

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

HOME (SC) DEPARTMENT

No.SC3/31/2022/Home Dated,Thiruvananthapuram(15-07-2024)

Sub: Home Department - Banning of Unregulated Deposit Schemes Act, 2019 - Provisional attachment of all movable & immovable properties of Pooram Finserve Private Limited, Thrissur- Orders Reissued.

- 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. K5 - 227689/2022/PHQ dated 05.01.2023 from the State Police Chief.
4. Letter No. D1 - 25465/2022/RC dated 14.05.2022 from the District Police Chief, Thrissur City.
5.Letter No. TVM.DOS.SED.No.I/02.03.130/2023-24 dated 16.08.2023 from the Reserve Bank of India.
6.Proceedings No. SC3/31/2022/Home dated 18/11/2023.
7.Letter No. DCTSR/10485/2020-C8 dated 01.07.2024 of the District Collector, Thrissur

ORDER

Several complaints were filed by depositors that M/s Pooram Finserve Private Limited, a non - deposit taking Non Banking Finance Company registered with the Reserve Bank of India has failed to repay investments taken in the form of secured non - convertible debentures(NCDs). The Reserve Bank of India, the Regulator concerned in this case has cancelled the Certificate of Registration (CoR) issued to Pooram Finserve Private Limited, Thrissur as per its order dated 11.08.2023. The RBI has noted that the company had issued Non-

Convertible Debentures (NCDs) to 553 investors with an aggregate subscription value of 12.66 crore. It was observed that the company had circumvented Bank's guidelines on "Private Placement of NCDs" - Annex XVII (2) of Master Direction - NBFCs wherein it has been stipulated that in case of NCDs with subscription value below 1 crore, the maximum number of subscribers permissible in a financial year will be limited to 200. The company, in order to circumvent the extant instructions, had privately placed NCDs with Pooram Fin Services, a proprietorship concern owned by Shri C K Anil Kumar, the promoter director and then these NCDs were reissued to the actual investors. The RBI noted several discrepancies in the functioning of the Company.

The State Police Chief as per letter read as third paper above reported that Crime No.1294/2022 of Thrissur East Police Station has been registered against the Managing Directors of the firm on the basis of complaints received from the depositors.

Vide Proceedings read as 6th 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.

As per section 14 of the BUDS Act application for confirmation of attachment and sale of property had to be filed within 30 days which might extend up to 60 days before the Designated Court. But the District Collector, Thrissur vide letter read as 7th paper above reported that the exercise could not be completed within the stipulated time

Accordingly, I, Sanjay M Kaul IAS, Competent Authority, BUDS Act 2019 have examined the matter, again in detail and found that the accused have accepted deposits in the form of Non-Convertible Debentures and fraudulently defaulted its repayment, in contravention of section 3 of the BUDS Act read with section 21.

I, therefore, in exercise of powers conferred of BUDS Act, 2019, reissue the proceedings read as 6th paper above 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 Co-operative 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), PHQ
All District Police Chiefs
The Inspector General of Registration Department
The Transport Commissioner
Registrar of Co-operative Societies
General Managers of KSFE/District Managers of KFC/All Banks
etc(through the District Collectors)
The Finance/ Law/Revenue/Taxes Departments
I & PR (Web & New Media) Department.
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