

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Misc. Applications No.80 of 2008
In
Appeal No.40 of 2008

Date of Decision : 23.10.2008

Mrs. Anuradha D. Pendse

.....Applicant/Appellant

Versus

Securities and Exchange Board of India

.....Respondent

Mr. V.M. Singh Advocate for the Appellant.

Mr. Kumar Desai Advocate with Ms. Daya Gupta and Ms. Chloris John Advocates for the Respondent

Coram

Justice N.K. Sodhi, Presiding Officer
Utpal Bhattacharya, Member

Per: Justice N.K. Sodhi, Presiding Officer (Oral)

By an order dated January 11, 2008 the Securities and Exchange Board of India (for short the Board) restrained the applicant from accessing the securities market and also prohibited her from buying, selling, dealing or associating with the securities market. Feeling aggrieved by this order, the appellant filed Appeal no.40 of 2008 before this Tribunal which came up for hearing on September 25, 2008. The order impugned in the appeal has been set aside and the case was remanded back to the Board for a fresh decision in accordance with law. At the time when the matter was remanded, the learned counsel for the appellant made a statement that her client would not buy, sell or deal in securities market till the matter is finally disposed of by the Board. It may be mentioned that the appellant had been charged with certain market irregularities and it was on that basis that the order dated January 11, 2008 had been passed against her. Since the matter has been remanded, the enquiry is now pending before the Board. During the pendency of the proceedings before the Board, the appellant has

filed the present application seeking permission to sell her existing shareholding. She has stated that she is facing a financial crunch and that she needs funds for performing the marriage of her son which is fixed some time in February, 2009. Notice of this application was issued to the Board and Shri Kumar Desai Advocate has put in appearance on its behalf.

2. We have heard the learned counsel for the parties. Since the appellant need funds to perform the marriage ceremonies of her son, she should be allowed to sell her existing shareholding. However, some safeguards need to be provided. We, therefore, direct that the appellant shall furnish to the Board on or before October 31, 2008 the latest statement of all her demat accounts. On furnishing these statements to the Board, the appellant shall be allowed to sell all the listed shares through a member on any recognised stock exchange and thereafter furnish copy/copies of the bill(s) and contract note(s) to the Board showing the total number of shares sold as well as the total amount of sale consideration received after deduction of brokerage and deduction of tax at source. The appellant shall then furnish to the Board a certificate showing the total amount of payment received on account of sale consideration of the shares giving the details of the cheque(s) through which the payment(s) is/are made. Let the sale of shares be completed before the end of January 2009. The statement made on behalf of the appellant on September 25, 2008 in Appeal no.40 of 2008 stands modified accordingly.

3. We are informed that the appellant is holding some shares in physical form and that some of her shares are lying with a broker towards margin money. It shall be open to her to move a separate application qua these shares as and when she wants to sell them.

The application stands disposed of as above.

Sd/-
Justice N.K. Sodhi
Presiding Officer

Sd/-
Utpal Bhattacharya
Member

23.10.2008
RHN

