

BEFORE THE RECOVERY OFFICER
SECURITIES AND EXCHANGE BOARD OF INDIA

Recovery Certificate No. 20 of 2013

Defaulter - MPS Greenery Developers Limited

Order under Rule 16 and 48 of the Second Schedule to the Income Tax Act,
1961 read with Section 28A of the SEBI Act, 1992

1. Recovery proceedings were initiated against MPS Greenery Developers Limited (hereinafter referred to as the defaulter) pursuant to failure of the defaulter to comply with an order dated December 6, 2012 issued by SEBI directing the defaulter to refund an amount of Rs. 1520 crore together with returns to the investors and wind up the Collective Investment Schemes launched by it.
2. A Notice of Demand dated October 25, 2013 was issued by the Recovery Officer to the defaulter demanding payment of the said sum along with interest, cost, expenses etc. within 45 days from the date of receipt of the notice. The Recovery Officer has attached various bank accounts of the defaulter in execution of the said notice, which has been challenged by the defaulter before the Hon'ble Calcutta High Court in Writ Petition No. 33181 of 2013, wherein the order of attachment dated October 25, 2013 was stayed subject to the condition that the defaulter shall maintain the same balance in those bank accounts as existing on the date of the order. The Hon'ble High Court has vide order dated December 19, 2013 while continuing the stay, ordered that the stay order will not affect or impinge on any of the directions issued by SEBI on December 6, 2012 in any manner whatsoever.
3. As the aforesaid orders of the Hon'ble High Court of Calcutta stayed only the attachment of the bank accounts of the defaulter and as certain news items appeared in some newspapers that the defaulter was in the process



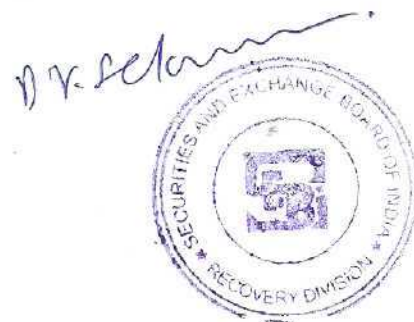
of selling its holdings in its group companies, the Recovery Officer has attached the shares held by the promoters in its group companies vide orders dated January 8 & 9, 2014. The Recovery officer had also attached and recovered an amount of Rs. 2,00,46,000/- (Rupees Two Crore Forty Six Thousand Only) which is due to be paid by West Bengal Housing Infrastructure Development Corporation Ltd. to the defaulter. Copies of the said orders were duly forwarded to the defaulter.

4. While the recovery proceedings are in progress, it has been brought to the notice of Recovery Officer that the defaulter has, vide letter dated May 19, 2014 informed SEBI that its Board of Directors in its meeting dated May 8, 2014 resolved to accord consent of the Board of Directors to surrender/ wind up the existing Collective Investment Schemes consisting of Agro Bonds, Orchard Bonds and Teak Bonds etc. and surrender the assets of the CIS Scheme to SEBI, for liquidating the assets and making repayment to the investors by SEBI.
5. As per Regulation 73 of the Securities and Exchange Board of India (Collective Investment Schemes) Regulations, 1999 (CIS Regulations), it is the responsibility and obligation of the companies which have mobilized money from the investors, to obtain registration from SEBI or to repay to the investors and wind up the schemes in accordance with the procedure contemplated under the CIS Regulations. The defaulter, having failed to do so was directed by SEBI vide order dated December 6, 2012 to repay to the investors and wind up the schemes. The defaulter not only failed to comply with the directions of SEBI dated December 6, 2012, but also through its proxies/ agents filed various civil suits across the State of West Bengal and obtained stay orders, which were later on vacated at the instance of SEBI. In this connection, the Hon'ble High Court of Calcutta vide order dated December 19, 2012 in C. O No. 4187 of 2012 while rejecting the suit filed by an employee/ agent of the defaulter observed that the defaulter has been illegally continuing its Collective Investment Schemes against public interest and to the detriment of the depositors. Inspite of dismissal of many civil suits, the defaulter failed to take any steps



to repay to the investors either in part or in full, hence the recovery proceedings were initiated against the defaulter.

6. In these circumstances, the letter dated May 19, 2014 sent by the defaulter appears to be an attempt to evade the responsibility of repaying to the investors and winding up the schemes worth more than Rs 1700 crores as per the order dated December 6, 2012. While the said letter is under consideration of SEBI, there is an apprehension that the defaulter may dispose or transfer or alienate the assets with a view to obstruct or delay the recovery proceedings or thwart the directions of SEBI, which needs to be prevented immediately in the interest of investors.
7. In view of the above, and in exercise of the powers conferred under Rule 16 and 48 of the Second Schedule to the Income Tax Act, 1961 read with Section 28A of the SEBI Act, 1992, the defaulter is hereby prohibited, till further orders, from disposing, transferring, alienating, or charging in respect of:
 - a. all the immovable properties held by the defaulter, including the immovable properties mentioned in the **Annexure 1**.
 - b. All other movable properties held by the defaulter, except the bank accounts as permitted by the Hon'ble High Court of Calcutta vide order dated December 19, 2013.
8. It is further directed that all persons are hereby prohibited from taking any benefit under such disposal, transfer, alienation or charge in respect of the properties mentioned above.
9. The defaulter is also hereby directed to furnish to SEBI at its Eastern Regional Office, Kolkata, the complete details of all the movable and immovable properties held by the defaulter in the format prescribed at **Annexure 2**, duly certified by the Board of Directors within one week from the date of this order.



