

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date of Decision: 6.3.2018

Appeal No.382 of 2017

Rakesh Sharma
House No.25, Sarathi Path Housing Colony,
Hengrabari Road, Guwahati – 781 006. Appellant

Versus

1. Securities and Exchange Board of India
SEBI Bhavan, Plot No.C4-A, “G” Block,
Bandra Kurla Complex, Bandra (E),
Mumbai – 400 051.
2. Ambitious Diversified Projects Management Ltd.
19B, 1st Floor, Syed Amir Ali Avenue,
Kolkata – 700017.
3. Shri Rajkumar Yadav
Mata Deen Ka Pura, Ater Road, Bhind,
Madhya Pradesh-477001.
4. Shri Pradeep Ojha
Ojah Nagar, Ater Road, Bhind- 477001.
5. Shri Satyendra Singh Bhadouria
23, Ater Road, Balaji Nagar, Bhind,
Madhya Pradesh – 477001. ... Respondents

Mr. D. Banerji, Advocate with Ms. Sapana Rachu for the Appellant.

Mr. Mustafa Doctor, Senior Advocate with Mr. Pranav N. Jain and Mr. Chirag Bhavsar, Advocates i/b. MDP & Partners for the Respondent no.1.
None for Respondent nos.2 to 5.

CORAM : Justice J. P. Devadhar, Presiding Officer
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 of Securities and Exchange Board of India ('SEBI' for short) on 13th November, 2017.

2. Grievance of the appellant is that the impugned order is passed without giving an opportunity of hearing to the appellant and even the interim order was not served upon him. It is further contented that since the appellant was allegedly shown as a director of Ambitious Diversified Projects Management Limited only for one day, the WTM of SEBI is not justified in passing the impugned order against the appellant.

3. As there is dispute regarding service of the notice and the impugned order is also an ex-parte order qua the appellant, in the facts of the present case in our opinion, it would be just and proper to quash and set aside the impugned order qua the appellant and restore the matter for fresh decision on merits and in accordance with law.

4. Accordingly, we set aside the impugned order dated 13th November, 2017 qua the appellant and direct the WTM of SEBI to pass fresh order in accordance with law after giving opportunity of hearing to the appellant as expeditiously as possible.

5. Appeal is disposed of in the aforesaid terms with no order as to costs.

Sd/-
Justice J. P. Devadhar
Presiding Officer

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

6.3.2018

Prepared and compared by
RHN