

BEFORE THE SECURITIES APPELLATE TRIBUNAL  
MUMBAI

**Order Reserved on : 18.07.2022**

**Date of Decision : 20.07.2022**

**Misc. Application No. 4 of 2022**  
**And**  
**Misc. Application No. 46 of 2022**  
**And**  
**Appeal No. 672 of 2021**

Joindre Commodities Ltd.  
32, Raja Bahadur Mansion,  
Gr. Floor, Opp. Bank of Maharashtra,  
Mumbai Samachar Marg,  
Mumbai – 400 023.

...Appellant

Versus

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

...Respondent

Mr. Trushar Bhavsar, Advocate with Mr. A. P. Shukla,  
President of the Company for the Appellant.

Mr. Shyam Mehta, Senior Advocate with Mr. Mihir Mody and  
Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for the  
Respondent.

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar  
and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates  
Advocates for the Intervener.

**WITH**  
**Misc. Application No. 50 of 2022**  
**And**  
**Appeal No. 708 of 2021**

Pragya Commodity Brokers Pvt. Ltd.  
 227/228, Kailas Plaza,  
 2<sup>nd</sup> Floor, V.B. Lane,  
 Ghatkopar (E),  
 Mumbai – 400 075. ...Appellant

Versus

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

Mr. Prakash Shah, Advocate with CA Kushal Shah i/b Prakash Shah & Associates for the Appellant.

Mr. Suraj Chaudhary, Advocate with Mihir Mody, Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for the Respondent.

**WITH**  
**Misc. Application No. 88 of 2022**  
**And**  
**Appeal No. 751 of 2021**

Investsmart Commodities Limited  
 307-A, Shree Vardhan Complex,  
 4 RNT Marg,  
 Indore ...Appellant

Versus

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

Mr. Kunal Kataria, Advocate with Ms. Aparna Wagle and Ms. Siddhi Somani, Advocates i/b. Alliance Law for the Appellant.

Mr. Suraj Chaudhary, Advocate with Mihir Mody, Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for the Respondent.

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates Advocates for the Intervener.

**WITH**  
**Misc. Application No. 89 of 2022**  
**And**  
**Appeal No. 756 of 2021**

Camco Commodities Pvt. Ltd.  
Sangam Ashram 10-A,  
Under Hill Lane,  
Civil Lines,  
Delhi – 110 054.

...Appellant

Versus

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

...Respondent

Mr. Prakash Shah, Advocate with CA Kushal Shah i/b Prakash Shah & Associates for the Appellant.

Mr. Suraj Chaudhary, Advocate with Mihir Mody, Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for the Respondent.

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates Advocates for the Intervener.

**WITH**  
**Appeal No. 18 of 2022**

Ashika Commodities and Derivatives Pvt. Ltd.  
Trinity, 226/1,  
A.J.C. Bose Road,  
7<sup>th</sup> Floor, Kolkata – 700 020. ...Appellant

Versus

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

Mr. Prakash Shah, Advocate with CA Kushal Shah i/b Prakash Shah & Associates for the Appellant.

Mr. Suraj Chaudhary, Advocate with Mihir Mody, Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for the Respondent.

**WITH**  
**Appeal No. 4 of 2022**

Paterson Commodities Private Limited  
Bhavani Mansion,  
No. 3, 4<sup>th</sup> Lane,  
Nungambakkam High Road,  
Chennai – 600 034. ...Appellant

Versus

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

Mr. Prakash Shah, Advocate with CA Kushal Shah i/b Prakash Shah & Associates for the Appellant.

Mr. Suraj Chaudhary, Advocate with Mihir Mody, Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for the Respondent.

**WITH  
Appeal No. 8 of 2022**

Aasmaa Securities Pvt. Ltd.  
Merged with Aasmaa Commodities Pvt. Ltd.  
6-3-906/B, 2<sup>nd</sup> Floor,  
Somajiguda,  
Hyderabad – 500 082. ...Appellant

Versus

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

Mr. Prakash Shah, Advocate with CA Kushal Shah i/b Prakash Shah & Associates for the Appellant.

Mr. Suraj Chaudhary, Advocate with Mihir Mody, Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for the Respondent.