10. This order shall be served on the District Registrar of Paschim Midnapore and on the Sub-Registrars of Binpur-I and Jhargram Blocks not to act upon any documents purporting to be dealing with transfer, mortgage, charge, lease or creation or alteration of any interest in any of the properties owned/held by the defaulter, including the properties specifically mentioned in the Annexure 1, if presented for registration.

Given under my hand and seal at Mumbai this June 6, 2014

SEAL



D. V. Sekhar

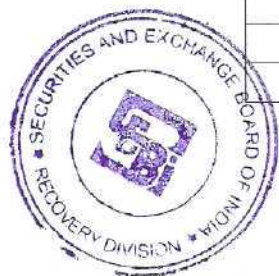
(D. V. SEKHAR)

RECOVERY OFFICER

Annexure 1

Details of properties

Sch No.	District: Paschim Midnapore, Thana: - Jhargram, Gram Panchayat - RADHANAGAR, Mouza - Betkundri	Area
	Plot No/Zone No	
1	RS:2; KH-2, 16, 58, 80, 248, 18, 15, 20	20-Dec
1	RS-3; Kh-56	855 Dec
1	RS: 4; Kh-2, 16, 58, 80, 248, 18, 15, 20	17-Dec
1	RS: 4/00253; Kh-2, 16, 58, 80, 248, 18, 15, 20	30-Dec
1	RS-5; Kh-58	354 Dec
1	RS: 5/00254; Kh-2, 16, 58, 80, 248, 18, 15, 20	43 Dec
1	RS-6; Kh-56	14-Dec
1	RS-7; Kh-56	54 Dec
1	RS: 8; Kh-2, 16, 58, 80, 248, 18, 15, 20	79 Dec
1	RS: 9; Kh-2, 16, 58, 80, 248, 18, 15, 20	27-Dec
1	RS: 10; Kh-2, 16, 58, 80, 248, 18, 15, 20	6-Dec
1	RS: 11; Kh-2, 16, 58, 80, 248, 18, 15, 20	405 Dec
1	RS: 12; Kh-2, 16, 58, 80, 248, 18, 15, 20	72 Dec
1	RS:17/00255 Kh-295	72 Dec
1	RS:17/00256 Kh-295	45 Dec
1	RS:17/00259 Kh-2,16,58,80,248,18,15,20	138 Dec
1	RS:37 Kh-15,12	4-Dec
	District: Paschim Midnapore, Thana: - Binpur, Gram Panchayat - DAHIJURI, Mouza - Dighisole	
	Plot No/Zone No	
2	RS:47 Kh-27,25,20,18	23-Dec
2	RS :48 Kh-27,25,20,18	20-Dec
2	RS:49 Kh 31	52 Dec
2	RS:62 Kh-31	42 Dec
2	RS:63 Kh-2/2,22,28,29/1	26-Dec
2	RS : 64 KH:27, 25, 20, 18	14-Dec
2	RS:65 KH : 27, 25, 20, 18	304 Dec
2	RS: 66 KH:27, 29/1, 2/2	85 Dec
2	RS:67 KH : 31	9-Dec
2	RS:68 KH:2/2, 22, 28,29/1	66 Dec
2	RS:69 KH:27, 29/1, 2/2	92 Dec
2	RS:70 KH: 27, 29/1, 2/2	33 Dec
2	RS:72 KH: 27, 29/1, 2/2	55 Dec
2	RS: 77 KH: 27, 25, 20, 18	98 Dec



D.V. Selam

2	RS: 78; KH:25, 33, 36, 44, 39 21, 31, 19	72 Dec
2	RS: 79; KH-27, 4, 8	75 Dec
2	RS: 80; KH-27, 4, 8	78 Dec
2	RS: 81; KH-27, 25, 20, 18	188 Dec
2	RS: 82; KH-27, 25, 20, 18	84 Dec
District: Paschim Midnapore, Thana: - Binpur, Gram Panchayat - DAHIJURI, Mouza - Dighisole		
	Plot No/Zone No	
2	RS: 83; KH-24	224 Dec
2	RS: 84; KH-24	88 Dec
2	RS: 83; KH-24	461 Dec
District: Paschim Midnapore, Thana: - Binpur, Gram Panchayat - DAHIJURI, Mouza - Lakshisagar		
	Plot No/Zone No	
3	RS:100; KH: 2/1	281 Dec
3	RS: 117; KH: 70/1, 28	620 Dec
3	RS: 118; KH: 28	352 Dec
District: Paschim Midnapore, Thana: - Binpur, Gram Panchayat - DAHIJURI, Mouza - Joyalbhangra		
	Plot No/Zone No	
4	RS:1; KH: 140	357 Dec



D.V. Selam

Annexure 2

Details of all movable and immovable assets of MPS Greenery Developers Limited duly certified by Board of Directors of MPS Greenery Developers Limited

Sl. No	Description of the property	Date of purchase	Purchase price	Present Market Value	Details of building, fixtures, fittings, Standing crop, timber, livestock etc.	Details of encumbrance if any
1	District					
	Subdivision					
	Block					
	Village					
	Mouza					
	Khata No.					
	Plot No.					
	Boundaries					
	Extent of land					
2						
3						
4						
5						



D.V. Selam