

**RBI/2004-05/ 124**

RPCD RRB.CO. No.Dir.BC. 17 / 07.02.12 / 2004-05

August 17, 2004

**All State Co-operative Banks and District Central Co-operative Banks**

**Dear Sir**

**Before the Supreme Court of India – Interlocutory Application  
Nos. 9, 20 & 28 – In Transfer Case No.2 of 2004 – P (C) No.696/  
2002 and I.A.No.1 in T.C. 68/2003- The Securities and Exchange  
Board of India etc. Vs. The Golden Forest (I) Ltd. etc.**

The Hon'ble Supreme Court of India, by its order dated July 28, 2004, has passed orders disallowing withdrawal of any money from the accounts of the Golden Forests (I) Ltd. or any of its subsidiary/associate companies, as given in Annexure I enclosed and has directed as under:

"We direct that none of the accounts of GFIL, its subsidiaries and associate companies (a list whereof has been filed as Annexure I with IA No.1/2004 in TC 68/2003) in any of the banks in the country shall be operated for withdrawal of any money from the accounts, by GFIL, its subsidiaries and associate companies either by themselves or through their officers or agents unless otherwise permitted by this Court. Let a copy of this order be communicated to the Reserve Bank of India annexing therewith a copy of the list.

A circular in this regard shall be issued by the Reserve Bank of India informing all the banks in the country".

2. A copy of the said order is enclosed for ensuring compliance with the directions of the Hon'ble Supreme Court of India.
3. Please instruct all your branches/offices immediately to ensure compliance with the orders of the Hon'ble Supreme Court of India.
4. Please acknowledge receipt.

Yours faithfully

(C.S. Murthy)  
Chief General Manager In-charge

Encl: Copy of Supreme Court of India order dated 28.07.2004 and Annexure I.

Item No.1

Court No. 1

SECTION XVIA

787905

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A.Nos.9,20 &amp; 28 in Transfer Case (Civil) No.2/2004

T H E S E C U R I T I E S & E X C H A N G E B D . O F I N D I A E T C .

V E R S U S

T H E G O L D E N F O R E S T S ( I ) L T D . E T C .

(for interim stay and directions)

with

I.A.No.1 in TC(C) No.68/2003 (National Investors Forum Vs. Golden Forests (I) Ltd.) (for directions)

W.P.(C) No.188/2004 (M/s. Raiganj Consumer Forum Vs. Union of India &amp; Ors.) (with appln.(s) for directions and office report)

Date: 27/07/2004 These Petitions were called on for hearing today.

CORAM :

H O N ' B L E T H E C H I E F J U S T I C E  
H O N ' B L E M R . J U S T I C E G . P . M A T H U R  
H O N ' B L E M R . J U S T I C E C . K . T H A K K E R

For appearing parties:

Mr. Bhargava V. Desai, Adv.  
Mr. Sanjeev Kr. Singh, Adv.  
Mr. Pradeep Kr. Malik, Adv.  
(for SEBI)

Ms. Naresh Bakshi, Adv.  
(for Golden Forests (I) Ltd.)

Ms. Suruchii Aggarwal, Adv.  
(for Provisional Liquidator)

Mr. Sunil Gupta, Sr. Adv.  
Mr. Alok Gupta, Adv.  
(for Drive In Tourist Resorts Pvt. Ltd.)

Mr. S.B. Sanyal, Sr. Adv.  
Mr. Ranjan Mukherjee, Adv.  
(for Raiganj Consumers' Forum)  
Mr. Ranjan Mukherjee, Adv.  
(for Tapas Kumar Khan & Anr. etc.)  
Mr. N.R. Choudhury, Adv.  
Mr. Somnath Mukherjee, Adv.  
Mr. Naresh Chahar, Adv.  
(for the Investors and Marketing Members'

Welfare Society)  
Ms. Kiran Suri, Adv.

Ms. Minakshi Vij., Adv.

