

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date of Decision : 06.04.2018

**Misc. Application No. 340 of 2015
And
Appeal No. 431 of 2015**

Colonel Krishna Kumar Singh
H. No. 622, 2nd Floor,
Skylark Apartments, Plot No. 35,
Sector No. 6, Dwarka,
New Delhi – 110 075.

...Appellant

Versus

1. Securities and Exchange Board of India
Assistant General Manager,
Northern Regional Office,
5th Floor, Bank of Baroda Building,
16, Sansad Marg,
Mumbai – 110 001.

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

...Respondents

Mr. Pravin Gole, Advocate with Ms. Meena Kshirsagar, Advocate for the Appellant.

Mr. Kumar Desai, 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
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' for short) of Securities and Exchange Board of India ('SEBI' for short) on August 14, 2015.

2. Basic grievance of the appellant is that the impugned order is passed without issuing a Show Cause Notice ('SCN' for short) to the appellant.
3. Counsel for SEBI fairly states that in the present case SCN was not issued to the appellant because he is the current director of the company.
4. In our opinion, even a current director is entitled to receive a SCN before any order could be passed against him.
5. In this view of the matter, impugned order is quashed and set aside qua the appellant with liberty to the SEBI to issue SCN to the appellant, if deemed fit.
6. Appeal is disposed of in the above terms with no order as to costs.
7. In view of the disposal of the appeal, the Misc. Application No. 340 of 2015 becomes infructuous and is disposed of accordingly with no order as to costs.

Sd/-
Justice J.P. Devadhar
Presiding Officer

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

06.04.2018

Prepared and compared by:msb