

BEFORE THE SECURITIES AND EXCHANGE BOARD OF INDIA

CORAM: MADHABI PURI BUCH, WHOLE TIME MEMBER

INTERIM ORDER

**Under Sections 11, 11(4), 11B and 11D of the Securities and Exchange Board of India Act,
1992**

**In Re: Violation of provisions of Securities and Exchange Board of India (Prohibition of
Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003
and Securities and Exchange Board of India (Investment Advisers) Regulations, 2013**

In respect of:

Sr. No.	Name of the Entities	PAN
1	Proficient Global Research through its Proprietor Mr. Abhishek Suryawanshi	GGGPS2334H

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1. Securities and Exchange Board of India (“SEBI”) received a complaint against M/s. Proficient Global Research (hereinafter referred to as ‘**Proficient Global**’), that the entity is *inter-alia*, alleged to be involved in unregistered investment advisory services/Portfolio Management Services and assures profit/return on the investment amount.

SEBI’s Examination:

2. In view of the complaint received, SEBI carried out a preliminary examination to ascertain whether unregistered investment advisory activities are being carried out by the firm. To that end the website of the firm, www.proficientglobalresearch.com and particulars of its bank accounts were perused to gather information. The aforesaid website of the firm is no longer active hence, the archive pages of the website were retrieved from www.web.archive.org. The print outs of web pages of the firm’s website have been placed on record.

2.1 The entity is not registered with SEBI

2.2 From the details available about the webpages of the website, it is observed that Proficient Global is offering packages such as Stock tips, Future Tips, Option Call/Put, Equity Premium Combo Pack, Agri Commodity Tips, Forex Tips and Currency tips, etc.

2.3 The particulars of the bank account as mentioned on the website shows that the Proficient Global has Bank Account with ICICI Bank Ltd., bearing Account No- 051105009871. Further, payments can also be made through e-wallets namely Paytm.

3. Examination of Complaint received against Proficient Global:

- i. As per the complaint received from Trifid Research, a SEBI registered Investment Advisor, it is alleged that an entity named Proficient Global is accepting payments from Trifid Research's Clients in lieu of providing PMS Services. They had enclosed a complaint received from one Mr. Mohinder Kumar.
- ii. In the enclosed complaint of Mr. Mohinder Kumar, it is stated that he was taking investment advisory services from Trifid Research, however, after some time he was contacted by Trifid Research wherein they advised him to subscribe to PMS service of Proficient Global Research.

Trifid Research denied this allegation and filed a complaint with Cyber Cell, Indore against Proficient Global Research *inter alia* stating that "an entity named Proficient Global Research is using their name and has put a weblink of www.TrifidResearch.com on their website. Accordingly, Proficient Global Research is able to lure the clients of Trifid Research to invest in their PMS scheme which has put harm on their goodwill."

- iii. Further, in the complaint of Mr. Mohinder Kumar, it is stated that he gave the entity Rs.2,30,000/- in lieu of receiving PMS Services. He was initially offered to pay Rs.50,000/- to which he was promised Rs.3,00,000/- in return as profit.

4. I have accordingly perused the materials available on record such as complaint, information available on the archived website of Proficient Global and information

obtained from bank, etc. Though the Complainant alleged that the entity offered PMS services, the contents of the archived websites shows services in the nature of investment advisory services. In view of this, an examination of the material available on record has been made in order to verify whether Proficient Global has offered investment advisory services and collected money from various investors without registration from SEBI. In this context, *prima facie*, the following issues arise for determination in the instant matter:

1) Whether Proficient Global is, prima facie, holding itself out and/or acting as an investment adviser?

2) If answer to Issue No. (1) is affirmative, whether Proficient Global has, prima facie, violated any securities laws?

3) If answers to Issue Nos. (1) & (2) are affirmative, who is responsible for the violations?

4) If answers to Issue Nos. (2) is affirmative, whether urgent directions, if any should be issued against those who are responsible for the violations?

Issue No. 1: Whether Proficient Global is, prima facie, holding itself out and/or acting as an investment adviser?

5. As regards the first issue, I note the following from the material available on record:

5.1 As per the information gathered from the archives of website of Proficient Global, the following claims are noted:

“Proficient Global Research is one of the leading Financial and Investment advisory companies in India. ... Proficient Global Research has proved itself as a company that produces; delivers tips and recommendations with high accuracy for Derivatives, Equities, Commodities and Forex Market.