Mr. Neeraj Kumar Jain, Adv.  
Mr. Aditya Kumar Chaudhary, Adv.  
Mr. Bharat Singh, Adv.  
Mr. Sanjay Singh, Adv.  
Mr. Ugra Shankar Pd., Adv.  
Mr. Vishal Arun, Adv.  
Mr. Abhijit Sengupta, Adv.

Mr. K.C. Dua, Adv.

Mr. Neeraj Chaudhary, Adv.  
Mr. B. Umakant, Adv.  
Mr. Subramonium Prasad, Adv.

Mr. Pijush K. Roy, Adv.  
Mr. G. Ramakrishna Prasad, Adv.  
(for Golden Forests (India) Ltd. Investors  
and Marketing Members Welfare Societies)

Mr. Khwairakpam Nobin Singh, Adv.  
Mr. V. Niren, Adv.

Mr. Raja Bahadur Singh Jain, Adv.  
Mr. M.C. Dhingra, Adv.

M/s. I.M. Nanavati Associates, Adv. (NP)

Mr. Janaranjan Das, Adv.  
Mr. Swetaketu Mishra, Adv.  
Ms. Moushumi Gahlot, Adv.

Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
(for State of West Bengal)

UPON hearing counsel the Court made the following  
O R D E R

The property of Golden Forest (I) Ltd. (for short 'GFIL') is spread throughout the country. The High Court of Punjab & Haryana has appointed former Chief Justice Shri R.N. Aggarwal as Provisional Liquidator, while the High Court of Bombay has appointed Justice (Retd.) M.L. Pendse as Receiver. Different petitions / suits / matters, pending in different courts, have all been directed to be transferred to this Court so as to avoid the possibility of conflicting orders and parallel proceedings. Chief Justice (Retd.) R.N. Aggarwal has submitted Status Report summarising the proceedings held by him and the stage at which the matters before him stand. We request Justice (Retd.) M.L. Pendse, the Receiver appointed by the High Court of Bombay, to

send a Status Report so as to apprise this Court of the proceedings held by him so far and as to the stage at which the matters pending before him stand.

All the learned counsel for the parties appearing before us are agreeable that there should be a Central Committee to be nominated by this Court which should be entrusted with the responsibility of realising the assets, distributing the receipts amongst the claimants after identifying their claims and investigating into siphoning off of the funds by GFIL.

In this regard, we allow two weeks' opportunity to Reserve Bank of India (RBI), Securities & Exchange Board of India (SEBI) and the different Investors' Forums appearing before us to make their suggestions.

Put up after two weeks on a Tuesday.

All the pending applications be listed for hearing on the next date.

I.A.No. 1/2004 in TC No. 68/2003 : Chief Justice (Retd.) R.N. Aggarwal, provisional Liquidator has on 20th May, 2004 issued a sale notice inviting tenders for the purpose of sale of 15 items of properties listed in the sale notice. The last date for submitting the tenders is 31st July, 2004. Let the process of receiving all the tenders continue. However, the sale may not be finalised until further orders by this Court.

I.A. No. 9/2004 in TC No. 2/2004 : This is an application by a Forum of Investors . Vide order dated 8.5.2002 passed in W.P. No.4799(W)/2002, the Calcutta High Court had directed GFIL not to withdraw the amount lying in the accounts as mentioned in the prayer portion of the petition before it except by the leave of the Court. It is complained that in spite of the interim order passed by the Calcutta High Court, the GFIL and its Directors are continuing to operate the accounts and withdrawing moneys therefrom.

We direct that none of the accounts of GFIL, its subsidiaries and associate companies (a list whereof has been filed as Annexure-I with IA No. 1/2004 in TC 68/2003) in any of the banks in the country shall be operated for withdrawal of any money from the accounts, by GFIL, its subsidiaries and associate companies either by themselves or through their officers or agents unless otherwise permitted by this Court. Let a copy of this order be communicated to the Reserve Bank of India annexing therewith a copy of the list.

A circular in this regard shall be issued by the Reserve Bank of India informing all the banks in the country.

