Bombay Stock Exchange Limited **Floor I, Rotunda Building, Dalal Street,** **Mumbai 01**	**National Stock Exchange of India Limited** **"Exchange Plaza", Bandra –Kurla Complex,** **Bandra (East),Mumbai 400051**
Kind Attn: Department of Corporate Services	**Kind Attn: Listing Department**
BSE Code: 532831 **FAX No. 022-22722039/37**	**NSE Code: ABHISHEK** **FAX No. 022-26598238/26598348**

Dear Sir/Madam,

Sub: Intimation under regulation 30 under SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015

Dear Sir/Madam,

Please Find enclosed herewith order of Hon'ble High Court, Bombay for Abhishek Corporation Limited dated 25th April, 2023.This is information under Regulation 30 of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015

Kindly acknowledge the same.

Thanking You
For Abhishek Corporation Limited

Nasima Arif Kagadi
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Date: 2023.04.28 10:42 +05'30'

Nasima Kagadi
Company Secretary & Compliance Officer

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HIGH COURT OF JUDICATURE AT BOMBAY

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Date: 2023.04.26 19:54:00 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 177 OF 2022
WITH
INTERIM APPLICATION NO. 18520 OF 2022

Uttam Ramdas Mhetre	**}**	**Petitioner**
Versus		
The Official Liquidator Appointed in Abhishek Corporation Ltd. & Ors.	**}**	**Respondents**

Mr. Yatin Malvankar for the petitioner.

Mr. Venkatesh Dhond, Senior Advocate with Mr. Ashish Pyasi, Mr. Prateek Pansare, Mr. Mukul Bhagtani i/b. Dhir & Dhir & Associates for respondents 1 and 2.

Mr. P. P. Kakade, Government Pleader with Mr. M. M. Pabale, AGP for State (R-3).

Mr. Tushad Cooper, Senior Advocate with Mr. Haris A. Khan i/b. Mr. Ajinkya Kurdukar for respondents 4 and 5.

Mr. Faisal Sayyed i/b. M. K. Ambalal & Co. for respondent no. 6 (ARCIC).

CORAM: S. V. GANGAPURWALA, Act.CJ.& SANDEEP V. MARNE, J.
DATE: APRIL 25, 2023

P.C.:

1. We have heard the learned advocate for the petitioner, the learned Government Pleader, the learned senior advocate for respondents 1 and 2, the learned senior advocate for respondents 4 & 5 and the learned advocate for respondent no. 6.

2. At the first blush, it appears that the public interest litigation prosecutes a public cause. However, upon going through the documents, it transpires that it is more in the nature of private interest litigation.

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3. The petitioner herein is a businessman. He is the director of Lokmangal Textiles Private Limited. On or about 9th September 2020, he gave application to the Liquidator seeking demand of documents for auction purposes and further stated that for maximum participation in the auction, the Liquidator must cooperate with all queries of interested buyers. He also sought postponing of auction for having maximum participation.

4. By another letter dated 21st September 2020, the petitioner communicated that he was interested in taking the unit on rent and the others were also willing to take it on rent. That the Liquidator should invite the bids for rent and let him run the unit and by that method, the Liquidator did not have to worry about conversion cost and financial creditors would also get more benefit.

5. It appears that the said request of the petitioner was not accepted and thereafter, the present public interest litigation is filed challenging the auction proceedings.

6. The learned advocate for the petitioner submits that the lands in question, i.e., Gat Nos. 149 and 274 are Class II lands. They cannot be sold without the permission of the Collector as required under the provisions of the Maharashtra Land Revenue Code, 1966 (hereafter referred to as "Code"). The said lands are new tenure lands. To substantiate the same, the learned advocate has referred to the documents granting permission to the original occupant of the lands to lease/sale the lands. The said permission further states that even after grant of permission for sale/lease, the same would be the Class II new tenure lands.

7. The *prima donna* contention of the learned advocate for the petitioner is that the Mohite family, without seeking permission of the competent authority, entered into further transactions. It is further contended that the *Sanad* purportedly obtained under

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section 44A of the Code is a forged and fabricated document. To substantiate the said contention, he relies upon the information received under the Right to Information Act, 2005; wherein, information has been given that the file is not traceable so also a communication is made to the Registering Authority/Revenue Authority by the Collector that one Mr. Walvi had issued documents without possessing any authority during the years 2004 to 2008. In view of that, the learned advocate submits that the *Sanad* being forged and fabricated, the documents could not have been relied upon.

8. The State has filed an affidavit. The said affidavit states that while changing the user of the land, amount is not paid to the State Government. The affidavit states that the names of Mr.Annasaheb Mohite and Mr. Abhishek Mohite are mutated in the revenue records for Gat Nos. 149 and 274 and the names of Mr. Annasaheb Mohite, Mr. Abhishek Mohite, Mrs. Anjali Mohite and Mrs. Apurva Mohite are mutated in revenue records for Gat No. 148. The name of respondent no. 2 company promoted by Mr.Annasaheb Mohite is not mutated in the revenue records. The affidavit further states that the *Sanad* under sub-section (1) of section 44A of the Code was granted for Gat No. 149 in the individual name of Mr. Annasaheb Mohite on 17th May 2008 and for Gat No. 148, *Sanad* was granted in two parts in the name of the Managing Director, Abhijit Cotton Mills on 19th June 2000 and 17th April 2006. The affidavit further states that properties at Gat Nos. 149 and 274 are acquired by the promotors of respondent no. 2 under a valid sale permission dated 23rd May 2007 granted by the Divisional Commissioner, Pune. The said Annasaheb Mohite and Mr. Abhishek Mohite have further entered into a lease deed dated 10th October 2008 in the office of the Sub-Registrar, Karveer. The affidavit states that the

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execution of the said lease deed is contrary to the terms and conditions of the permission of sale granted by the Divisional Commissioner and the respondent no. 3 is in the process of issuing notices for recovery of unearned income for executing the lease deed and further mortgaging the properties without the permission of respondent no. 3.

9. Though it is reiterated that valid sale permission was granted, the amount towards unearned income is not paid, which the Government is entitled to receive.

10. There can be no dispute that in cases of transaction in respect of Class II new tenure lands, the amount has to be paid to the Government with regard to unearned income. The Government may take further steps in that regard. The amount would run with the property.

11. Be that as it may, the writ property is being auctioned for recovery of the dues of the secured creditors/employees and other stake holders of more than 400 crores from the defaulters, i.e., respondent no. 2. The present public interest litigation in a way would support respondent no. 2 if the auction is stalled. In fact, the stay of the auction proceedings would be aiding respondent no. 2. The legitimate dues of the creditors, such as secured creditors, employees and other statutory dues, cannot be thwarted. The Government dues, i.e., the unearned income can be taken care of by the Government by taking necessary steps.

12. We do not find the present petition to be a public interest litigation by any stretch. The same is dismissed with costs.

13. In light of the dismissal of the public interest litigation, the interim application does not survive and stands disposed of.

(SANDEEP V. MARNE, J.) **(ACTING CHIEF JUSTICE)**

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