Not only we provide you a reminder alert via SMS but also support you through phone till your positions are open in the market. We focus on every detail of the process and only then come out with the recommendation. We give proper support along with the technical details of entry-level, exit-level, quantity, holding, trend reversals, resistance, support, etc.

Services

“ ...

Stock Tips

- i. *What you Get? Here in daily you will get 3-4 Cash Market Calls Weekly Momentum Calls 1-2 Per Week Follow Ups & All Important News & Information Nifty Review, Resistance & Support World Market, Singapore Nifty.....*

Future Tips

- ii. *What you Get? Daily 3-4 Stock Future Calls with Proper TGT Weekly Momentum Calls 1-2 Per Week Follow Ups & All Important News & Information Nifty Review, Resistance & Support World Market, Singapore Nifty &.....*

Option Call/Put

- iii. *What you Get? Herein we will provide you around 30-35 calls on Derivative Options per month Strategies will be on Nifty and stocks both Follow Ups & All Important News & Information Nifty Review, Resistance....”*

5.2 Payment for these services can be done through ICICI Bank account bearing Number 051105009871.

6. Further, I note the following information gathered from the KYC documents and bank account statements collected from the ICICI Bank :

- i. M/s. Proficient Global is a proprietary concern of Mr. Abhishek Suryawanshi. The address of Mr Abhsihek Suryawanshi is S/o Madhusudan Suryawanshi, Ward No 3, Gangiwada, Chhindwara, Madhya Pradesh – 480001.
- ii. Bank account is receiving continuous credits as per the latest bank statement.

- iii. The total amount mobilized by the entity in ICICI Bank Account no- 051105009871 from the account opening date i.e. January 02, 2018 till January 29, 2020 is Rs.1,76,95,357/-.
- iv. The account statements for the period from January 02, 2018 to January 29, 2020 from ICICI Bank showed last credit entries in the accounts of Proficient Global during the examination period as follows-

Date	Narration	Credit entry
21-01-2020	NEFT-N021201041403853-ABHISHEK SOORYAVANSHEE-TRANS	30000.00
22-01-2020	UPI/002228455009/For trading/vinays1706@ybl/DBS Ba	3500.00
22-01-2020	UPI/002228659253/MO pay/8109360168@ybl/HDFC BANK L	80000.00
23-01-2020	UPI/002368017168/Payment from Ph/7004666758@ybl/St	19800.00

7. From the analysis of account statements during the period January 21, 2020 to January 29, 2020, it has been observed that the entity has been receiving credits continuously.
8. The complainant (Trifid Research) has provided some documents along with the complaint. From the perusal of the said documents, the following have been observed:
 - Complainant (Mr Mohinder Kumar) has provided SMSes received from the Proficient Global Research wherein the following is inter alia stated:

“Buy 10 Lots of Adaniports May Futures @ 389”

“Sell May Fut. 10 Lots Adaniports @ 393.50. Booked profit INR 1,11,500. Ledger Balance INR 4,56,925”

“Buy June MCX Gold 10 Lots @ 31395”

“Sell MCX June Gold 10 Lots @ 31460. Booked profit INR 60,000/- Ledger balance INR 5,16,925/-”.

- Complainant has provided E mail received from Proficient Global wherein the following is inter alia stated:

“Greetings!!! We are delighted to offering you one of our exclusive services known as Portfolio Management Services (PMS) where you will get proper recommendations and follow-ups through SMS, telephonic. Here in details:

Required Capital – INR 50,000/-

Net Return – INR 3,00,000/-

Duration – 90 days

Service Fee – INR 75,000/- (Including GST)

We are happy to inform you can pay our Service Fee from profit through our services.

Your service will expire after INR 3 Lakhs return.

