

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date : 21.08.2020

**Misc. Application No. 249 of 2020
(Stay Application)
And
Misc. Application No. 250 of 2020
(Selling of applicants holding in
demat account)
And
Appeal Lodging No. 254 of 2020**

Indivar Traders Pvt. Ltd.

..... Appellant

Versus

Securities and Exchange Board of India

... Respondent

Mr. J. J. Bhatt, Advocate with Ms. Rinku Valanju, Ms. Hiral Shah,
Advocates i/b R V Legal for the Appellant.

Mr. Anubhav Ghosh, Advocate i/b The Law Point for the
Respondent.

ORDER :

1. The present appeal has been filed against the impugned order dated July 30, 2020 restraining the appellant from accessing the securities market for a period of six months. The appellant has also been restrained from liquidating its shares which are lying in the demat accounts.

2. One of the grounds urged is that no notice was served upon him nor any opportunity of hearing was given. In the light of the aforesaid, we direct the respondent to file a reply within three weeks from today. Two weeks thereafter to the appellant to file rejoinder. The matter would be listed for admission and for final disposal on October 5, 2020.

3. A prayer has been made in Misc. Application No. 250 of 2020 that the appellant may be allowed to liquidate the shares which are lying in the demat accounts especially when there is no order of disgorgement or penalty against the appellant. Since there is only an order of debarment and there is no order of disgorgement or penalty, we are of the opinion that the appellant should be permitted to liquidate its shares which are lying in the demat accounts. We accordingly direct the respondent to permit the appellant to liquidate its shares which are lying in the demat accounts as depicted in 'Annexure A' of the Misc. Application within three months from today. Misc. Application is accordingly disposed of.

4. Parties will seek instructions from the Registrar 48 hrs. before the date fixed on the issue whether the parties will be heard through physical hearing or by video conference depending upon the prevailing situation on that time.

5. The present matter was heard through video conference due to Covid-19 pandemic. At this stage it is not possible to sign a copy of this order nor a certified copy of this order could be issued by the Registry. In these circumstances, this order will be digitally signed by the Presiding Officer on behalf of the bench and all concerned parties are directed to act on the digitally signed copy of this order. Parties will act on production of a digitally signed copy sent by fax and/or email.

Justice Tarun Agarwala
Presiding Officer

Dr. C. K. G. Nair
Member

Justice M. T. Joshi
Judicial Member

21.08.2020
PTM