

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date: 6.7.2018

Misc. Application No.180 of 2018
In
Appeal No.356 of 2015

1. PVP Ventures Ltd.
KRM Centre, 9th Floor,
No.2, Harrington Road, Chetpet,
Chennai – 600 031.

2. Prasad V. Potluri
KRM Centre, 9th Floor,
No.2, Harrington Road, Chetpet,
Chennai – 600 031.

...Appellants

Versus

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

...Respondent

With
Misc. Application No.181 of 2018
In
Appeal No.357 of 2015

1. PVP Global Ventures Ltd.
(Earlier PVP Energy Private Limited)
Plot No.83 & 84,
Punnaiah Plaza Road No.2,
Banjara Hills, Hyderabad – 500 034.

2. Prasad V. Potluri
Plot No.83 & 84,
Punnaiah Plaza Road No.2,
Banjara Hills, Hyderabad – 500 034.

...Appellants

Versus

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

...Respondent

Mr. Ravichandra Hegde, Advocate with Ms. Stuti Shah, Advocate i/b. J. Sagar Associates for the Appellant.

Mr. Rafique Dada, Senior Advocate with Mr. Nikhil Ratti Kapoor, Ms. Vidhi Jhavar and Mr. Pulkit Sukhramani, 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. By these two Misc. Applications appellants seek stay of the order passed by this Tribunal on June 20, 2018. By that order this Tribunal has partially upheld the penalty imposed on the appellants by SEBI. The appellants seek stay of the above order with a view to enable them to move the Apex Court.

2. Counsel for SEBI objects to the stay being granted in the peculiar facts of present case.

3. With a view to secure the penalty amount, appellants have tendered an affidavit along with title deeds of immovable properties valued at Rs.21.23 crores belonging to the subsidiaries of the appellant companies together with the share certificates of the subsidiary companies held by the appellant companies. In the affidavit, appellants have stated that they would like to file appeal before the Apex Court against the decision of this Tribunal and till the disposal of the appeal likely to be filed before the Apex Court the appellants shall not dispose of their shareholdings in the subsidiary companies. Similarly, resolution passed by the Board of Directors of the subsidiary companies agreeing to offer the said properties as security towards the penalty amount and that they shall not dispose of the said properties so long as those properties are kept as security towards the penalty imposed by SEBI, are also set out in the affidavit.

4. In these circumstances, we grant stay of the impugned order for six weeks from today subject to the appellants depositing with SEBI, title deeds of the immovable properties belonging to their subsidiary companies with an intent to create equitable mortgage for securing the penalty and interest, if any, during the course of the day. Appellants shall also deposit with SEBI during the course of the day, shares of the subsidiary companies held by the appellants.

5. It is made clear that if the appellants fail to move the Apex Court within a period of 6 weeks from today then the stay will come to an end and SEBI would be at liberty to take appropriate action in accordance with law to recover the penalty amount with interest if any.

6. Both Misc. Applications are disposed of on the aforesaid terms with no order as to costs.

Sd/-
Justice J. P. Devadhar
Presiding Officer

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

6.7.2018

Prepared and compared by
RHN