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REF: BAL/SEC/2019
March 09, 2019

The Secretary
BSE Limited
Phiroze Jeejeebhoy Towers,
Dalal Street,
Mumbai – 400001.

Sub: Disclosure under Regulation 30 of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 read with SEBI Circular No. CIR/CFD/CMD/4/2015 dated 9th September, 2015

Re: Provisional Attachment Order No. 15/2017 dated 15.12.2017 passed by the Directorate of Enforcement ('ED').

This is in furtherance of our letter dated January 30, 2019 intimating you about the development in the matters which were pending adjudication before the Appellate Tribunal; Prevention of Money Laundering Act (PMLA).

The appeal was listed for final hearing on 07.03.2019 before the Hon'ble Tribunal. After hearing the matter, the Tribunal passed the Order. The said Order is attached along with this letter. The relevant portion of the Order is being Quoted herein below:

Quote

"With regard to the prayer made in the present appeals are concerned, the same is allowed. It is directed that the Provisional Attachment Order (PAO) in respect of Plant, Machinery, Building and Land dated 15.12.2017 and Order confirming seizure and / or freezing of Shares under the PMLA dated 29.09.2017 under Section 5(1), dated 15.12.2017 is quashed and set aside and we also dismiss the complaint dated 10.01.2018 filed by the ED under Section 5(5) of PMLA.

By allowing the above mentioned appeals, the Impugned Orders are set aside accordingly. The pending applications are also disposed of."



**Unquote:**

Accordingly, the above proceedings initiated by the ED under the Prevention of Money Laundering Act, 2002 (PMLA) against Balasore Alloys Limited (BAL) and its Promoters' companies have been quashed and set aside. It is further to be noted that, the Provisional Attachment Order No 15/2017 dated 15.12.2017 passed by ED Provisionally attaching the part of the immovable properties / fixed assets worth Rs. 244.8907 Crores and freezing of assets (8747285 Equity Shares of BAL) held by Promoter / Promoter Group Companies has been dismissed and set aside.

This is for your kind information and record.

Thanking you,
Yours faithfully,

For Balasore Alloys Ltd.

Trilochan Sharma
President & Company Secretary

Encl: As above

APPELLATE TRIBUNAL FOR SAFEMA, FEMA, PMLA, NDPS, PBPT ACT
Government of India
4th Floor, Lok Nayak Bhawan, Khan Market
New Delhi-110003

DASTI

Dated:-08.03.2018

MP-PMLA-3992/DLI/2017 (Stay), MP-PMLA-3993/DLI/2017 (Exem.)
FPA-PMLA-2063/DLI/2017, MP-PMLA-3994/DLI/2017 (Stay)
MP-PMLA-3995/DLI/2017 (Exem.), FPA-PMLA-2064/DLI/2017
MP-PMLA-4009/DLI/2017 (Stay), MP-PMLA-4010/DLI/2017 (Exem.)
FPA-PMLA-2068/DLI/2017, MP-PMLA-4011/DLI/2017 (Stay)
MP-PMLA-4012/DLI/2017 (Exem.), FPA-PMLA-2069/DLI/2017
MP-PMLA-4013/DLI/2017 (Stay), MP-PMLA-4014/DLI/2017 (Exem.)
FPA-PMLA-2070/DLI/2017, MP-PMLA-4015/DLI/2017 (Stay)
MP-PMLA-4016/DLI/2017 (Exem.), FPA-PMLA-2071/DLI/2017
MP-PMLA-405142/DLI/2017 (Exem.), FPA-PMLA-2634/DLI/2017/788

1. M/s. Mita Holdings Ltd.
2. M/s. Dankuni Investment Ltd.
3. M/s. Global Steel Holdings Ltd.
4. M/s. Balasore Alloys Ltd.
5. M/s. Navadisha Real Estate Pvt. Ltd.
6. M/s. Navoday Consultants Ltd.
7. M/s. Balasore Alloys Ltd.

Appellant.

Versus

The Deputy Director,
Directorate of Enforcement, Delhi.

Respondent.

From,

Registrar
Appellate Tribunal (PMLA)
4th Floor, Loknayak Bhawan
Khan Market, New Delhi-110003.

To,

1. M/s. Mita Holding Private Ltd.
Appellant.
71, Park Street, Part Plaza,
Kolkata, West Bengal-700016.
2. M/s. Dankuni Investment Ltd.
3. M/s. Global Steel Holdings Ltd.
4. M/s. Balasore Alloys Ltd.
5. M/s. Navadisha Real Estate
Pvt. Ltd.
6. M/s. Navoday Consultants Ltd.
7. M/s. Balasore Alloys Ltd.
8. The Director,
Directorate of Enforcement,
6th Floor, Lok Nayak
Bhawan, Khan Market
New Delhi
9. Shri. Pankaj Baghla,
Advocate for the Appellant,
Flat No.101, 303, Nilgiri Apartments,
Barakhamba Road,
New Delhi.
(Dasti copy Sl. No. 2 to 7 through Advocate).
10. Office copy/File.