**WITH  
Misc. Application No. 255 of 2022  
And  
Misc. Application No. 256 of 2022  
And  
Misc. Application No. 446 of 2022  
And  
Appeal No. 169 of 2022**

K R Choksey Commodity Brokers Pvt. Ltd.  
5<sup>th</sup> Floor, Abhishek Building,  
Beside Monginis Cake Factory,  
Off New Link Road, Andheri (West),  
Mumbai – 400 053. ...Appellant

Versus

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

Mr. Prakash Shah, Advocate with CA Kushal Shah i/b Prakash Shah & Associates for the Appellant.

Mr. Suraj Surjit Chaudhary, Advocate with Mr. Abhishek Khare and Mr. Sharvil Kala, Advocates i/b Khare Legal Chambers for the Respondent SEBI.

**WITH**  
**Misc. Application No. 501 of 2022**  
**And**  
**Misc. Application No. 662 of 2022**  
**And**  
**Appeal No. 382 of 2022**

National Spot Exchange Limited  
Malkani Chambers, 1<sup>st</sup> Floor,  
Off. Nehru Road,  
Near Hotel Orchid, Vile Parle,  
Mumbai – 400 099.

...Appellant

Versus

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

2. Investsmart Commodities Limited  
307-A, Shree Vardhan Complex,  
4 RNT Marg,  
Indore – 452 001.

...Respondents

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates Advocates for the Appellant.

Mr. Mihir Mody, Advocate with Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for Respondent No. 1.

**WITH**  
**Misc. Application No. 502 of 2022**  
**And**  
**Misc. Application No. 663 of 2022**  
**And**  
**Appeal No. 383 of 2022**

National Spot Exchange Limited  
Malkani Chambers, 1<sup>st</sup> Floor,  
Off. Nehru Road,  
Near Hotel Orchid, Vile Parle,  
Mumbai – 400 099.

...Appellant

Versus

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

2. Joindre Commodities Limited  
29-32, 3<sup>rd</sup> Floor,  
9/15, Bansilal Building,  
Homi Modi Street, Fort,  
Mumbai – 400 023.

...Respondents

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates Advocates for the Appellant.

Mr. Suraj Chaudhary, Advocate with Mr. Mihir Mody and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for Respondent No. 1.

Mr. Trushar Bhavsar, Advocate with Mr. A. P. Shukla, President of the Company for Respondent No. 2.

**WITH**  
**Misc. Application No. 503 of 2022**  
**And**  
**Misc. Application No. 664 of 2022**  
**And**  
**Appeal No. 384 of 2022**

National Spot Exchange Limited  
 Malkani Chambers, 1<sup>st</sup> Floor,  
 Off. Nehru Road,  
 Near Hotel Orchid, Vile Parle,  
 Mumbai – 400 099.

...Appellant

Versus

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

2. Camco Commodities Private Limited  
 10-A, Underhill Lane,  
 Civil Lines,  
 Delhi – 110 054.

...Respondents

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar  
 and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates  
 Advocates for the Appellant.

Mr. Mihir Mody, Advocate with Mr. Arnav Misra and  
 Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for  
 Respondent No. 1.

**WITH**  
**Misc. Application No. 504 of 2022**  
**And**  
**Misc. Application No. 665 of 2022**  
**And**  
**Appeal No. 385 of 2022**

National Spot Exchange Limited  
 Malkani Chambers, 1<sup>st</sup> Floor,  
 Off. Nehru Road,  
 Near Hotel Orchid, Vile Parle,  
 Mumbai – 400 099.

...Appellant

Versus



1. Securities and Exchange Board of India,  
SEBI Bhavan, Plot No. C-4A, G-Block,  
Bandra-Kurla Complex, Bandra (East),  
Mumbai – 400 051.
2. Ashika Commodities and Derivatives  
Pvt. Ltd.  
Trinity, 226/1, A.J.C. Bose Road,  
7<sup>th</sup> Floor, Kolkata – 700 020. ...Respondents

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates Advocates for the Appellant.

Mr. Mihir Mody, Advocate with Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for Respondent No. 1.