I.A. No. 28/2004 in TC No. 2/2004: (by M/s. Drive In Tourist Resorts Pvt. Ltd.): The applicant claims to be a lessee from M/s. Golden Tourist Resorts & Developers Ltd. whose electricity connection has been directed to be disconnected by the Provisional Liquidator on account of its default in making payment to the Provisional Liquidator as directed by him vide order dated

26.7.2003. The learned counsel for the applicant undertakes on behalf of the applicant to make payment of rent calculated @Rs.1 lac per month for the period 1st August, 2003 up to date to the Provisional Liquidator within a period of two weeks from today.

On such payment being made, the Provisional Liquidator shall send a communication to the Punjab State Electricity Board (P.S.E.B.) permitting electricity supply to the Resorts being restored, subject to payment of restoration charges and arrears, if any, directly to P.S.E.B. The applicant shall continue to make payment of rent to the Provisional Liquidator month by month by the 15th day of each month without default.

This is only an interim arrangement and does not dispose of the controversy raised by IA.No.28/2004 which shall remain pending for consideration and further orders.

Sd/-  
(D.P. WALIA)  
COURT MASTER  
28.7.2004

Sd/-  
(RADHA R. BHATIA)  
COURT MASTER  
28.7.2004

**Golden Forests (I) Ltd.**  
(SUBSIDIARY AND ASSOCIATE COMPANIES)

| <b>Sr.</b> | <b>Names of the Subsidiary Companies</b>         | <b>Sr.</b> | <b>Names of the Subsidiary Companies</b> |
|------------|--|------------|--|
| 1          | Cand Builders Pvt.Ltd.                           | 51         | Jala Fincap Pvt. Ltd.                    |
| 2          | Casa Property Pvt.Ltd.                           | 52         | Jhati Property Pvt.Ltd.                  |
| 3          | Dama Construction Pvt.Ltd.                       | 53         | Jitya Construction Pvt.Ltd.              |
| 4          | Daya Impex Pvt.Ltd.                              | 54         | Jiya Property Pvt.Ltd.                   |
| 5          | Dhanya Builders Pvt.Ltd.                         | 55         | Jyota Fincap Pvt.Ltd.                    |
| 6          | Dhruva Sales Pvt.Ltd.                            | 56         | Kaberi Estate Pvt.Ltd.                   |
| 7          | Disa Marketing Pvt.Ltd.                          | 57         | Kalpa Construction Pvt.Ltd.              |
| 8          | Disti Estate Pvt.Ltd.                            | 58         | Kalya Property Pvt.Ltd.                  |
| 9          | Divya Finman Pvt.Ltd.                            | 59         | Kama Estate Pvt.Ltd.                     |
| 10         | Druti Finance Pvt.Ltd.                           | 60         | Kansa Construction Pvt.Ltd.              |
| 11         | Dula Property Pvt.Ltd.                           | 61         | Kanya Properties Pvt.Ltd.                |
| 12         | Dular Property Pvt.Ltd.                          | 62         | Kapi Properties Pvt.Ltd.                 |
| 13         | Eila Security Services Pvt.Ltd.                  | 63         | Kasvi Estate Pvt.Ltd.                    |
| 14         | Eka Fincap Pvt.Ltd.                              | 64         | King Fincap Pvt.Ltd.                     |
| 15         | Ekala Estate Pvt.Ltd.                            | 65         | Loka Estate Pvt.Ltd.                     |
| 16         | Ena Fincap Pvt.Ltd.                              | 66         | Mahadev Marketing Pvt.Ltd.               |
| 17         | Gabula Property Pvt.Ltd.                         | 67         | Mahi Estate Pvt.Ltd.                     |
| 18         | Gaja Builders Pvt.Ltd.                           | 68         | Padmapura Construction Pvt.Ltd.          |
| 19         | Gandha Fincap Pvt.Ltd.                           | 69         | Pajas Estate Pvt.Ltd.                    |