By Initiating our Portfolio Management Services, we require below mentioned KYC Doc's such as Aadhar Card, PAN Card, E Mail ID and Contact Details”

9. From the narration of above mentioned entries as noted from the Bank Statements of Proficient Global and also from the analysis of the nature of services offered by Proficient Global as noted from the archives of its website and e-mail sent to the complainant, I, *prima facie*, observe that Proficient Global has represented as follows:

- a) Proficient Global is an investment advisory firm that provides tips for the stock and commodity markets even though it refers to its services as Portfolio Management Services.
 - b) Proficient Global offers services in investment planning and strategy for consideration assures profit in return.
10. It is, *prima facie*, observed that Proficient Global is placing information in public domain/ advertising by using its website about various services offered by it in the securities market. Further, it is also, *prima facie*, observed that various packages were offered by Proficient Global through its website to avail its services. The reason for availing its services, as

mentioned about its website was that it offers “*profitable advice for the investors*”, “*we try to provide unique services and maximum profits to the customers*”. Currently, though the website of Proficient Global is not active, it is noted from the archives that they offered various tips/services to their clients in the securities market through telephone calls and SMSes. Considering the above facts and circumstances, especially the content of the website of Proficient Global coupled with the credit transactions in the Bank Account of Proficient Global as detailed in the preceding paragraphs, *prima facie*, it is inferred that the fees/ funds credited to the Bank Accounts, were for the purpose of providing the services indicated on the website of Proficient Global.

11. In this factual context, I have perused the definition of Investment Adviser as given in Regulation 2(m) of the IA Regulations, which states that Investment Adviser means “*any person, who for consideration, is engaged in the business of providing investment advice to clients or other persons or group of persons and includes any person who holds out himself as an investment adviser, by whatever name called*”. Further, I have perused Regulation 2(l) of the IA Regulations which defines Investment Advice as “*advice relating to investing in, purchasing, selling or otherwise dealing in securities or investment products, and advice on investment portfolio containing securities or investment products, whether written, oral or through any other means of communication for the benefit of the client and shall include financial planning.*”
12. In light of the aforesaid definitions, it is observed that the firm through its website *prima facie* offered investment advice as defined under regulation 2(l) of IA Regulations by giving advice related to investing in, purchasing and selling in securities and is also offering various investment packages for subscription. As noted already the Complainant (Mr Mohinder Kumar) has provided SMSes received from the Proficient Global Research. Further, as noted from the bank account mentioned about its website that there are multiple credit entries which when seen together with the contents of the website leads to a *prima facie* conclusion that the credit entries in the bank account is towards consideration for the investment advice

given by the firm to its clients. Thus, *prima facie*, firm is an investment adviser as defined under regulation 2 (m) of IA Regulations.

13. Therefore, the activity of the firm by virtue of its website contents is holding itself to be giving trading tips, stock specific recommendations, etc., to the investors and general public. The fact that email sent to the complainant and the screen shots of contents of investment advice provided to the complainant and the receipt of money in the bank statements, *prima facie*, shows, on preponderance of probability, that the credit for payment of fees is in fact meant for the advisory services was also rendered by the firm. Therefore, the Proficient Global has not only held itself out as an investment adviser but has also acted as an investment adviser for consideration.

Issue No.2: If answer to Issue No. (1) is affirmative, whether Proficient Global has, *prima facie*, violated any securities laws?

14. Before proceeding further, I would like to refer to the relevant provisions of securities laws which are Sections 12A (a), (b), (c) of Securities and Exchange Board of India Act, 1992 (hereinafter referred to as “**SEBI Act**”) and regulations 3 (a), (b), (c), (d) and regulations 4(1) and 4(2)(k) of SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 (hereinafter referred to as “**PFUTP Regulations**”). The text of the aforesaid provisions is reproduced below:

SEBI Act

Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control

Section 12A: No person shall directly or indirectly:

(a) use or employ, in connection with the issue, purchase or sale of any securities listed or proposed to be listed on a recognized stock exchange, any manipulative or deceptive device or contrivance in contravention of the provisions of this Act or the rules or the regulations made thereunder;

(b) employ any device, scheme or artifice to defraud in connection with issue or dealing in securities which are listed or proposed to be listed on a recognised stock exchange;

(c) engage in any act, practice, course of business which operates or would operate as fraud or deceit upon any person, in connection with the issue, dealing in securities which are listed or proposed to be listed on a recognised stock exchange, in contravention of the provisions of this Act or the rules or the regulations made thereunder;

PFUTP Regulations

Regulation 3. Prohibition of certain dealings in securities

No person shall directly or indirectly-

(a) buy, sell or otherwise deal in securities in a fraudulent manner;

(b) use or employ, in connection with issue, purchase or sale of any security listed or proposed to be listed in a recognized stock exchange, any manipulative or deceptive device or contrivance in contravention of the provisions of the Act or the rules or the regulations made there under;

(c) employ any device, scheme or artifice to defraud in connection with dealing in or issue of securities which are listed or proposed to be listed on a recognized stock exchange;

(d) engage in any act, practice, course of business which operates or would operate as fraud or deceit upon any person in connection with any dealing in or issue of securities which are listed or proposed to be listed on a recognized stock exchange in contravention of the provisions of the Act or the rules and the regulations made there under.

