

W. P. NO.

Of 20 8

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION

ORIGINAL SIDE

IN THE MATTER OF:

Sri. Arindam Ghosh

-Versus-

State of West Bengal & Ors.

.. Petitioner

... Respondents

APPLICATION

VOLUME - I

PAGES: 1 - 118

ADVOCATE-ON-RECORD:

Dibanath Dey, Advocate  
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Kolkata - 700001.

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IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

Subject Matter relating to:  
Public Interest Litigation.

Under Group- Sub-group of the  
Classification List.

Cause Title:  
Sri. Arindam Ghosh  
.....Petitioner.  
-Versus-  
State of West Bengal and Ors.  
.....Respondents.

*Dibanath Dey*  
ADVOCATE-ON-RECORD:  
Dibanath Dey, Advocate  
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## LIST OF DATES

Sr.No.	Dates	Particulars	
1	11.02.2014	A development agreement entered into between Primarc Riya Projects LLP and 47 companies purporting to be owners of land for the Riya Aura project.	A development agreement was entered into between Primarc Riya Projects LLP and 47 companies purporting to be owners of land for the Riya Aura project.
2	05.05.2015	A development agreement entered into between Riya Primarc Greens LLP and 14 companies purporting to be owners of land for the Oxford Square project.	A development agreement was entered into between Riya Primarc Greens LLP and 14 companies purporting to be owners of land for the Oxford Square project.
3	09.03.2016	A development agreement entered into between Southwinds Projects LLP and 112 companies purporting to be owners of land for the Southwinds project.	A development agreement was entered into between Southwinds Projects LLP and 112 companies purporting to be owners of land for the Southwinds project.
4	04.07.2018	The article titled "Benami deals under realty garb?" was published in the Millennium Post, Kolkata Edition.	Benami deals under realty garb?" was published in the Millennium Post, Kolkata Edition.

POINTS OF LAW

- I. WHETHER these companies then enter into sham development agreements to purportedly jointly develop their land. The Southwinds project operationally is a conglomeration of more than hundred companies owned and controlled by the Pansari group and its associates?
- II. WHETHER it is prima facie evident that these companies are nothing more than a ruse and the ultimate beneficiaries of these companies, as well as the lands in question, is the Primarc group, owned and controlled for the benefit of the Pansari family?
- III. WHETHER then such acts are in blatant violation of the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 as well as the spirit behind the Act?
- IV. WHETHER the balance sheets of these companies, it will appear that the purchases of land by these companies were financed as advance against properties. Such advances were surprisingly given to the companies which had no business?
- V. WHETHER it is surprising that companies that had no prior land, were given advances in lieu of such land. It thus makes it

unequivocally clear that these companies were floated by a cartel for the exclusive purpose of purchasing land below the Urban Land (Ceiling & Regulation) Act and thereafter entering into a development agreement with a company which is also owned and controlled by the same cartel?

VI. WHETHER the petitioner had conducted similar exercise and in respect of all three projects, the companies appear to have similar directors, same registered office?

VII. WHETHER the Mr. Mahesh Pansari and Sidharth Pansari appear to be the authorised signatory of most of the companies that have signed the development agreement?

VIII. WHETHER it would also appear that Sidharth Pansari and Mahesh Pansari were directors in most of the companies on the date of signing of the agreements?

IX. WHETHER most of these companies which were to be located at 6, Elgin Road, 2<sup>nd</sup> Floor, Kolkata which also happens to be the registered office Primarc Projects Pvt Ltd.?

X. WHETHER it would be clear that the Primarc group, based on the project area requirement, would incorporate and/or involve their

shell companies to hold land not above the prescribed ceiling limit and entered into development agreements through its multiple shell and/or friendly companies in order to violate the provisions of Urban Land (Ceiling & Regulation) Act, 1976?

XI. WHETHER it is also evident that all such practices has been designed by the Primarc group and over developers, the particulars whereof are unknown to the petitioner, to defraud the State of West Bengal and the residents?