| 20         | Gaura Construction Ltd.                          | 70         | Pala Property Pvt.Ltd.                   |
| 21         | <b>Golden Agro Based Industrial Co.Ltd.</b>      | 71         | Panda Builders Pvt.Ltd.                  |
| 22         | Golden Agro Forestry Ltd.                        | 72         | Panasa Property Pvt.Ltd.                 |
| 23         | Golden Ashiana Makers Ltd.                       | 73         | Para Real Estate Pvt.Ltd.                |
| 24         | Golden Communication Ltd.                        | 74         | Paraj Resorts Pvt.Ltd.                   |
| 25         | Golden Contractors Ltd.                          | 75         | Paramaka Construction Pvt.Ltd.           |
| 26         | <b>Golden Datamation Ltd.</b>                    | 76         | Partya Estate Pvt.Ltd.                   |
| 27         | Golden Distributors Ltd.                         | 77         | Parvata Hotel Pvt.Ltd.                   |
| 28         | Golden Fincap Pvt.Ltd.                           | 78         | Pasvi Estate Pvt.Ltd.                    |
| 29         | Golden Handloom Ltd.                             | 79         | Prachika Property Pvt.Ltd.               |
| 30         | Golden Health Care Ltd.                          | 80         | Prastra Constructions Pvt.Ltd.           |
| 31         | Golden Knitfab Ltd.                              | 81         | Red Star Construction Co.Pvt.Ltd.        |
| 32         | <b>Golden Lease Finance Ltd.</b>                 | 82         | Sarana Real Estate Pvt.Ltd.              |
| 33         | Golden Royal Home Financial Corpn.Ltd.           | 83         | Soma Builders Pvt.Ltd.                   |
| 34         | <b>Golden Tourist Resort (Nepal)</b>             | 84         | Sonalika Builders Pvt.Ltd.               |
| 35         | <b>Golden Resort and Developer</b>               | 85         | Soven Real Estate Pvt.Ltd.               |
| 36         | <b>Golden Tourist Resorts and Developer Ltd.</b> | 86         | Sunset Construction Pvt.Ltd.             |
| 37         | Golden City Housing Finance (P) Ltd.             | 87         | Ujjala Finlease Pvt.Ltd.                 |
| 38         | Golden Waves Advertising Ltd.                    | 88         | Vara Estate Pvt.Ltd.                     |
| 39         | Goman Marketing Pvt.Ltd.                         | <b>SR.</b> | <b>Names of the Associate Companies</b>  |
| 40         | Gorala Security Services Pvt.Ltd.                | 1          | <b>Golden Projects Ltd.</b>              |
| 41         | Gunjan Fincap Pvt.Ltd.                           | 2          | Golden Infrastructure (I) Ltd.           |
| 42         | Hara Properties Pvt.Ltd.                         | 3          | <b>Damos Investments Pvt.Ltd.</b>        |
| 43         | Harsa Construction Pvt.Ltd.                      | 4          | Inobaya Holdings Pvt.Ltd.                |
| 44         | <b>Himachal Country Resorts Ltd.</b>             | 5          | Ira Marketing Pvt.Ltd.                   |
| 45         | IJYA Fincap Pvt.Ltd.                             | 6          | Esa Hotel Pvt.Ltd.                       |
| 46         | INAN Fincap Pvt.Ltd.                             | 7          | <b>ISIR Construction Pvt.Ltd.</b>        |
| 47         | IRYA Fincap Pvt.Ltd.                             | 8          | Sarga Development Pvt.Ltd.               |

|    |                          |    |                           |
|----|--------------------------|----|---------------------------|
| 48 | Jagad Property Pvt.Ltd.  | 9  | Soka Estate Pvt.Ltd.      |
| 49 | Jaigaja Estate Pvt.Ltd.  | 10 | Thy Golden Paver (I) Ltd. |
| 50 | Jaitra Property Pvt.Ltd. | 11 | Vani Builders Pvt.Ltd.    |