4. Prohibition of manipulative, fraudulent and unfair trade practices

(1) Without prejudice to the provisions of regulation 3, no person shall indulge in a fraudulent or an unfair trade practice in securities.

(2) Dealing in securities shall be deemed to be a fraudulent or an unfair trade practice if it involves fraud and may include all or any of the following, namely:-

...

(k) disseminating information or advice through any media, whether physical or digital, which the disseminator knows to be false or misleading and which is designed or likely to influence the decision of investors dealing in securities”.

15. Further, in order to ensure that the investors who receive investment advice are protected, it is imperative that any person carrying out investment advisory activities has to necessarily obtain registration from SEBI and conduct its activities in accordance

with the provisions of SEBI Regulations. Section 12(1) of the Securities and Exchange Board of India Act, 1992 (“**SEBI Act**”) reads as under:

*“No stock broker, sub-broker, share transfer agent, banker to an issue, trustee of trust deed, registrar to an issue, merchant banker, underwriter, portfolio manager, **investment adviser** and **such other intermediary** who may be associated with securities market shall buy, sell or deal in securities except under, and in accordance with, **the conditions of a certificate of registration obtained from the Board** in accordance with the regulations made under this Act.”*

Further, as per Regulation 3(1) of the SEBI (Investment Advisers) Regulations, 2013 (hereinafter referred to as the IA Regulations), the registration of the investment advisers is mandatory. It provides that, *“On and from the commencement of these regulations, no person shall act as an investment adviser or hold itself out as an investment adviser unless he has obtained a certificate of registration from the Board under these regulations”*.

16. The activities of Proficient Global through its sole proprietor Abhishek Suryavanshi, as brought out from the various materials described above, seen in the backdrop of the aforesaid provisions show that Proficient Global is holding itself out and acting as an investment adviser. However, no material is available on record to indicate that Proficient Global is having a certificate of registration as investment adviser . In this context, it is noted that Proficient Global is not registered with SEBI in the capacity of Investment Advisor and the characteristics and features of the business activity carried out by it, as discussed in the preceding issue, *prima facie*, leads to the conclusion that Proficient Global is holding itself out and acting as an investment adviser without a certificate of registration.
17. In my view, these activities/ representations are in violation of various provisions of the IA Regulations. Thus, the activities of Proficient Global is, *prima facie*, in violation of Section 12(1) of SEBI Act read with Regulation 3(1) of the IA Regulations.

18. In my view, an unregistered investment advisor like Proficient Global can put investors at great risk by misleading them. Without having a registered investment advisor certificate, Proficient Global is holding itself out as an investment advisor and offers services through its website to investors with the objective of making money / collecting fees through subscriptions. From the details of complaint also it is noted that investors are lured by the assured return of profit offered by the entity. The firm has claimed the following:

“Required Capital – INR 50,000/-

Net Return – INR 3,00,000/-

Duration – 90 days

Service Fee – INR 75,000/- (Including GST)

We are happy to inform you can pay our Service Fee from profit through our services.

Your service will expire after INR 3 Lakhs return”.

Thus, by making the aforesaid claims, Proficient Global is inducing investors to deal in securities by availing its services. Such modus operandi is being continuously used by Proficient Global which is evident from the fact that there are continuous credits in its bank accounts.

19. It is also *prima facie* observed that the conduct of the firm in claiming “assured returns” for client’s money, is an active concealment of the material fact that every investment in the market is subject to market risk and any investment made by the client can also run into losses and even become zero. Considering the dynamics of the market, the returns from the investment in the market are unpredictable, no matter how much and for how long the investment is made. Any information that puts out for the consumption of its existing and prospective clients has to be done with great responsibility and should be of such a nature that it enables investors to take reasoned and unbiased decisions regarding their investment. This act of conveying net returns is *prima facie*, indulged for the purpose of luring more customers in its net and thereby increasing the income of the Investment Adviser. In light of the same, the act of the firm to assure the clients of “net return”, is misleading and

deceptive act and has been *prima facie* made with an intent to influence the client to avail its advisory services.

