

**PROCEEDINGS OF THE COMPETENT AUTHORITY &
SECRETARY TO GOVERNMENT, BANNING OF
UNREGULATED DEPOSIT SCHEMES ACT UNDER SECTION
7(3) OF THE BUDS ACT 2019
PRESENT: SRI. SANJAY M KAUL IAS**

HOME (SC) DEPARTMENT

No.SC3/69/2023-Home Dated,Thiruvananthapuram(02-09-2024)

Sub: Home Department - Banning of Unregulated Deposit Schemes Act, 2019 - Provisional attachment of all movable & immovable properties of M/s Chirayath Benefit Fund Nidhi Limited, Nedumbassery - Orders Re-issued.

- Ref: 1.G.O(P) No. 69/2020/Home, dated 18.12.2020 published as S.R.O No.887/2020.
2.G.O(Rt) No.2959/2020/Home, dated 22.12.2020 published as S.R.O No. 894/2020.
3. Letter No. D1 (a) - 18444/2023/E dated 27.03.2023 of the District Police Chief, Ernakulam Rural.
4.Proceedings No. SC3/69/2023/Home dated 12/04/2023
5. Judgment dated 11.07.2024 in WP(C) 15650/2024 of the Hon. High Court of Kerala.

ORDER

The District Police Chief, Ernakulam Rural as per letter read as 3rd paper above has furnished the details of crime cases registered against M/s Chirayath Benefit Fund Nidhi Limited, Nedumbassery. It is reported that several crime cases are registered against the firm under relevant provisions of Banning of Unregulated Deposit Schemes Act for illegal deposit taking.

Vide Proceedings read as 4th paper above the Competent Authority issued provisional attachment of all movable/immovable properties and all other deposits held by the Deposit Taker and the money or other property acquired either in the name of the deposit taker in the name of any other person on behalf of the deposit taker.

The Hon. High Court, in its judgement read as 5th paper above, has disposed of the WP(C) 15650/2024 by directing the 2nd Respondent (Competent Authority) to issue a fresh provisional order concerning the

properties of Chirayath Benefit Fund Nidhi Limited.

Accordingly, I, Sanjay M Kaul IAS, Competent Authority, BUDS Act 2019 have examined the matter again in detail and found that the accused with an intention of cheating and for illegal gain have accepted deposits by promising higher returns and cheated the depositor by not giving it back thus amounting to an unregulated scheme. The deposit taker have accepted the deposits in contravention of section 3 of the BUDS Act read with section 21 and defaulted in repayment of such deposits.

I, therefore, in exercise of powers conferred under section 7(3) of BUDS Act, 2019, reissue the proceedings read as 4th paper above as the same has been time barred, to safeguard the interest of the innocent depositors, hereby attach all movable/ immovable properties and all other deposits held by the Deposit Taker and the money or other property acquired either in the name of the deposit taker or in the name of any other person on behalf of the deposit taker.

The Inspector General of Registration Department is hereby directed to freeze the sale/mortgage or any other transaction of immovable properties of the firm and the Deposit Taker. The Transport Commissioner, Motor Vehicles Department is directed to seize all vehicles owned by the firm/deposit taker/its partners or allied firms and to take necessary steps to prohibit the transfer of registration of vehicles and to report to the respective District Collectors.

The Lead Bank Managers of all Districts concerned/Registrar of Cooperative Societies/General Managers of KSFE/ District Managers of KFC and all other financial institutions are directed to take necessary steps to freeze all the accounts of the financial institution and its allied firms. Police Authorities shall identify the accounts of the firm and the deposit takers and take action to freeze the accounts by intimating the provisional attachment orders to the respective Banks where the accounts are maintained. The Police shall also report the details of the current/ any future accused persons from time to time directly to the concerned District Collectors for provisionally attaching the properties within the stipulated time limit.

The District Collectors appointed as officers to assist the Competent Authority under section 7(2) of BUDS Act are directed to serve the copy of the provisional attachment to the owner of the property or any person who claims to be in possession of the property or any other person who has an interest in the said property and to prepare and maintain details of the properties so attached and the expenditure incurred in this regard in Form No. 2. The District Collectors are further directed to publish the order of provisional attachment in a leading newspaper both in Malayalam and in

English having wide circulation in the area or jurisdiction in which the deposit taker is located.

The District Collectors appointed as officers to assist the Competent Authority under section 7(2) of BUDS Act are directed to issue attachment orders separately against the properties of the accused and file application with particulars of the attachment effected before the Designated Courts constituted read as 2nd paper above, of the respective District, within the stipulated time of 30 days for making the provisional attachment absolute and for permission to sell the property so attached by public auction or, if necessary, by private sale according to section 14 of Central BUDS Act, 2019.

(Sd.)
SANJAY M KAUL

Forwarded/By order

Section Officer.

To:

The State Police Chief.
All District Collectors.
The Additional Director General of Police (Crimes).
The Inspector General of Police (EOW), Police Headquarters
The Inspector General of Registration Department.
The Transport Commissioner.
The Registrar of Co-operative Societies.
All District Police Chiefs.
The Lead Bank Managers
General Managers of KSFE/District Managers of KFC (through
District Collectors).
The Finance/ Law/Revenue/Taxes Departments.
I & PR (Web & New Media) Department.