Subject:- Forwarding of "DASTI" order dated 07.03.2019 in FPA-PMLA-2063, 2064, 2068-2071/ DLI/2017, & FPA-PMLA-2634/DLI/2018

I am directed to serve a certified copy of "DASTI" order dated 07.03.2019 in FPA-PMLA-2063, 2064, 2068-2071/ DLI/2017, & FPA-PMLA-2634/ DLI/ 2018.



Yours faithfully,

Registrar
Appellate Tribunal
Ph. 24603309
New Delh-110003

**APPELLATE TRIBUNAL, PREVENTION OF MONEY LAUNDERING ACT
AT NEW DELHI**

- | | |
|---|---------------|
| 1. MP-PMLA-3992/DLI/2017 (Stay)
MP-PMLA-3993/DLI/2017 (Exem.)
FPA-PMLA-2063/DLI/2017
M/s. Mita Holdings Ltd. | ... Appellant |
| 2. MP-PMLA-3994/DLI/2017 (Stay)
MP-PMLA-3995/DLI/2017 (Exem.)
FPA-PMLA-2064/DLI/2017
M/s. Dankuni Investment Ltd. | ... Appellant |
| 3. MP-PMLA-4009/DLI/2017 (Stay)
MP-PMLA-4010/DLI/2017 (Exem.)
FPA-PMLA-2068/DLI/2017
M/s. Global Steel Holdings Ltd. | ... Appellant |
| 4. MP-PMLA-4011/DLI/2017 (Stay)
MP-PMLA-4012/DLI/2017 (Exem.)
FPA-PMLA-2069/DLI/2017
M/s. Balasore Alloys Ltd. | ... Appellant |
| 5. MP-PMLA-4013/DLI/2017 (Stay)
MP-PMLA-4014/DLI/2017 (Exem.)
FPA-PMLA-2070/DLI/2017
M/s. Navadisha Real Estate Pvt. Ltd. | ... Appellant |
| 6. MP-PMLA-4015/DLI/2017 (Stay)
MP-PMLA-4016/DLI/2017 (Exem.)
FPA-PMLA-2071/DLI/2017
M/s. Navoday Consultants Ltd. | ... Appellant |
| & | |
| 7. MP-PMLA-5142/DLI/2018 (Exem.)
FPA-PMLA-2634/DLI/2018
M/s. Balasore Alloys Ltd. | ... Appellant |

Versus

The Deputy Director Directorate of Enforcement, New Delhi	...	Respondent
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Advocates/Authorized Representatives who appeared

For the Appellants	:	Mr. Gautam Mitra, Advocate Mr. Bakul Jain, Advocate Mr. Pankaj Baghla, Advocate Ms. Rishad Medora, Advocate
For the Respondent	:	Mr. Mohd. Faraz, Advocate

For the State Bank of India

: Mr. Manoj Kr. Dubey, Advocate
On behalf of Mr. Chandrachur
Bhattacharyya, Advocate

CORAM

JUSTICE MANMOHAN SINGH
SHRI G. C. MISHRA

: **CHAIRMAN**
: **MEMBER**

ORDER
07.03.2019

**FPA-PMLA-2063, 2064, 2068-2071/DLI/2017 & FPA-PMLA-2634/
DLI/2018**

1. The above mentioned appeals in item nos. 1 to 6 have been filed by the appellants challenging the order dated 25th September, 2017 in ECIR/03/DZ-I/2017. By virtue of the impugned order various properties were attached. With regard to the other appeal i.e. FPA-PMLA-2634/DLI/2018, the same was filed by M/s. Balasore Alloys Ltd. is concerned, in the said appeal the order dated 15th October, 2018 was challenged by the appellant passed in O.C. No. 867/2018 in Provisional Attachment Order No. 15/2018 dated 15th December, 2018 in ECIR/03/DZ-I/2017 dated 29th March, 2017. (The above mentioned appeal is pending before the Single Bench of Hon'ble Chairman.)

2. Learned counsel for the appellants has referred the judgment passed by Hon'ble Supreme Court of India in Civil Appeal No. 11907 of 2018 arising out of SLP (C) No. 14585 of 2015 filed by State Trading Corporation of India Versus M/s. Global Steel Holding Limited & Ors.