20. The above discussed non-genuine and deceptive activities of Proficient Global are *prima facie* fraudulent and are covered under the definition of 'fraud' defined under regulation 2(1)(c) of PFUTP Regulations which reads as under:

“fraud” includes any act, expression, omission or concealment committed whether in a deceitful manner or not by a person or by any other person with his connivance or by his agent while dealing in securities in order to induce another person or his agent to deal in securities, whether or not there is any wrongful gain or avoidance of any loss, and shall also include—

(1) a knowing misrepresentation of the truth or concealment of material fact in order that another person may act to his detriment;

(2) a suggestion as to a fact which is not true by one who does not believe it to be true;

(3) an active concealment of a fact by a person having knowledge or belief of the fact;

(4) a promise made without any intention of performing it;

(5) a representation made in a reckless and careless manner whether it be true or false;

(6) any such act or omission as any other law specifically declares to be fraudulent,

(7) deceptive behaviour by a person depriving another of informed consent or full participation,

(8) a false statement made without reasonable ground for believing it to be true.

(9) the act of an issuer of securities giving out misinformation that affects the market price of the security, resulting in investors being effectively misled even though they did not rely on the statement itself or anything derived from it other than the market price.

And “fraudulent” shall be construed accordingly.

21. It is noted that *prima facie* fraudulent and manipulative activities / conduct / act / practice of Proficient Global as discussed above have defrauded the investors / clients of the firm and are *prima facie* in violation of provisions of Sections 12A (a), (b), (c) of SEBI Act and regulations 3 (a), (b), (c), (d) and regulations 4(1) and 4(2)(k) of PFUTP Regulations.

Issue No.3 If answers to Issue Nos. (1) & (2) are affirmative, who is responsible for the violations?

22. I note that Mr. Abhishek Suryawanshi is the sole proprietor of Proficient Global. I note the legal status of the proprietary firm from the judgment of the Hon'ble Supreme court in *Ashok Transport Agency v. Awadhesh Kumar & another*, [(1998) 5 SCC 567] that “...A proprietary concern is only the business name in which the proprietor of the business carries on the business. . A suit by or against a proprietary concern is by or against the proprietor of the business...”. Therefore, I find that Mr. Abhishek Suryawanshi is liable for the acts of Proficient Global.

Issue No. 4: If answer to Issue No. (2) is affirmative, whether urgent directions, if any should be issued against those who are responsible for the violations ?

23. SEBI has a statutory duty to protect the interests of investors in securities and promote the development of and to regulate, the securities market. Section 11 of the SEBI Act has empowered it to take such measures as it thinks fit for fulfilling its legislative mandate. The PFUTP Regulations and the IA Regulations have been formulated with the main objective of regulating such activities to safeguard the interests of investors and hence registration of such activities with SEBI has been made mandatory. The IA Regulations, inter alia, seek to create a structure within which investment advisers will operate and also make them duly accountable for their investment advice by requiring investment advisers to comply with the criteria set out in the relevant provisions of the IA Regulations. The same is imperative for the protection of interests of investors and to safeguard the integrity of the securities market. In the instant case, Proficient Global is soliciting and inducing the investors to deal in securities market on the basis of investment advice, stock tips etc., *prima facie*, without having the requisite registration/ certification as mandated under the IA Regulations. Similarly, the PFUTP Regulations seeks to curb fraudulent and manipulative activities in the securities market in order to boost investor confidence in the

securities market and to provide an environment conducive to increased participation and investment in the securities market which is vital to the growth and development of the economy. Further, it is noted from material available on record, money has been credited to the Bank account of Proficient Global up to the period of examination i.e. January 2020. Thus, the accounts are active and can continue to be used to collect fees from unsuspecting investors.

