

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date of Decision : 26.02.2020

**Misc. Application No. 527 of 2019
And
Appeal No. 434 of 2019**

Pravin N. Gala
1502, Laburnum,
Mahindra Gardens,
S. V. Road, Goregaon (W),
Mumbai - 400062.

..... Appellant

Versus

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

... Respondent

Ms. Rinku Valanju, Advocate with Mr. Sumit Yadav, Advocate i/b R
V Legal for the Appellant.

Mr. Anubhav Ghosh, Advocate i/b The Law Point for the
Respondent.

**With
Misc. Application No. 598 of 2019
And
Appeal No. 558 of 2019**

Vinod Kanji Shah
Vijaya Bhuvan, 1st Floor,

Balaji Road, Vile Parle (West),
Mumbai - 400056.

..... Appellant

Versus

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

... Respondent

Ms. Rinku Valanju, Advocate with Mr. Sumit Yadav, Advocate i/b R
V Legal for the Appellant.

Mr. Anubhav Ghosh, Advocate i/b The Law Point for the
Respondent.

**With
Misc. Application No. 618 of 2019
And
Appeal No. 572 of 2019**

1. Mr. Arun N. Joshi
Flat No. 6, Manas CHS,
Besant Road, Santacruz - west,
Mumbai - 400054.
2. Mr. Shrinivasaiyer Jambunathan
Prakash CHSL, Relief Road,
Daulat Nagar, Santacruz - west,
Mumbai - 400054.
3. Mr. Harshawardhan M. Gajbhiye
Flat No. 1301, 13th Floor, Paltiputra
CHSL, A- Wing, Four Bungalows,
Andheri-west, Mumbai - 400053.
4. Mr. Ajay Khera
61-C, Pocket B,
Mayur Vihar Phase II,
Delhi - 110091.

5. Mr. Deepak M. Vaishanv
 B-506, Virndavan,
 3, Raheja Township,
 W E, Mumbai - 400097. Appellants

Versus

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

Mr. Kunal Katariya, Advocate i/b Shah & Ramaiya Chartered
 Accountant for the Appellants.

Mr. Anubhav Ghosh, Advocate i/b The Law Point for the
 Respondent.

**With
 Misc. Application No. 619 of 2019
 And
 Appeal No. 573 of 2019**

1. Arvind Gala
 Flat No. 2, 2nd Floor, Plot No. 36,
 Pushpa Park, Daftary Road,
 Malad (E), Mumbai - 400097.

2. Bhavi Gandhi
 C-405, Gokul Garden,
 Thakur Complex, Kandivali (E),
 Mumbai - 400 101. Appellants

Versus

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

Mumbai - 400 051.

... Respondent

Mr. Kunal Katariya, Advocate i/b Shah & Ramaiya Chartered Accountant for the Appellants.

Mr. Anubhav Ghosh, Advocate i/b The Law Point for the Respondent.

**With
Misc. Application No. 620 of 2019
And
Appeal No. 574 of 2019**

Mr. Kanji Bhachubhai Rita
1601, Laburnam Towers,
Mahindra Gardens, S V Road,
Goregaon (W), Mumbai - 400062.

..... Appellant

Versus

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

... Respondent

Mr. Kunal Katariya, Advocate i/b Shah & Ramaiya Chartered Accountant for the Appellant.

Mr. Anubhav Ghosh, Advocate i/b The Law Point for the Respondent.

**With
Misc. Application No. 621 of 2019
And
Appeal No. 575 of 2019**

1. Inventure Growth & Securities Ltd.
201, Viraj Tower, 2nd Floor,
Near Landmark, Western Express
Highway, Andheri (East),
Mumbai - 400069.
2. Nagji K. Rita
Flat No. 11, Anand Kunj,
Daftary Road, Malad (East),
Mumbai - 400097.
3. Virendra D. Singh
1605, Grandeur Vasant Marbour
Complex, Nr. Magathane Tele
Exchange, W. E. Highway,
Borivali (East), Mumbai - 400066. Appellants

Versus

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

Mr. Kunal Katariya, Advocate i/b Shah & Ramaiya Chartered
Accountant for the Appellants.

Mr. Anubhav Ghosh, Advocate i/b The Law Point for the
Respondent.

CORAM : Justice Tarun Agarwala, Presiding Officer
Dr. C. K. G. Nair, Member
Justice M. T. Joshi, Judicial Member

Per : Justice Tarun Agarwala, Presiding Officer (Oral)

1. Based on the show cause notice, the Whole Time Member (hereinafter referred to as 'WTM') of Securities and Exchange Board of India (hereinafter referred to as 'SEBI') passed an order issuing a slew of directions. The order of WTM was challenged by filing various appeals which were heard and decided by this Tribunal by its order dated October 10, 2019 (as corrected by order dated February 6, 2020) wherein certain reliefs were granted and certain findings of the WTM were set aside.

2. Based on the same violation, a show cause notice was also issued by the Adjudicating Officer (hereinafter referred to as 'AO') which culminated into a penalty order dated October 30, 2019 against which the present appeals have been filed by various noticees. All these appeals are being decided together.

3. We find from a reading of the impugned order that the charges levelled against the appellants are virtually the same as that levelled in the order of the WTM. Similar findings have been arrived at by the AO which are more or less identical to the findings given by the WTM and which findings have been set aside by us to a certain extent.

4. In the light of the aforesaid, we are of the opinion that in view of our order dated October 10, 2019 passed in Appeal No. 361 of 2018 and other companion appeals, the impugned order passed by the AO cannot be sustained and are quashed.

5. All the appeals are allowed. The matters are remitted to the AO to decide afresh in the light of the observation made by us in our order dated October 10, 2019. In the circumstances of the case, parties shall bear their own costs.

Sd/-
Justice Tarun Agarwala
Presiding Officer

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

Sd/-
Justice M. T. Joshi
Judicial Member

26.02.2020
Prepared & Compared by
PTM