3. It is evident that after the discussion, Hon'ble Supreme Court of India, in the said appeal final directions were issued in Para 31 which read as under:

"31. We direct that:

- (i) The Demand Drafts for Rs. 800 crores (Rupees Eight Hundred Crores) furnished by the respondents, be handed over to STC - Decree Holder;
- (ii) A lump-sum amount of Rs. 600 crores (Rupees Six Hundred Crores) worked out on the basis of 8% S.I. per annum (rounded off) be paid by the respondents to the appellant towards full and final satisfaction of the amounts due under the Settlement Agreement dated 15.11.2010, and Further Settlement Agreement dated 17.05.2012.
- (iii) The amount of Rs. 600 crores be paid by the respondents to STC towards interest in 12 weeks from the date of this Order.
- (iv) Upon payment of the said amount by 28.02.2019, all claims arising out of the two Settlement Agreements (*supra*), would stand finally settled, and put a complete closure to all pending proceedings of any nature whatsoever, between the parties, wherever filed and/or pending against each other.
- (v) If, however, the amount of Rs. 600 crores awarded towards interest is not paid on or before 28.02.2019, it would amount to contempt of the Order passed by this Court, and it would be open to the appellant to take appropriate action against the respondents in accordance with law for non-compliance."

4. If, the said order is read, it is clear from Para 31 that in case the appellants shall deposit a sum of Rs. 600 Crores STC towards interest in 12 weeks, (after the said deposit), all claims arising out of two Settlement Agreements would stand finally settled and put a complete closure to all pending proceedings of any nature whatsoever, between the parties, wherever filed and/or pending against each other.

5. Counsel for the appellants has stated that the Rs. 600 Crores have already been deposited with the STC on 28.02.2019 under the compliance of the Supreme Court's Judgment. Proof has also been produced before us. Counsel for the appellant states that infact the entire amount of Rs. 2,210 Crores including interest has been paid.



6. Learned counsel for the appellant has rightly submitted that fully compliance of order of the Supreme Court, nothing survives in the ECIR

No. ECIR/03/DZ-I/2017. He submits that the following orders be
FPA-PMLA-2063, 2064, 2068-2071/DLI/2017
& FPA-PMLA-2634/DLI/2018

passed while allowing the above mentioned seven appeals as per directions of the Supreme Court:-

- a) Direct that nothing survives in ECIR No. ECIR/03/DZ-1/2017, since the underlying dispute stands fully and completely settled.
- b) Direct that the **"Provisional Attachment Order" (PAO)** of Plant, Machinery, Buildings & Land dated 15.12.2017 and order confirming seizure and/or freezing of shares under the PMLA dated 29.09.2017 **under Section 5(1), dated 15.12.2017 be quashed and set aside.**
- c) Dismiss the complaint dated 10.01.2018, filed by the ED, under **Section 5(5)** of the PMLA.

7. Learned counsel Mr. Mohammad Faraz, Advocate appearing on behalf of the respondent submits that the respondent agrees that the Supreme Court directions have to be followed and all pending proceedings of any nature whatsoever stand finally settled. However, he states that as far as, quashing of FIR and ECIR are concerned, the same are to be quashed by an appropriate authority in accordance with law and not by this Appellate Tribunal who has no jurisdiction to pass such orders. He states that even the prosecution complaint is to be withdrawn before the Special Court.

As far as the directions issued by the Supreme Court are concerned, all the authorities are bound by the said judgment once the payment of Rs. 600 Crores has been paid. It is already held by the Supreme Court that all the proceedings shall stand finally settled and there should be a complete closure of all the pending proceedings of any nature whatsoever, between the parties.

8. As far as the ECIR, FIR and Prosecution Complaint are concerned, orders have to be passed by the appropriate authority strictly in view of the judgment passed by the Hon'ble Supreme Court. With regard to the prayer made in the present appeals are concerned, the same is allowed.




It is directed that the provisional attachment order (PAO) in respect of Plant, Machinery, Buildings & Land dated 15.12.2017 and order confirming seizure and/or freezing of shares under the PMLA dated


29.09.2017 under Section 5(1), dated 15.12.2017 is quashed and set aside and we also dismiss the Complaint dated 10.01.2018, filed by the ED, under Section 5 (5) of the PMLA.

9. By allowing the above mentioned appeals, the Impugned Orders are set aside accordingly. The pending applications are also disposed of.

10. No cost.

Copy of the order be given 'dasti' to both the parties.



(Justice Manmohan Singh)
Chairman


(G. C. Mishra)
Member

New Delhi,
07th March, 2019
'AS'



CERTIFIED TRUE COPY
BY ORDER


REGISTRAR
Appellate Tribunal
New Delhi