24. Considering the facts and circumstances of the present matter and on the basis of the *prima facie* findings, it is necessary to take urgent preventive action in this matter and to take immediate steps to prevent Proficient Global through its proprietor from collecting any more fees from the public and indulging in unauthorized investment advisory activities. Though the website is not active the investors can also reach Proficient Global (0712220218 as shown about the webpages) through telephone also as the said telephone number is still active as per <https://www.findandtrace.com>. Therefore, the threat of investors getting lured towards the unregistered activity of Proficient Global in the securities market is still in existence and imminent. The amount of money, *prima facie*, observed to have been collected by Proficient Global is Rs. 1,76,95,357/- indicates the extant of violation and magnitude of the prospective threat to the investors.
25. It is noted that permitting the investors to receive an investment advisory service from an unregistered entity, in effect means, the same is received from the unqualified person without following the safeguards mentioned in the IA Regulations. An investor receiving a service from unregistered investment advisor vis-a-vis an investor who receives such service from a registered investment adviser in consonance with the IA Regulations stands at a disadvantageous position in respect of his protection as an investor as envisaged under the IA regulations. An unregistered investment adviser has not satisfied the Regulator that he is a fit and proper person to hold the certificate of registration as investment adviser. Availing of service from such persons is detrimental to investors and such unqualified service results in irreparable detriment as the investors' money is invested based on unqualified and un-regulated service. Exposing investors to such service also has the effect

of interfering with the development of securities market, as victim of such services tend to lose faith in the securities market. Such an injury/detriment to the development of the securities market also qualifies as an “irreparable injury”. The objective of SEBI as enshrined in the SEBI Act is not only the protection of investors but also orderly development of securities market.

26. Further if an ex-parte order is not passed, many prospective investors may have to part away with large fees and investments resulting into irreparable injury to themselves as discussed earlier. However, if an ex-parte order is passed, what is at stake is right of the current entity herein vis-a-vis multitude of prospective and current clients of the entity. It may be noted that one of the underlying differences between the ex-parte orders in the case of private suits and ex-parte public enforcement actions, is the identification of the injured party. In private damage suits, the injured individual, as “whole”, is identifiable whereas ex-parte public enforcement actions, seeks to protect the floating multitude of investing public by preventing, continuous and imminent violations of the securities laws. Though, it can be argued that a final remedy by way of refund is available, as against the step of passing an ex-parte interim order, the potential loss of investment by the investors by following the advice from an unqualified person and resultant loss of investor’s confidence and reliability of securities market, cannot be retrieved, if *prima facie* unregistered investment advice is permitted to be extended to the investors by not passing an exparte-interim order at this stage. Therefore, I consider the balance of convenience is also not in favour of the entity.
27. Considering the facts and circumstances of the present matter and on the basis of the *prima facie* findings, it is necessary to take urgent preventive action in this matter and to take immediate steps to prevent Proficient Global from collecting any more fees from the public and indulging in unauthorized investment advisory activities. As noted in the preceding paragraphs, till the examination period monies were being received in the bank account of the firm and bank accounts are still active. Though the website is not active, the investors can reach Proficient Global through an active telephone number also. The aforesaid *prima facie* demonstrates that Proficient Global can still lure investors to deal in

the securities market while acting on its advice and probability of investors reaching Proficient Global is still high. Therefore, the threat of investors getting lured towards the unregistered activity of Proficient Global in the securities market is still in existence and imminent. The amount of money, prima facie, observed to have been collected by Proficient Global is approximately Rs.1.76 crores and indicate the magnitude of the prospective threat to the investors. Therefore, even today, investors can become prey to the different packages/ services offered by Proficient Global. In light of the same, I find that there is no other alternative but to take recourse through an interim ex-parte order against Proficient Global through its Proprietor Mr. Abhishek Suryawanshi for preventing them from collecting funds by defrauding investors and from indulging in unauthorized investment advisory services without obtaining the mandatory registrations from SEBI in accordance with the law. As the bank accounts are active, the balance of convenience demands the preventive measure of stopping the collection of money in the bank accounts of the firm from investors. The same can be effectively achieved by an appropriate direction of stopping the credit into the bank account of Proficient Global. As Proficient Global has already evaded the jurisdiction of SEBI by prima facie, acting as unregistered investment adviser, the balance of convenience also demands that firm is to be prevented from diverting the funds collected from the investors through the fraudulent and unauthorized investment advisory activity. Accordingly, an appropriate direction stopping the debit from the bank account of Proficient Global has been incorporated.