XII. WHETHER is it surprising that till date no investigation of these companies have been done and it appears that without political patronage such developers could not have obtained the necessary legal sanction?

XIII. WHETHER upon investigation if it is discovered that the purpose of these companies were to violate and/or by-pass the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 the State Government be directed to initiate proceedings to vest the land allotted to the aforesaid companies?

XIV. WHETHER social welfare legislations like the Urban Land (Ceiling & Regulation) Act should be construed strictly and attempts to

create deliberate corporate quagmires in order to violate and/or by-pass laws, should strictly be punished?

XV. WHETHER all such projects are in up and coming portions of Kolkata and/or its vicinity and from a perusal of the nature of projects it would be evident that flats in such projects are sold to people belonging to middle or low income group. People belonging to such income groups could afford to invest in such housing/ flat once in their lifetime. The violation of law by developers like the Primarc group ensures that the title of the property will forever remain unclear and any action by the State pursuant to such actions of the developers may result in extinguishing the life savings of those who have invested in such projects. Therefore, issues raised by means of this Public Interest Litigation are of grave importance?

XVI. WHETHER is it just, equitable and convenient to prohibit and/or injunct these companies from selling any flat till the disposal of this petition, since if it is discovered that the contents of the article dated 4<sup>th</sup> July, 2018 are indeed true and correct then in future investment of potential home in these projects will be jeopardized?



XVII. WHETHER transactions alleged in the said newspaper article and facts discovered by the petitioner, also prima facie seem to be in violation of the Benami Transaction (Prohibition) Act, 1988 and the provisions of the Income Tax Act, 1961 and the Companies Act, 2013?

XVIII. WHETHER the respondent authorities have acted in a manner in which no reasonable authority would have acted?

XIX. WHETHER the respondent authorities are guilty of total non-application of mind?

XX. WHETHER the respondent authorities have failed to take into account relevant considerations?

XXI. WHETHER the respondent authorities have taken into account irrelevant considerations?

XXII. WHETHER the respondent authorities have acted contrary to Article 14 and Article 19 of the Constitution of India?

XXIII. WHETHER the respondent authorities have acted in excess of and without jurisdiction?

W. P. NO.

Of 2018

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

ORIGINAL SIDE

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In the matter of:

An application under Article 226 of  
the Constitution of India;

And

In the matter of:

A writ of in the nature of  
Mandamus and/or Certiorari  
and/or Prohibition and/or any  
other appropriate writ or writs  
and/or order or orders and/or  
direction or directions;

And

In the matter of:

A Public Interest Litigation;

And

In the matter of:

Sri. Arindam Ghosh, son of Sri Raj  
Narayan Ghosh and residing at  
5/1, T. N. Biswas Road,  
Dakshineswar, P.O. Alambazar,  
P.S. Belghoria, District North 24-  
Parganas, Pin 700035.

... Petitioner

-Versus

1. State of West Bengal, through the  
Minister-in-Charge, Department of  
Urban Development & Municipal  
Affairs, Government of West  
Bengal, Writers Buildings, Kolkata  
700001.

2. Riya Primarc Greens LLP, a registered Limited Liability Partnership having its registered office at 17, Brabourne Road, Kolkata 700001.
3. Primarc Riya Projects LLP, a registered Limited Liability Partnership having its registered office at 6A, Elgin Road, Kolkata 700020.
4. Southwinds Projects LLP, a registered Limited Liability Partnership having its registered office at 6A, Elgin Road, Kolkata 700020.
5. Sri. Mahesh Pansari, working for gain at 6A, Elgin Road, Kolkata 700020.

6. Sri. Siddharth Pansari, working for  
gain at 6A, Elgin Road, Kolkata  
700020.

... Respondents

To

The Hon'ble Jyotirmay Bhattacharya, Chief Justice and His Companion  
Justices of the said Hon'ble Court.

The humble petition of the  
petitioner abovenamed most  
respectfully -

SHEWETH:

1. The petitioner abovenamed is a peace loving and law abiding citizen of India and is an advocate by profession. The petitioner being aware of the law of the land and being in a position to better access the justice delivery system of the country feels that it is his responsibility to bring to the attention of this Hon'ble Court an issue of grave importance: namely, the abuse of the land laws of

West Bengal by developers to the detriment of the common citizen.

