013) 07 CAL CK 0032

Calcutta High Court

Case No: R.V.W. No. 117 of 2013, CAN No. 6642 of 2013 and W.P. No. 16460 (W) of 2013

Ramel Industries Ltd.

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision: July 9, 2013

Citation: (2013) 122 SCL 258

Hon'ble Judges: Sanjib Banerjee, J

Bench: Single Bench

Advocate: M. Rajeswara Rao, Gaurav Singh and Narayan Thakur for review, for the
Appellant;

Judgement

@JUDGMENTTAG-ORDER

Sanjib Banerjee, J.

The Securities and Exchange Board of India has applied for review of an order dated June 19, 2013 by which WP No. 16460(W) of 2013 was disposed of in presence of counsel for SEBI. It is submitted by the SEBI that it could not be appropriately represented to court on behalf of SEBI at the relevant point of time that the writ petitioners had not made any application to SEBI for obtaining any permission for mobilisation of funds from the public. SEBI says that upon notices being issued by SEBI to the petitioner company requiring such company to explain how it could start any cumulative investment scheme without obtaining prior permission from SEBI in such regard, the company had even questioned the authority of SEBI to seek such explanation.

2. Since it is now evident that the writ petitioners seek to obtain permission from SEBI for the purpose of mobilisation of funds from the public and since the writ petitioners undertake not to use or utilise the money already obtained without the permission being issued by SEBI, the order dated June 19, 2013 may be appropriately modified.

3. The petitioner company should apply in writing to SEBI within a fortnight from date, seeking permission for the petitioner company to raise funds from the public and indicating the quantum of money already received. The petitioner company will respond to any queries that SEBI may have in the matter of mobilisation of public funds and the petitioner company will not collect any further money from the public or utilise or expend any funds already collected without due permission issued therefor by SEBI.

4. Upon the petitioners' written application being made within a fortnight from date, SEBI should dispose of the application within four weeks of the petitioners satisfactorily responding to any queries that may be raised by SEBI in respect of the application. It will be open to SEBI to give the petitioner company an opportunity of hearing before disposing of the application by a reasoned order. The order dated June 19, 2013 is modified accordingly and RVW No. 117 of 2013 and CAN 6642 of 2013 are disposed of without any order as to costs.