Order

28. In view of the above, pending detailed investigation, I, in exercise of the powers conferred upon me by virtue of Section 19 read with Sections 11, 11(4), 11B and 11D read with Section 19 of the SEBI Act, 1992, hereby issue by way of this *interim ex-parte order*, the following directions:

a) M/s. Proficient Global and its Proprietor Mr. Abhishek Suryawanshi are directed to:

- i. *Cease and desist from acting as an investment advisor including the activity of acting and representing through any media (physical or digital) as an investment advisor, directly or indirectly, and cease to solicit or undertake such activity or any other activities in the securities market, directly or indirectly, in any matter whatsoever, until further orders.*
- ii. *Not to divert any funds collected from investors, kept in bank account(s) and/or in their custody until further orders*
- iii. *Not to dispose of or alienate any assets, whether movable or immovable, or any interest or investment or charge on any of such assets held in their name, including money lying in bank accounts except with the prior permission of SEBI.*
- iv. *Immediately withdraw and remove all advertisements, representations, literatures, brochures, materials, publications, documents, communications etc., in digital mode or otherwise, including the website, in relation to their investment advisory activity or any other unregistered activity in the securities market until further orders.*
- v. *Not to access the securities market and buy, sell or otherwise deal in securities in any manner whatsoever, directly or indirectly, until further orders.*
- vi. *If Proficient Global or its Sole Proprietor, Mr. Abhishek Suryawanshi has any open positions in any exchange traded derivative contracts, as on the date of the order, they can close out/ square off such open positions within 3 months from the date of order or at the expiry of such contracts, whichever is earlier. Proficient Global or its Sole Proprietor, Mr. Abhishek Suryawanshi are permitted to settle the pay-in and pay-out obligations in respect of transactions, if any, which have taken place before the close of trading on the date of this order.*
- vii. *To provide a full inventory of all assets held in their name, whether movable or immovable, or any interest or investment or charge on any of such assets, including details of all bank accounts, demat accounts and mutual fund investments, immediately but not later than 5 working days from the date of receipt of this order.*

- viii. *ICICI Bank wherein Proficient Global has bank account (Account No. 051105009871) is directed not to allow any debits/ withdrawals from and credits to the said accounts, without the permission of SEBI. The Bank is directed to ensure that this direction is strictly enforced.*
 - ix. *The Depositories are directed to ensure that till further directions no debits and credits are made in the demat accounts of Proficient Global and its Proprietor Mr. Abhishek Suryawanshi.*
 - x. *The Registrar and Transfer Agents are also directed to ensure that till further directions the securities, including Mutual Fund units, held in the name of Proficient Global and its Proprietor Mr. Abhishek Suryawanshi , are not transferred or redeemed.*
29. This order shall come into force with immediate effect and shall be in force until further orders. This order is without prejudice to the right of SEBI to take any other action that may be initiated against the aforementioned entity in accordance with law.
30. This Order shall be treated as a Show Cause Notice and Proficient Global and its Sole Proprietor Mr. Abhishek Suryawanshi are show caused as to why the various representations made/ services offered by Proficient Global in securities market may not be treated as a fraudulent practice/ act/ conduct, in terms of PFUTP Regulations, why the investment advisory plans floated by them should not be held as “Investment Advisory Services” in terms of the IA Regulations and thereby the activity of Proficient Global be treated as unregistered activity under the SEBI Act and relevant Regulations.
31. Proficient Global and its sole Proprietor Mr. Abhishek Suryawanshi are also show caused as to why appropriate directions, under Sections 11, 11(4), 11B(1) and 11D of the SEBI Act and relevant SEBI Rules/Regulations, including directions to continue the prohibition on them from buying, selling or otherwise dealing in securities market, either directly or indirectly, in any manner whatsoever, for a particular period, directions to not be associated with any registered intermediary/ listed entity in the securities market, in any manner whatsoever, and

why any direction to refund the amount collected from the investors/clients for its various schemes under Sections 11 and 11B (1) of SEBI Act should not be issued against them

32. The *prima facie* observations contained in this Order, pending enquiry, are made on the basis of the material available on record and based on a strong prima facie case and keeping in view of the balance of convenience in the interest of investors. In this context, Proficient Global may file its objections, if any, within 21 (twenty-one) days from the date of this Order and, if it so desires, avail itself of an opportunity of personal hearing before SEBI, on a date and time to be fixed on a specific request to be made in that regard.
33. A copy of the order shall be served upon the entities, Banks, Stock Exchanges, Depositories and Registrar and Transfer Agents for necessary action and compliance with the above directions.

Date: July 29, 2020

Place: Mumbai

MADHABI PURI BUCH

WHOLE TIME MEMBER

SECURITIES AND EXCHANGE BOARD OF INDIA