

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 SWrit Petition(s) (Civil) No(s). 191/2022

PINAK PANI MOHANTY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 174168/2025 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Petitioner(s) : Mr. Kedar Nath Tripathy, AOR
Mr. Aditya Narayan Tripathy, Adv.For Respondent(s) : Mr. Sudarshan Lamba, AOR
Mr. Prasenjeet Mohapatra, AORMr. Tushar Mehta, Solicitor General
Mrs. Aishwarya Bhati, Adv.
Ms. Shagun Thakur, Adv.
Ms. Radhika Mishra, Adv.
Mr. Rajat Nair, Adv.
Mr. Madhav Sinhal, Adv.
Mrs. Chitrangda Rastaravara, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Annirudh Sharma-(ii), Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Aakriti Mishra, Adv.
Ms. Anushka Gupta, Adv.Mr. Tushar Mehta Ld, Solicitor General
Mrs. Aishwarya Bhati Ld, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Rajat Nair, Adv.
Ms. Chitrangda Rashtravara, Adv.
Mr. Pratyush Shrivastava, Adv.
Mr. Madhav Sinhal, Adv.

M/S. K J John And Co, AOR

Mr. Tushar Mehta, Solicitor General
Mr. Pratyush Shrivastava, Adv.

Chitrangda Ratravara, Adv.
Mr. Rajat Nair, Adv.
Ms. Aishwarya Bhati, A.S.G.
Mr. Annirudh Sharma Ii, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Ms. Samridhi S. Jain, AOR
Mr. Chaitanya Dixit, Adv.

Mr. Diwakar Jain, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Swati Vishan, Adv.
Mr. Rajesh Singh, Adv.
Mr. Randhir Kumar Ojha, AOR

Mr. Dinesh Chandra Trehan, Adv.
Ms. Alpana Sharma, AOR

Mr. Ajay Kumar, AOR

Mr. Varinder Kumar Sharma, AOR
Mr. Y. K. Prasad, Adv.

Mr. Himanshu Munshi, AOR
Mr. Siddhant Munshi, Adv.
Mr. Anitesh Choudhary, Adv.

Intervenor-in-person, AOR
Mr. Dhananjay Bhaskar Ray , AOR

Mr. Rajeev Kumar Gupta, Adv.
Mr. Parminder Singh Bhullar, AOR

Mr. Rajesh Kumar Maurya, Adv.
Mr. Ganesh Kumar Malaviya, Adv.
Mahek Srivastava, Adv.
Mr. Neeraj Shekhar, AOR
Mr. Amrendra Singh, Adv.
Mrs. Kshama Sharma, Adv.
Mr. Ramendra Vikram Singh, Adv.
Mr. Ujjwal Ashutosh, Adv.
Mr. Rajesh Maurya, Adv.
Mr. Ram Bachan Choudhary, Adv.
Mr. Ashok Kumar Rai, Adv.

Mr. Sanjeev Malhotra, AOR
Ms. Mrinal Gopal Elker, AOR

Mr. Amarjit Singh Bedi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

IA No. 174168/2025

1. In IA No.56308/2023, a Coordinate Bench through self-speaking order dated 29.03.2023 issued the following directions:

"(i) Out of the total amount of Rs. 24,979.67 Crores lying in the "Sahara-SEBI Refund Account", Rs. 5000 Crores be transferred to the Central Registrar of Cooperative Societies, who, in turn, shall disburse the same against the legitimate dues of the depositors of the Sahara Group of Cooperative Societies, which shall be paid to the genuine depositors in the most transparent manner and on proper identification and on submitting proof of their deposits and proof of their claims and to be deposited in their respective bank accounts directly.

(ii) The disbursement shall be supervised and monitored by Justice R. Subhash Reddy, Former Judge of this Court with the able assistance of Shri Gaurav Agarwal, learned Advocate, who is appointed as Amicus Curiae to assist Justice R. Subhash Reddy as well as the Central Registrar of Cooperative Societies in disbursing the amount to the genuine depositors of the Sahara Group of Cooperative Societies. The manner and modalities for making the payment is to be worked out by the Central Registrar of Cooperative Societies in consultation with Justice R. Subhash Reddy, Former Judge of this Court and Shri Gaurav Agarwal, learned Advocate.

(iii) Rs. 15 lakhs per month be paid to Justice R. Subhash Reddy, Former Judge of this Court and Rs. 5 lakhs per month be paid to Shri Gaurav Agarwal, learned Amicus Curiae towards their honorarium.