2. The respondent No.1 is the ministry of the Government of West Bengal in charge of Urban Development and as such is a "state" within the meaning of Article 12 of the Constitution of India and, as such, are amenable to the jurisdiction of this Hon'ble Court.
3. The respondent nos. 2 to 6 are all part of one "Primarc Group of Companies" and, as would be evident from the facts narrated hereinafter, have, in collusion, with each other, violated the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 by entering into arrangements which are both contrary to law as well as the interests of the common citizens of India.
4. The petitioner is filing this petition espousing the common cause of action affecting the residents of West Bengal. The petitioner states that he has no personal interest involved in this matter either pecuniary or otherwise and the petitioner has not agitated the same cause of action before any other forum.
5. On July 4, 2018 the petitioner came across a newspaper publication in the Millenium Post, Kolkata Edition. The article

was titled "Benami deals under realty garb?" A copy of the said newspaper report is annexed hereto and marked with the letter "P-1".

6. The said newspaper report raises grave questions about the manner in which real estate developers, in particular, one "Primarc" group of companies are violating the Urban Land (Ceiling & Regulation) Act, 1976 (hereinafter referred to as "ULCRA").

7. From the aforesaid article the following would appear:-

- i) The Primarc group of companies is owned and controlled by Sidharth Pansari and Mahesh Pansari. Primarc group has the following projects currently under construction:-
  - a) Primarc Riya Aura located at Manikpura;
  - b) Southwinds located at Sonarpur;
  - c) Oxford Square located at Barasat,
- ii) Sidharth Pansari and Mahesh Pansari float multiple companies and/or LLPs which are specifically incorporated to ensure that each company holds maximum 500 sq.m. or

7.5 Cottahs of land (i.e. within the limit prescribed under the ULCRA.

iii) These companies then enter into sham development agreements to purportedly jointly develop their land. As an example, the newspaper report mentions that the Southwinds project operationally is a conglomeration of more than hundred companies owned and controlled by the Pansari group and its associates.

iv) Further, most of these companies have common shareholders and/or directors, registered offices, and dates of incorporation.

v) Due to the aforesaid, it is prima facie evident that these companies are nothing more than a ruse and the ultimate beneficiaries of these companies, as well as the lands in question, is the Primarc group, owned and controlled for the benefit of the Pansari family and its associates and/or their associates acting solely on their behalf.

vi) It also appears from the aforesaid newspaper report that such illegal acts have political patronage.



8. If the aforesaid allegations against the Pansari group are held to be true then such acts are in blatant violation of the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 as well as the spirit behind the Act.
9. ULCRA has the following as its objectives :
- "...There has been a demand for imposing a ceiling on urban property also, especially after the imposition of a ceiling on agricultural lands by the State Governments. With the growth of population and increasing urbanization, a need for orderly development of urban areas has also been felt. It is, therefore, considered necessary to take measures for exercising social control over the scarce resource of urban land with a view to ensuring its equitable distribution amongst the various sections of society and also avoiding speculative transactions relating to land in urban agglomerations..."* (emphasis supplied)
10. The aforesaid report brings to light various startling facts and, accordingly, the petitioner conducted searches with the Registrar of Companies, specifically searches relating to directorship details of Sidharth Pansari, Mahesh Pansari, Manju Pansari, Nand

Kishore Pansari, Dinesh Sharma, Siddhartha Bhalotia, Chandresh Bader, and Anand Agarwa. These names are mentioned in the newspaper article.

11. Upon having obtained the directorship details for the aforesaid individuals, the petitioner conducted individual searches in the names of the companies in which the aforesaid people are or have been directors and has obtained the master data of these companies along with the annual returns of these companies. The petitioner craves leave to refer to and rely upon such documents at the time of hearing if necessary.
12. Thereafter, the petitioner individually identified such companies and searched the website of the Directorate of Registration and Stamp Revenue of West Bengal being [www.wbregistration.com](http://www.wbregistration.com) and has obtained the details of the development agreements for Riya Aura, Southwinds and Oxford Square. Copies of certified copies of development agreements for Riya Aura and Southwinds are annexed hereto and marked "P-2" and "F-3".

