

**BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI**

Date of Decision : 21.11.2017

Appeal No.143 of 2016

1. Karmbhoomi Real Estate Limited
1st Floor, Tera Tower,
Bhuteshwar Road, Mathura,
Uttar Pradesh 281 001

2. Manoj Kumar Sengar
H.N. 190, Chaatikara,
Mathura, Uttar Pradesh.

3. Devindra Pal Singh
1/36, Surendra Nagar,
Aligarh, Uttar Pradesh 202137.

4. Sardar Singh
V.P.O Chaatikara
Mathura Uttar Pradesh.

5. Mahipal Singh,
V.P.O Chaatikara
Mathura Uttar Pradesh.

..... Appellants

Versus

Securities & Exchange Board of India
SEBI Bhavan, Plot No. C-4A, G-Block,
Bandra-Kurla Complex, Bandra (East),
Mumbai – 400051.

..... Respondent

Mr. M.S. Bhardwaj, Advocate for the Appellants.

Mr. M.P. Rao, Senior Advocate with Mr. Chirag Bhavsar, Advocate i/b
MDP & Partners 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)

1. This appeal is filed to challenge the order passed by the Whole Time Member ('WTM') of Securities and Exchange Board of India ('SEBI' for short) on 3rd December, 2015. By the said order inter alia it is held that the schemes floated by the Appellant no.1 are Collective Investment Schemes and the appellant and its directors are inter alia directed to refund the money collected from the investors within the time set out therein.

2. Counsel for the appellants state that without prejudice to their rights that the schemes floated by the Appellant no.1 do not constitute Collective Investment Schemes the appellants have refunded part of the amounts collected from the investors and that the appellants are ready and willing to refund the balance amount to the investors in a time bound manner.

3. Counsel for SEBI states that the refunds allegedly made by the appellants are yet to be verified by SEBI.

4. Since the appellants are ready and willing to refund the amounts to the investors as stipulated in the impugned order passed by SEBI, without going into the merits of the contention raised by the appellants that the schemes floated by the appellants do not constitute CIS, we dispose of the appeal by permitting the appellants to make a representation to SEBI setting out in detail the names and the quantum of amount refunded to the investors and the mode and the manner in which the balance amount would be refunded to the investors. Appellants are also directed to furnish all information/documents demanded by SEBI.

5. Accordingly, we dispose of the appeal by directing the appellants to make a representation to SEBI within a period of 4 weeks from today giving details of the amounts already refunded and the mode and the manner in which balance amount would be refunded. If the appellants make a representation within period of 4 weeks from today, then SEBI shall

consider the same and pass appropriate order in accordance with law. If the appellants fail to submit the representation within 4 weeks from today, then the impugned order shall stand revived and SEBI shall be entitled to enforce the same in accordance with law.

6. Appeal is disposed of in the above terms with no order as to costs.

Sd/-
Justice J. P. Devadhar
Presiding Officer

Sd/-
Jog Singh
Member

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

21.11.2017

Prepared and compared by
RHN

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

DATE : 16.03.2018

Appeal No. 143 of 2016

Karmbhoomi Real Estate Ltd. & Ors. Appellants

Versus

Securities and Exchange Board of India Respondent

Mr. Ashok Gupta, Advocate i/b M. S. Bhardwaj for the Appellants.

Mr. Chirag Bhavsar, Advocate with Mr. Pranav Jain, Advocate i/b MDP & Partners for the Respondent.

ORDER :

1. Not on board. Mentioned by the respondent today.
2. By this prapice counsel for the respondent has brought to our notice that in para 1 of our order passed in the above Appeal on November 21, 2017, date of the order impugned in the appeal is inadvertently typed as December 3, 2015 instead of November 30, 2015 which needs to be corrected. Counsel for the appellant has no objection.
3. The registry is directed to correct the inadvertent error accordingly.
4. Prapice is disposed of in the aforesaid terms.

Sd/-
Justice J. P. Devadhar
Presiding Officer

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

16.03.2018
Prepared & Compared by
PTM