

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date : 7.11.2017

Appeal No.405 of 2015

1. Capacious Farming Pvt. Ltd.,
9144, Biker Singh Ahluwalia Complex,
Mini Secretariat Road, Back Side New Bus
Stand, Bathinda, Punjab – 151001.
2. Gaurav Yadav, Director,
Dasmesh Nagar, Goniana Mandi, Bathinda,
Punjab – 151001.
3. Gurbaksh Singh, Director
VPO Nathpura, Distt. Bathinda,
Bathinda, Punjab – 151001.
4. Narmin Kaur Yadav
Dasmesh Nagar, Goniana Mandi,
Bathinda, Punjab – 151001.

.....Appellants

Versus

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

Mr. Puneet Kansal, Advocate with Ms. Monika Kausal, Advocates for the Appellants.

Mr. Pradeep Sancheti, Senior Advocate with Mr. Mihir Mody and Mr. Nishant Upadhyay, 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)

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 16th June, 2015. By the said order the appellants have been inter alia restrained from collecting money from the investors and directed to wind up the existing Collective Investment Schemes and refund the money collected by Appellant no.1 company under the schemes which are due to the investors.

2. It is the case of the appellant that the WTM of SEBI without calling upon the appellants to furnish documents has held in the impugned order that the

appellants had failed to furnish documents relating to sale of goats/pigs amounting to Rs.2.4 crore. It is submitted that the appellants are ready and willing to furnish whatever documents that are available with them and also furnish details of the sales return as is available with them within a period of 4 weeks from today. It is further submitted that the appellant no.1 had not collected any money from the investors and any money collected from the customers under the respective agreements have been returned to the customers by dropping the schemes floated by the company and as such the question of refunding the money by the company does not arise at all.

3. In these circumstances, we set aside the impugned order and direct the appellants to furnish documents e.g. agreements executed under the schemes floated by the company, details of sales returns, details of amounts received and refunded to the customers etc within a period of 4 weeks from today. If the above documents are furnished within a period of 4 weeks from today, SEBI would consider the same and pass appropriate order in accordance with law. If the appellants fail to submit the documents within 4 weeks from today, then the impugned order shall stand revived and SEBI would be entitled to enforce the said order.

4. 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