13. From the aforesaid searches carried on by the petitioner, further startling facts have emerged which the petitioner is compelled to bring to the notice of this Hon'ble Court.
14. From the development agreement of Oxford Square and records of Registrar of Companies, the petitioner came to know the following:-
- a) The development agreement of Oxford Square project is signed by fourteen companies which claim to have rights over parcels of land. Five companies, viz. Durable City Projects Private Limited, Liabile Infra Developers Private Limited, Afortime Housing Projects Private Limited, Zinnia Constructions Private Limited were all incorporated on February 28, 2013. These companies have similar shareholding and similar directors. These five companies also have also the same registered office.
- b) The petitioner states that records filed in the Registrar of Companies for such individual companies would be too voluminous to refer to and for the convenience of this Hon'ble Court, the petitioner in a Schedule annexed hereto along with the master data of the companies and marked "P-4" collectively

has detailed out the companies involved in the Oxford Square project, their date of incorporation, details of directors and shareholders and registered office.

c) Similarly, the remaining nine of the companies have similar shareholding, directorship and registered office.

d) From the perusal of the balance sheets of these companies, it will appear that the purchases of land by these companies were financed as advance against properties. Such advances were surprisingly given to the companies which had no ostensible business.

e) The entity which would develop Oxford Square is one Riya Primarc Greens LLP. A search of publicly available statutory records will demonstrate that the directors of the development LLP, viz. Riya Primarc Greens LLP are similar to those of the erstwhile directors of the fourteen companies. Further, Primarc Projects Pvt Ltd is a 30% shareholder of the said Riya Primarc Greens LLP.

f) It is surprising that companies that had no prior land, were given advances in lieu of such land.

g) The petitioner craves leave to refer to and rely upon the individual records of the individual companies obtained from the Registrar of Companies at the time of hearing, if necessary.

h) Therefore, it would be unequivocally clear that these companies were floated by a cartel for the exclusive purpose of purchasing land below the ULCRA and thereafter entering into a development agreement with a company and/or LLP which is also owned and controlled by the same cartel.

15. Similarly, the development agreement of Riya Aura had forty seven companies. The petitioner had conducted a similar exercise and in this project, the companies appear to have similar directors, shareholders and similar registered offices. The dates of incorporation are either on the same date or next to each other and all of them hold undivided share in land not above the prescribed limit under the ULCRA.

16. From an analysis of the development agreement of the Riya Aura project and the records of Registrar of Companies, the following will appear:

- i) Primarc Projects Pvt Ltd is a partner holding 35% equity in the development company for the Riya Aura, viz. Primarc Riya Projects LLP as well as a 30% equity holder in Riya Primarc Greens LLP which, as stated earlier, is the development entity for the Oxford Square project.
- ii) Mr. Mahesh Pansari and Mr. Siddharth Pansari appear to be the authorised signatories of most of the companies that have signed the development agreements. They also were or are significant shareholders in these forty-seven companies.
- iii) Mr. Mahesh Pansari, incidentally, is also an equity partner in the said Primarc-Riya Projects LLP and Mr. Sidharth Pansari purports to be the representative of Primarc Projects Pvt Ltd in Primarc-Riya Projects LLP. From the records of the Registrar of Companies it would also appear that Sidharth Pansari and Mahesh Pansari were directors in most of the companies on the date of signing of the agreement. Most of these companies which are located at 6, Elgin Road, 2<sup>nd</sup> Floor, Kolkata which also happens to be the registered office Primarc Projects Pvt Ltd.

Annexure hereto marked "P-5" collectively is a chart detailing the shareholders, directors and registered offices of the aforesaid companies alongwith the master data of the companies.