(iv) We direct that the amount be paid to the respective genuine depositors of the Sahara Group of Cooperative Societies out of the aforesaid amount of Rs. 5,000 Crores at the earliest, but not later than nine months from today. The balance amount thereafter

be again transferred to the "Sahara-SEBI Refund Account."

2. These directions were issued after taking notice of the fact that a total amount of Rs.24,979.67 crores was lying unutilised with the SEBI in "Sahara-SEBI Refund Account". The said amount was deposited pursuant to the directions earlier issued by this Court. Out of the aforesaid amount, a sum of Rs.15,569.27 crores was deposited by the Sahara India Real Estate Corporation Limited and Sahara Housing Investment Corporation Limited whereas a sum of Rs.2253 crores had been taken out from Sahara Credit Cooperative Society Ltd. Both these amounts were deposited with the SEBI and thus, the corpus captioned as "Sahara-SEBI Refund Account" came to be created.

3. Meanwhile, large number of complaints from the depositors were received against the Sahara Group of Companies/Societies. In order to verify and settle their claims, a prayer was made before this Court to transfer a sum of Rs.5,000 crores to the Central Registrar of Cooperative Societies for disbursement towards the legitimate dues of the depositors. Accepting such a request, the above-reproduced directions were issued. It may be seen that the disbursement was directed to be supervised and monitored by Hon'ble Justice R. Subhash Reddy, a former Judge of this Court, duly assisted by Mr. Gaurav Agarwal, learned Senior Advocate and Amicus Curiae, who has been assisting this Court as well.

4. The instant application, i.e., IA No.174168/2025, has now been filed, *inter alia*, explaining that the process of disbursal of the

above-mentioned amount of Rs.5,000 crores was carried out through web portals, where genuine investors could file their claims, and in accordance with Standard Operating Procedures (SOPs) developed for identification, verification, and disbursal of claims. All these exercises were undertaken under the supervision of Justice R. Subhash Reddy.

5. It is further claimed that the directions issued by this Court on 29.03.2023 could not be complied with within the prescribed timeline of 9 months. However, further time was granted by this Court on 08.11.2024 to complete the process by 31.12.2025.

6. It is also explained that, meanwhile, interest of Rs.662.95 crores has accrued on the disbursed amount of Rs.5,000 crores.

7. The application further explains that the total amount claimed so far comes to Rs.1,13,504.24 crores by the investors identified so far, who are approximately 5.43 crores in number. The amount disbursed/to be disbursed has a policy cap at Rs.50,000. Till today, refunds have been issued to 26,25,090 genuine depositors totalling Rs.5,053.01 crores. Of these 26,25,090 depositors, the total claim comes to Rs.6,163.55 crores.

8. Meanwhile, 13,34,994 more investors have filed additional claims on the portal, which are at different stages of scrutiny, due diligence, etc. Total claim by these investors comes to approximately Rs.7,849.95 crores.

9. It is claimed that at current rate, approximately 32 lakh more investors are expected to file claims on the portal by December 2026. As noticed earlier, it is further explained in the instant application that the amount of Rs.24,533.18 crores (minus which has

already been released) is lying in the "Sahara-SEBI Refund Account".

10. In this backdrop, release of an additional amount of Rs.5000 crores is sought, which is to be utilised for the disbursement of refunds following the extant procedure.

11. We have heard Mr. Tushar Mehta, learned Solicitor General, Ms. Aishwarya Bhati, learned ASG, Mr. Gaurav Agarwal, learned senior counsel and Amicus Curiae in support of the prayer made in this application. Mr. Amarjit Singh Bedi, learned counsel appearing for the SEBI has also been heard.

12. Mr. Bedi, on instructions from SEBI, states that SEBI too has no objection against the release of sum of Rs.5,000 crores for disbursement to the investors as per the procedure already laid down by this Court *vide* order dated 29.03.2023.

13. Consequently and for the reasons mentioned in the application and the circumstances explained by them, we allow this application and direct that a sum of Rs.5000 crores be transferred from the "Sahara-SEBI Refund Account" to the Central Registrar of Cooperative Societies. The needful shall be done within one week. Upon receipt of that amount, the Central Registrar of Cooperative Societies shall disburse the amount to genuine investors under the supervision of Mr. Justice R. Subhash Reddy, a former Judge of this Court and in the manner, as has already been directed by this Court *vide* order dated 29.03.2023.

14. Having regard to the nature of the exercise being undertaken by the disbursing authority, Justice R. Subhash Reddy, and Mr. Gaurav Agarwal, learned Amicus Curiae, we further extend time till

31.12.2026 for disbursal of the remaining amount released earlier as well as the amount ordered to be released today.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR