

**BEFORE THE SECURITIES APPELLATE TRIBUNAL  
MUMBAI**

Date of decision: 22/08/2016

**Misc. Application No.174 of 2016  
In  
Appeal No.207 of 2016**

Securities and Exchange Board of India  
SEBI Bhavan, Plot No.C4-A, G Block,  
Bandra Kurla Complex, Bandra (East),  
Mumbai – 400 051.

... Applicant  
(Org. Respondent)

Versus

1. Amrit Gandhi HUF  
B-35, 3<sup>rd</sup> Floor,  
Mahavir Apartment, Ratan Nagar,  
Borivali (E), Mumbai – 400 068.
2. Ms. Shivangi Jagmohan Singh  
Flat No.301, 'F' Wing, Ajmera  
Royal Classic, Andheri Link Road,  
Opp. Crystal Plaza, Andheri (W),  
Mumbai – 400 058.
3. Mr. Amrit L. Gandhi  
B-35, 3<sup>rd</sup> Floor,  
Mahavir Apartment, Ratan Nagar,  
Borivali (E), Mumbai – 400 068.
4. Mrs. Bhavnaben N. Mistry  
A/302, Premji Nagar, 3<sup>rd</sup> Floor,  
Daulat Nagar Road No.10,  
Borivali (E), Mumbai – 400 066.
5. Ms. Parul Anupam Khanna  
1601, 16<sup>th</sup> Floor, Continental Towers,  
Sherly Rajan Road, Rizvi Complex,  
Bandra (W), Mumbai – 400 050.
6. Ms. Seema Gandhi  
B-35, 3<sup>rd</sup> Floor,  
Mahavir Apartment, Ratan Nagar,  
Borivali (E), Mumbai – 400 068.

... Respondents  
(Org. Appellants)

Mr. Aditya Chitale a/w Mr. Pulkit Sukhramani, Advocates i/b The Law Point for the Applicant – Original Respondent.

Mr. J.J. Bhatt a/w Ms. Rinku Valanju, Advocates for the Respondents – Original Appellants.

**CORAM** : Jog Singh, Member  
Dr. C.K.G. Nair, Member

**Per** : Jog Singh (Oral)

1. Not on board. This Misc. Application is mentioned by the Counsel for the Applicant – Original Respondent, today and taken up for hearing with consent of Counsel on both sides.

2. This Misc. Application No.174 of 2016 in Appeal No.207 of 2016 has been preferred by SEBI seeking extension of time by 8 weeks to be given to the Whole Time Member of SEBI to pass an order in the matter. In the order dated 15<sup>th</sup> July, 2016, this Tribunal had granted one week's time to the Appellants to file reply and thereafter four weeks' time to the SEBI to pass an appropriate order after affording an opportunity of hearing to the Appellants. It is brought to our notice that the Appellants accordingly filed their reply after obtaining documents as per our order – four of them filed reply on 25<sup>th</sup> July, 2016 and two of them filed reply on 27<sup>th</sup> July, 2016.

3. The learned Whole Time Member was thus required by this Tribunal to pass an order in the matter by 22<sup>nd</sup> August, 2016 in 4 matters and 25<sup>th</sup> August, 2016 in the remaining 2 matters.

4. We have heard Mr. Aditya Chitale, learned Counsel for SEBI who appears along with Mr. Pulkit Sukhramani, Advocate. Shri Chitale submits that there are 52 entities involved in the matter. In addition to those 6 Appellants, learned Whole Time Member is required to hear and grant

similar opportunity to other 46 noticees as well. Despite best efforts by SEBI, only 18 noticees including 6 Appellants have responded. In the circumstances, some delay has occurred in the matter and the final order could not be passed within time as prescribed by this Tribunal. Shri Chitale, learned Counsel for SEBI further submits that the order passed in the present matter regarding 6 Appellants before the Tribunal would affect the others also and a consolidated order would be in the larger interest of justice. Shri J.J. Bhatt, learned Counsel for the Appellants who appears with Ms. Rinku Valanju, Advocate strongly opposes the grant of any further extension to the Respondent to pass final order in the matter. Shri J.J. Bhatt submits that all bank accounts, de-mat accounts and even assets and properties have been attached by way of an ad-interim ex-parte order dated 7<sup>th</sup> June, 2016 (impugned order).

5. Keeping in view the concern raised by Shri J. J. Bhatt, learned Counsel for the Appellants, we are not inclined to grant 8 weeks time to the SEBI and we restrict it to 4 weeks to do the needful. We order accordingly.

6. At this stage, Shri Chitale, learned Counsel for SEBI, on instruction, stated that if individual amounts (as recorded in Table-Q of the impugned order dated 07/06/2016) are deposited in escrow account as directed in para 15 of the impugned order, then the attachment qua the properties of the respective Appellant may be vacated.

7. After taking arguments of both parties into consideration, we feel it appropriate to direct the Respondents to limit the attachment to the actual amount of penalty in individual case and the remaining attachment in each individual case may be vacated in respect of the 6 Appellants.

8. We make it clear that if the learned Whole Time Member fails to pass an order as directed by this Tribunal vide its order dated 15<sup>th</sup> July 2016, and as amended by the present order, by 21<sup>st</sup> September 2016, the original interim order contained in the impugned order dated 7<sup>th</sup> June 2016 against the Appellants would stand vacated.

9. Copy of this order may be handed over to the parties today.

10. Misc. Application is disposed off in the above terms with no order as to costs.

Sd/-  
Jog Singh  
Member

Sd/-  
Dr. C.K.G. Nair  
Member

22/08/2016  
Prepared & compared by-ddg