17. For the Southwinds project, the petitioner has been able to obtain a development agreement dated March 9 2016 from where it would appear that the said project is signed by hundred and twelve companies who purport to be owners of land. The petitioner has done a similar exercise for this project and it will appear that this project is also run along the same lines as Riya Aura and Oxford Square. Annexed hereto is a Schedule marked with the letter "P-6" collectively along with the master data of the companies which will clearly demonstrate that the companies and the developer namely Southwinds Projects LLP have similar shareholders, directors and/or registered offices and/or dates of incorporation. From an analysis of the balance sheets of these companies it will appear that a very minuscule percentage of the income of the project is distributed amongst the one hundred and twelve number of companies and a majority of the income fills the coffers of the development entity. Thereby, further demonstrating

that these companies serve only on common purpose, that is to acquire land for the Primarc Group.

18. Therefore, from the above it would be clear that the Primarc group, based on the project area requirement, would incorporate and/or involve their shell companies to purchase land not above the prescribed ceiling limit and enter into development agreements through its multiple shell companies and/or friendly companies in order to violate the provisions of Urban Land (Ceiling & Regulation) Act, 1976.

19. From the aforesaid it is also evident that all such practices has been designed by the Primarc group to defraud the State of West Bengal and the residents. It is surprising that till date no investigation of these companies have been done and it appears that without political patronage the Primarc group could not have obtained the necessary legal sanction.

20. The petitioner has been able to ascertain that various courts of this country have unequivocally held that social welfare legislations like the Urban Land (Ceiling & Regulation) Act should be construed strictly and attempts to create deliberate corporate



quagmires in order to violate and/or by-pass laws, should strictly be punished.

21. In such circumstances, the petitioner humbly beseeches this Hon'ble Court to direct the respondent authorities to commence proceedings against the Primarc group of companies. The petitioner also pray that upon investigation if it is discovered that the purpose of these companies were to violate and/or by-pass the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 the State Government be directed to initiate proceedings to vest the land allotted to the aforesaid companies.

22. The petitioner states that all such projects are in up and coming portions of Kolkata and/or its vicinity and from a perusal of the nature of projects it would be evident that flats in such projects are sold to people belonging to middle or low income group. People belonging to such income groups could afford to invest in such housing/ flat once in their lifetime. The violation of law by developers like the Primarc group ensure that the title of the property will forever remain unclear and any action by the State pursuant to such actions of the developers may result in extinguishing the life savings of those who have invested in such

projects. Therefore, raised by means of this Public Interest Litigation are of grave social importance.

23. The petitioner states that the ULCRA was enacted to ensure that a scarce resource to land is not confined in the hands of a privileged few. However, transactions such as those engaged by the Primarc group are in contravention to both the letter as well as spirit of ULCRA which is a social welfare legislation. In addition to the above, the petitioner is also apprehensive that the three development LLPs mentioned above are not in a position to effectuate transfer of land in respect of flats to potential buyers.

24. In such circumstances, if this Hon'ble Court finds a prima facie case against the Primarc Projects Pvt Ltd, it is just, equitable and convenient to prohibit and/or injunct these companies from selling and/or offer to sell any flat in these projects till the disposal of this petition, since if it is discovered that the contents of the article dated July 4, 2018 are indeed true and correct then the future investment of potential home buyers in these projects will be jeopardized.

25. Further, the petitioner prays that this Hon'ble Court be pleased to direct the respondents to forthwith issue necessary advertisements in newspapers which have wide circulation in the State of West Bengal to inform potential home buyers about the instant public interest litigation. As far as the petitioner has been able to ascertain, these projects have a large number of potential home buyers and it is in the interest of justice that people who have already invested in such projects should also be appraised of the allegations against such projects.
26. The transactions alleged in the said newspaper article and facts discovered by the petitioner, also prima facie seem to be in violation of the Benami Transaction (Prohibition) Act, 1988 and the provisions of the Income Tax Act, 1961 and the Companies Act, 2013.
27. Being aggrieved by and dissatisfied with the aforesaid action of respondents, petitioner begs to move this application under Article 226 of the Constitution of India before this Hon'ble Court on, inter alia, the following amongst other:

G R O U N D S

- I. FOR THAT these companies then enter into sham development agreements to purportedly jointly develop their land. The Southwinds project operationally is a conglomeration of more than hundred companies owned and controlled by the Pansari group and its associates;
- II. FOR THAT it is prima facie evident that these companies are nothing more than a ruse and the ultimate beneficiaries of these companies, as well as the lands in question, is the Primarc group, owned and controlled for the benefit of the Pansari family;
- III. FOR THAT then such acts are in blatant violation of the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 as well as the spirit behind the Act;
- IV. FOR THAT the balance sheets of these companies, it will appear that the purchases of land by these companies were financed as advance against properties. Such advances were surprisingly given to the companies which had no business;

V. FOR THAT it is surprising that companies that had no prior land, were given advances in lieu of such land. It thus makes it unequivocally clear that these companies were floated by a cartel for the exclusive purpose of purchasing land below the Urban Land (Ceiling & Regulation) Act and thereafter entering into a development agreement with a company which is also owned and controlled by the same cartel;

VI. FOR THAT the petitioner had conducted similar exercise and in respect of all three projects, the companies appear to have similar directors, same registered office;

VII. FOR THAT the Mr. Mahesh Pansari and Sidharth Pansari appear to be the authorised signatory of most of the companies that have signed the development agreement;

VIII. FOR THAT it would also appear that Sidharth Pansari and Mahesh Pansari were directors in most of the companies on the date of signing of the agreements.

- IX. FOR THAT most of these companies which were to be located at 6, Elgin Road, 2<sup>nd</sup> Floor, Kolkata which also happens to be the registered office Primarc Projects Pvt Ltd.;
- X. FOR THAT it would be clear that the Primarc group, based on the project area requirement, would incorporate and/or involve their shell companies to hold land not above the prescribed ceiling limit and entered into development agreements through its multiple shell and/or friendly companies in order to violate the provisions of Urban Land (Ceiling & Regulation) Act, 1976;
- XI. FOR THAT it is also evident that all such practices has been designed by the Primarc group and over developers, the particulars whereof are unknown to the petitioner, to defraud the State of West Bengal and the residents;
- XII. FOR THAT It is surprising that till date no investigation of these companies have been done and it appears that without political patronage such developers could not have obtained the necessary legal sanction.

XIII. FOR THAT upon investigation if it is discovered that the purpose of these companies were to violate and/or by-pass the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 the State Government be directed to initiate proceedings to vest the land allotted to the aforesaid companies;

XIV. FOR THAT social welfare legislations like the Urban Land (Ceiling & Regulation) Act should be construed strictly and attempts to create deliberate corporate quagmires in order to violate and/or by-pass laws, should strictly be punished;

XV. FOR THAT all such projects are in up and coming portions of Kolkata and/or its vicinity and from a perusal of the nature of projects it would be evident that flats in such projects are sold to people belonging to middle or low income group. People belonging to such income groups could afford to invest in such housing/ flat once in their lifetime. The violation of law by developers like the Primarc group ensures that the title of the property will forever remain unclear and any action by the State pursuant to such actions of the developers may result in extinguishing

the life savings of those who have invested in such projects.

Therefore, issues raised by means of this Public Interest

Litigation are of grave importance;

XVI. FOR THAT it is just, equitable and convenient to prohibit and/or injunct these companies from selling any flat till the disposal of this petition, since if it is discovered that the contents of the article dated 4<sup>th</sup> July, 2018 are indeed true and correct then in future investment of potential home in these projects will be jeopardized;

XVII. FOR THAT transactions alleged in the said newspaper article and facts discovered by the petitioner, also prima facie seem to be in violation of the Benami Transaction (Prohibition) Act, 1988 and the provisions of the Income Tax Act, 1961 and the Companies Act, 2013;

XVIII. FOR THAT the respondent authorities have acted in a manner in which no reasonable authority would have acted;

XIX. FOR THAT the respondent authorities are guilty of total non-application of mind;



XX. FOR THAT the respondent authorities have failed to take into account relevant considerations;

XXI. FOR THAT the respondent authorities have taken into account irrelevant considerations;

XXII. FOR THAT the respondent authorities have acted contrary to Article 14 and Article 19 of the Constitution of India;

XXIII. FOR THAT the respondent authorities have acted in excess of and without jurisdiction;

28. This Hon'ble Court should also frame guidelines to prevent such instances happening in the future. It is surprising that at the time of registration of the aforesaid deeds, the Registrar of Assurances allowed the deed between hundred and twelve companies (Southwinds) to be registered with the same and/or common signatories.

