

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date : 05.03.2018

**Misc. Application No. 14 of 2018
And
Appeal No. 14 of 2018**

Konark Commerce & Industries Ltd.
6 & 6/3, Shashi Shekhar Bose Road,
Kolkata – 700025.

...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101.

...Respondents

**With
Misc. Application No. 15 of 2018
And
Appeal No. 15 of 2018**

Shardaraj Tradefin Ltd.
1, Crooked Lane, 1st Floor,
Room No. 109, Kolkata – 700069.

...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,

Bandra (E), Mumbai – 400 051.

3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 16 of 2018
And
Appeal No. 16 of 2018**

- Suryamukhi Projects Pvt. Ltd.
1A, Grant Lane, Kolkata – 700 012. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 17 of 2018
And
Appeal No. 17 of 2018**

- Blue Print Securities Ltd.
1, Crooked Lane, R. No. 109,
1st Floor, Kolkata – 700069. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,

Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 18 of 2018
And
Appeal No. 18 of 2018**

Sunshine Housecon Ltd.
1, Crooked Lane, R. No. 109,
1st Floor, Kolkata – 700069. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 19 of 2018
And
Appeal No. 19 of 2018**

Mangalmayee Hirise Pvt. Ltd.
1A, Grant Lane, Kolkata – 700 012. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India

SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 20 of 2018
And
Appeal No. 20 of 2018**

Makesworth Project & Developers Pvt. Ltd.
B-10/4, Karunamoyee Housing Estate, Salt Lake City,
Kolkata – 700091, West Bengal. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 21 of 2018
And
Appeal No. 21 of 2018**

Shirdhan Jewellery Pvt. Ltd.
1A, Grant Lane, Kolkata – 700 012, West Bengal. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 22 of 2018
And
Appeal No. 22 of 2018**

Growfast Realtors Pvt. Ltd.
58, N. N. Road, Hind Colony,
Basu Villa, 1st Floor, Kolkata – 700028. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 23 of 2018
And
Appeal No. 23 of 2018**

Silicon Hotel Pvt. Ltd.
House No. 44, Ward No. 40,
Kotra Road, Hirapur Raigarh- 496001,
Chhattisgarh. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,

Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 24 of 2018
And
Appeal No. 24 of 2018**

Pushpanjali Hirise Pvt. Ltd.
1A, Grant Lane, Room No. 114,
Kolkata- 700012. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 25 of 2018
And
Appeal No. 25 of 2018**

Alishan Estates Pvt. Ltd.
212, Martin Burn, 2nd Floor,
1, R. N. Mukherjee Road, Kolkata 700001. ...Appellant

Versus

1. Adjudicating Officer,

Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101.

...Respondents

**With
Misc. Application No. 26 of 2018
And
Appeal No. 26 of 2018**

Neelkamal Dealcom Pvt. Ltd.
10A, Hospital Street, Room No. 205, 2nd Floor,
Kolkata – 700072, West Bengal.

...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101.

...Respondents

**With
Misc. Application No. 27 of 2018
And
Appeal No. 27 of 2018**

Pulak Bagchi
Sagarika Apptt, Block-AB-3, 15,
Old G. T. Road, Bally, Howrah- 711201.

...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh, Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 28 of 2018
And
Appeal No. 28 of 2018**

Neeraj Kedia
12, Pementile Street, Kolkata – 700016. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 29 of 2018
And
Appeal No. 29 of 2018**

Pramod Ramdin Sharma
AB-40, Prafulla Kanan (W),
Krishnapur, Kolkata – 700059. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 30 of 2018
And
Appeal No. 30 of 2018**

Bajrang Kumar Sultania
1, Crooked Lane, Room No. 109, Kolkata – 700069. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 31 of 2018
And
Appeal No. 31 of 2018**

Ajay Kumar Agarwal
6 & 6/3, Shashi Shekhar Bose Road, Kolkata – 700025. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 32 of 2018
And
Appeal No. 32 of 2018**

Raj Narain Pandey
87, Shri Krishna Nagar, Shrirampur, Hooghly – 712205. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

**With
Misc. Application No. 33 of 2018
And
Appeal No. 33 of 2018**

Umesh Singh
10/1, Alipore Park Place, Kolkata – 700027. ...Appellant

Versus

1. Adjudicating Officer,
Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
2. Securities and Exchange Board of India
SEBI Bhavan, C-4A, G-Block,
Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.
3. Brooks Laboratories Ltd.
Village Kishanpura, Nalagarh Road,
Buddi Nalagarh,
Himachal Pradesh 174101. ...Respondents

Mr. Kuldip Mallik, Advocate with Mr. A. K. Upadhyay, Advocate i/b U. S. & Co. for the Appellant.

Mr. Shyam Mehta, Senior Advocate with Mr. Mihir Mody and Mr. Nishant Upadhyay, Advocates i/b K. Ashar & Co. for Respondent Nos. 1 and 2.

Mr. Vinay Chauhan, Advocate with Mr. K. C. Jacob, Advocate i/b Corporate Law Chambers India for Respondent No. 3.

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

Per : Justice J. P. Devadhar (Oral)

1. After arguing these appeals for some time, counsel for the appellants sought permission to withdraw these appeals as also the Misc. Applications with liberty to file fresh appeals and fresh Misc. Applications by incorporating additional grounds and additional documents which according to the counsel were inadvertently not annexed to the appeals.

2. It is relevant to note that these appeals were partly heard on February 28, 2018 and again heard today extensively. Seeking permission to withdraw these appeals as also the Misc. Applications at this belated stage is wholly unjustified. However, in the interest of justice, we permit withdrawal of these appeals as also the Misc. applications with liberty to

file fresh appeals as also Misc. Applications subject to payment of costs of Rs. 25,000/- to be paid by each appellant to SEBI within a period of two weeks from today.

3. Fresh appeals with Misc. Applications, if any, be filed within a period of three weeks from today. If fresh appeals with Misc. Applications are filed within a period of three weeks from today and costs are paid within two weeks from today, then the court fees paid on these appeals shall be adjusted toward the court fees payable on the fresh appeals that may be filed by the appellants.

4. All the appeals are disposed of in the aforesaid terms.

Sd/-
Justice J. P. Devadhar
Presiding Officer

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

05.03.2018
Prepared & Compared by
PTM