

BEFORE THE SECURITIES APPELLATE TRIBUNAL  
MUMBAI

Date of Decision : 07.12.2017

Appeal No. 520 of 2015

1. Adel Landmarks Limited  
B-39, Ground Floor,  
Friends Colony (West),  
New Delhi – 110065.
2. Mr. Rakesh Kumar Gupta  
J-272, Sarita Vihar,  
New Delhi – 110076.
3. Mr. Sumit Bharana  
House No. C-146, 1<sup>st</sup> Floor,  
Sarvodaya Enclave,  
New Delhi – 110017.
4. Mr. Arvind Kumar Birla  
House No. 254, AGCR Enclave,  
Delhi.
5. Ms. Rashmi Bharana  
House No. 146, 1<sup>st</sup> Floor,  
Sarvodaya Enclave,  
New Delhi – 110017.
6. Mr. Sanjay Chawla  
1303, Amber Court-I,  
Essel Tower,  
M.G. Road, Gurgaon,  
Haryana – 122001.
7. Ms. Manisha Bharana  
House No. C-146, 1<sup>st</sup> Floor,  
Sarvodaya Enclave,  
New Delhi – 110017.

.....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. Rajesh Ranjan, Advocate with Mr. Neeraj Matta, Advocate i/b  
Corporate Law Partners for Appellants.

Mr. Mustafa Doctor, Senior Advocate with Mr. Pulkit Sukhramani and  
Ms. Vidhi Jhavar, Advocates i/b The Law Point for the Respondent.

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

Per : Justice J.P. Devadhar (Oral)

1. The affidavit (dated 06.12.2017) tendered in the Court on behalf of appellants is taken on record and the appeal is heard on the footing that the contents of the said affidavit are denied by Securities and Exchange Board of India ('SEBI' for short).

2. This appeal is filed to challenge the order passed by the Whole Time Member ('WTM' for short) of SEBI on October 7, 2015. By the said order, the appellants are, inter alia, directed to abstain from collecting any money from the investors under the schemes which are identified by SEBI as Collective Investment Schemes ('CIS') and restrained from accessing the securities market for the period as more particularly set out therein. Moreover, the appellants are also directed to wind up the schemes identified as CIS and refund the monies collected under those schemes.

3. Counsel for the appellants submit that without prejudice to the contention of the appellants that the schemes floated by the appellant no. 1 company do not constitute CIS, the appellant no. 1 company has partly paid the amount to the investors collected under the scheme and the appellants are ready and willing to pay the balance amount to the investors as per the schemes floated by the appellants.

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

5. Since appellants are willing to comply with the impugned order by refunding the entire amount collected, without going into the merits of the

argument as to whether the schemes floated by the appellant no. 1 constituted CIS or not, we dispose of the appeal by permitting the appellants to make a representation to SEBI within a period of eight weeks from today setting in detail the name and the quantum of amount already refunded and the mode and the manner in which the balance amount would be refunded.

6. If the appellants make a representation within a period of 8 weeks from today, then, SEBI shall consider the said representation and pass appropriate order thereon. If the appellants fail to make representation within a period of 8 weeks from today, then SEBI is at liberty to implement the impugned order.

7. Appellants shall furnish list of their assets to SEBI within a period of 8 weeks from today. Appellants shall also furnish any other information / documents that may be demanded by SEBI.

8. 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

07.12.2017

Prepared and compared by:msb