**AND**  
**Misc. Application No. 505 of 2022**  
**And**  
**Misc. Application No. 666 of 2022**  
**And**  
**Appeal No. 386 of 2022**

National Spot Exchange Limited  
Malkani Chambers, 1<sup>st</sup> Floor,  
Off. Nehru Road,  
Near Hotel Orchid, Vile Parle,  
Mumbai – 400 099. ...Appellant

Versus

1. Securities and Exchange Board of India,  
SEBI Bhavan, Plot No. C-4A, G-Block,  
Bandra-Kurla Complex, Bandra (East),  
Mumbai – 400 051.
2. M/s Aasmaa Commodities Pvt. Ltd.  
Flat#401/A&B, 4<sup>th</sup> Floor,  
Astral Heights Complex,  
Municipal No. 6-3-352/2&3,  
Road No. 1, Banjara Hills,  
Hyderabad, Telangana – 500 034. ...Respondents

Mr. Melvyn Fernandes, Advocate with Ms. Supriya Majumdar and Mr. Saurabhsai Ganesan, Advocates i/b Vaish Associates Advocates for the Appellant.

Mr. Mihir Mody, Advocate with Mr. Arnav Misra and Mr. Mayur Jaisingh, Advocates i/b. K Ashar & Co. for Respondent No. 1.

CORAM : Justice Tarun Agarwala, Presiding Officer  
Justice M.T. Joshi, Judicial Member  
Ms. Meera Swarup, Technical Member

Per : Justice Tarun Agarwala, Presiding Officer

1. Even though different orders have been passed by the Whole Time Member ('WTM' for short) of the Securities and Exchange Board of India ('SEBI' for short) against the commodity brokers, the facts and issue raised is common and, therefore, all the appeals are being decided together.

2. Eight appeals have been filed by eight different brokers whereby their applications for registration as a commodity broker under the Securities and Exchange Board of India (Intermediaries) regulations, 2008 ('Intermediaries Regulations' for short) has been rejected on the ground that the appellant is not a 'fit and proper person' to hold a registration certificate.

Even though National Spot Exchange Limited ('NSEL' for short) is not a party in these proceedings, nonetheless, five appeals have been filed against five orders praying that the *ex parte* observation / findings made against the NSEL in the impugned orders should be expunged. NSEL has also filed intervention applications in the appeals filed by the commodity brokers praying for the same reliefs.

3. We have heard Mr. Trushar Bhavsar, Mr. Prakash Shah, Mr. Kunal Katariya and Mr. Melvyn Fernandes, the learned counsel for the appellant in respective appeals and Mr. Shyam Mehta, the learned senior counsel, Mr. Suraj Chaudhary, Mr. Mihir Mody, Mr. Arnav Misra and Mr. Mayur Jaisingh, the learned counsel for the respondent.

4. Upon hearing the learned counsel for the parties, we find that the controversy involved in the present appeals is squarely covered by a decision of this Tribunal dated June 9, 2022 passed in *Geofin Comtrade Ltd. vs Securities and Exchange Board of India, Appeal no. 214 of 2019* and other connected companion appeals.

5. Thus, for the reasons stated in our order dated June 9, 2022 in Appeal no. 214 of 2022 and other connected companion appeals, the impugned orders passed by the WTM against the brokers / appellants in the present appeals cannot be sustained and are quashed. The appeals of the brokers are allowed. The matters are remitted to the WTM to decide the matter afresh in the light of the observation made in our order dated June 9, 2022 in accordance with law after giving an opportunity of hearing to the brokers. All issues raised by the brokers will remain open for them to be raised before the WTM. The appeals of NSEL are also allowed. The adverse observations / findings against NSEL in the impugned orders are expunged and will not be utilized against NSEL in any court of law or before any authority. All the miscellaneous applications are accordingly disposed of.

6. In the circumstances of the case, parties shall bear their own costs.

7. This order will be digitally signed by the Private Secretary on behalf of the bench and all concerned parties are directed to act on the digitally signed copy of this order. Certified copy of

this order is also available from the Registry on payment of usual charges.

Justice Tarun Agarwala  
Presiding Officer

Justice M.T. Joshi  
Judicial Member

Ms. Meera Swarup  
Technical Member

20.07.2022  
msb