

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date of Decision: 19.01.2017

**Misc. Application No. 280 of 2016
And
Appeal No. 336 of 2016**

G. C. A. Marketing Private Limited
F-77, Civil Lines,
Bhatinda (Punjab) ...Appellant

Versus

Securities and Exchange Board of India,
SEBI Bhavan, Plot No. C-4A, G-Block,
Bandra-Kurla Complex, Bandra (East),
Mumbai- 400 051 ...Respondent

Mr. Devanshu P. Desai, Advocate for the Appellant.

Mr. Pradeep Sancheti, Senior Advocate with Mr. Mihir Mody and
Mr. Saurabh Bachhawat, Advocates i/b K. Ashar & Co. for the
Respondent.

**WITH
Misc. Application No. 281 of 2016
And
Appeal No. 337 of 2016**

1. Mr. Amardeep Singh Cheema
2. Mr. Gurdeep Singh
C/o G.C.A. Marketing Private Limited
F-77, Civil Lines,
Bhatinda (Punjab) ...Appellants

Versus

Securities and Exchange Board of India,
SEBI Bhavan, Plot No. C-4A, G-Block,
Bandra-Kurla Complex, Bandra (East),
Mumbai- 400 051 ...Respondent

Mr. Devanshu P. Desai, Advocate for Appellants.

Mr. Pradeep Sancheti, Senior Advocate with Mr. Mihir Mody and
Mr. Saurabh Bachhawat, Advocates i/b K. Ashar & Co. for the
Respondent.

CORAM: Justice J.P. Devadhar, Presiding Officer
Jog Singh, Member
Dr. C.K.G. Nair, Member

Per: Justice J.P. Devadhar (Oral)

Misc. Application Nos. 280 & 281 of 2016

There is delay of 96 days in filing both the appeals. By these Miscellaneous Applications, applicants seek condonation of the said delay. For the reasons stated in the applications, delay is condoned.

Miscellaneous Applications are disposed of accordingly.

Appeal Nos. 336 & 337 of 2016

1. These appeals are filed to challenge the order passed by the Whole Time Member (“WTM” for short) of Securities and Exchange Board of India (“SEBI” for short) on February 04, 2016. By the said order appellants and other entities are, inter alia, restrained from collecting any money from the investors or to launch or carry out any new schemes which have been identified as Collective Investment Schemes and further directed to refund the amounts collected with returns which are due to its investors as per the terms of offer within a period of three months from the date of the order. Since the issue raised in both appeals is common, both these appeals are heard together.

2. Counsel for the appellants fairly states that the amounts collected under the schemes in question have been substantially refunded to the investors and the balance amount refundable as on March 15, 2016 was only to the extent of ₹ 3.75 crore (approx). Counsel for the appellants further submit that the appellants are inclined to comply with the

impugned order, however, appellants would require some more time to refund the balance amount to the investors. Counsel for SEBI fairly states that the quantum of amount stated to have been refunded and the quantum of amount yet to be refunded have not been verified by SEBI.

3. In these circumstances, since the appellants are inclined to comply with the impugned order, without going into the merit of the case we dispose of the appeals by directing the appellants to make a representation before SEBI seeking extension of time to refund the balance amount to the investors within a period of two weeks from today. If such a representation is made within two weeks from today, then SEBI shall consider such representation and take administrative decision on the said representation in accordance with law. In the meantime, appellants shall not dispose of their assets and furnish a list of their assets to SEBI within a period of one week from today.

4. Both Appeals are disposed of accordingly with no order as to costs.

Sd/-
Justice J.P. Devadhar
Presiding Officer

Sd/-
Jog Singh
Member

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