29. The petitioner is apprehensive that after the publication of aforesaid article the Primarc group of companies will take immediate urgent steps to render investigations infructuous and, therefore there is grave urgency in the matter.

30. Your petitioner has no alternative remedy than to move this Hon'ble Court and reliefs are passed as prayed for herein, would afford adequate relief to the petitioner.
31. The petitioner has not moved any application on the selfsame cause of action in any other court.
32. The records of the instant case are within the jurisdiction of this Hon'ble Court and the respondents are within jurisdiction of the Hon'ble Court. As such, entire cause of action has arisen within the jurisdiction of this Hon'ble Court.
33. The balance of convenience and/or inconvenience is overwhelmingly in favour of orders being passed as prayed for herein.
34. Unless orders are made as prayed for herein, you petitioner will suffer irreparable loss and injury and prejudice.
35. This application is bona fide and made in the interest of justice.
- In the premises, you petitioner  
humbly pray Your Lordships for  
the following orders:

- a) A writ of and/or in the nature of Mandamus do issue commanding the respondent no.1 to initiate proceeding against the Primarc Group of Companies;
- b) A writ of and/or in the nature of Mandamus do issue to commanding the respondent no.1 to ensure that the respondent nos. 2 to 6 do not sell or enter into agreements for sale with any potential home buyers for the Oxford Square, Riya Aura and Southwinds projects;
- c) A writ of and/or in the nature of Mandamus do issue commanding the respondent no.1 to compel the respondent nos. 2 to 6 to issue an advertisement regarding the pendency of this writ petition;

d) A writ of and/or in the nature of Prohibition do issue restraining the respondent no.1 to provide any clearance to any project by the Primarc Group of companies;

e) A writ of and/or in the nature of Certiorari do issue calling upon the respondents to transmit to this Hon'ble Court all the records pertaining to the instant case;

f) Rule NISI in terms of prayers above;

g) If no cause or insufficient cause is shown, the Rule be made absolute;

h) An injunction restraining the respondents from selling and/or offer for sale any flat in Oxford Square, Riya Aura and Southwinds

projects pending disposal of this petition;

i) Ad interim orders in terms prayers above;

j) Such further or other order or orders be passed and/or direction or directions be given as to this Hon'ble Court may deem fit and proper.

And your petitioner, as in duty bound, shall ever pray.

*Sibamath Dey*  
Petitioners' Advocates

*Arindam Ghosh*

AFFIDAVIT

I, Arindam Ghosh, son of Sri Raj Narayan Ghosh, aged about 33 years, by faith Hindu, by occupation Advocate, residing at 5/1, T.N. Biswas Road, Dakshineswar, P.O. Alambazar, P.S. Belghoria, District North 24-Parganas, PIN 700035, do hereby solemnly affirm and say as follows :-

1. I am the petitioner abovenamed and I am competent to sign and affirm the instant affidavit. I am well acquainted with the facts and circumstances of the instant case.

2. That the statements made in paragraphs 1 to 13, 15, 18 to 20, 31 and 32 of the foregoing petition are true to my knowledge, those made in paragraphs 14, 16 and 17 are based on information derived from record, which I verily believe to be true and those made in paragraphs 21 to 30 and 33 to 35 are my humble submissions before this Hon'ble Court.

Solemnly affirmed by the said

Arindam Ghosh in the Court House

at Calcutta on this <sup>10<sup>th</sup></sup> day of July,

2018.

Before me



Commissioner

