

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date : 18.11.2020

**Misc. Application No. 397 of 2020
(Urgent Application)**

And

**Misc. Application No. 398 of 2020
(Delay Application)**

And

Appeal (L) No. 388 of 2020

Mohit KarkeraAppellant

Versus

Securities and Exchange Board of India ...Respondent

Mr. Manish Chhangani, Advocate i/b Khaitan & Co. for the Appellant.

Mr. Mihir Mody, Advocate with Mr. Shehaab Roshan and Mr. Arnav Misra, Advocates i/b K Ashar & Co. for the Respondent.

ORDER:

1. We have heard Shri Manish Chhangani, the learned counsel for the appellant and Shri Mihir Mody, the learned counsel for the respondent through video conference.

2. The urgency application is allowed. There is a delay of 45 days in filing the appeal. For the reasons stated in the application, the delay is condoned. The application is allowed.

3. The appellant contends that he is a Relationship Manager in HDFC Asset Management Company Limited. By the impugned order dated July 8, 2020 passed by the Whole Time Member of Securities and Exchange Board of India he has been debarred from accessing the securities market for a period of 7 years. The only finding against him is that he acted as a conduit for his mother who is the main person for receiving misappropriated shares / dividends.

4. The contention of the appellant is that he had no role to play and the bank account in question was opened by his mother when he was a minor. Further, all transactions from this account has been carried out by his mother without his knowledge.

5. We also made a query as to whether the appellant is a signatory in the bank account. Neither the appellant nor the respondent could answer this fact.

6. In the light of the aforesaid, let a reply be filed within a week and rejoinder may be filed within 3 days. The matter would be listed on November 26, 2020.

7. Considering the aforesaid, we direct that the effect and operation of the impugned order insofar as it relates to the appellant shall not be given effect to.

8. Parties are directed to take instructions from the Registrar 48 hours before the date fixed in order to find out as to whether the matter would be taken up for hearing through video conference or through physical hearing.

9. 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

18.11.2020
msb