

**BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI**

Date of Decision : 11.09.2020

**Misc. Application No. 231 of 2020
(Exemption from filing a certified
copy)**

And

**Misc. Application No. 232 of 2020
(Delay Application)**

And

Appeal No. 237 of 2020

1. MPF Systems Ltd.
108, Prime Plaza,
J. V. Patel Compound,
B. M. Road, Elphinstone (West),
Mumbai – 400 013.
2. Ms. Kirti Salvi
C/203, Riviera Housing Society,
Lokhandwala Township, Akurli Road,
Kandivali (East), Mumbai – 400 101.
3. Anil Kothari
01/2, Rajul- A, J. Mehta Marg,
Near Elizabeth Hospital, Napean Sea Road,
Mumbai – 400 006.
4. Aakesh Chopra
A-2001, Royal Residency CHS Ltd.,
20th Floor, Chiwda Gali, Lalbaug,
Mumbai – 400 012.
5. Ambrish Pal
D/2017, Ram Nagar – A, CHS Ltd.,
Navghar Pathak Road, Thane,
Bhayander (East) – 401 105.

..... Appellants

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. Pulkit Sharma, Advocate with Mr. Saurabh Bachhawat, Advocate
i/b Mr. Harsh Kesharia, Advocate for the Appellants.

Mr. Mustafa Doctor, Senior Advocate with Ms. Nidhi Singh,
Ms. Kinjal Bhatt, Advocates i/b Vidhi Partners for the Respondent.

CORAM : Justice Tarun Agarwala, Presiding Officer
Dr. C. K. G. Nair, Member
Justice M. T. Joshi, Judicial Member

Per : Justice Tarun Agarwala, Presiding Officer (Oral)

1. We have heard Mr. Pulkit Sharma, the learned counsel with Mr. Saurabh Bachhawat, the learned counsel for the appellants and Mr. Mustafa Doctor, the learned senior counsel alongwith Ms. Nidhi Singh, Ms. Kinjal Bhatt, the learned counsel for the respondent through video conference.

2. The present appeal has been filed questioning the veracity of the order dated April 20, 2020 passed by the Whole Time Member (hereinafter referred to as 'WTM') of Securities and Exchange Board of India (hereinafter referred to as 'SEBI') debarring the appellants

from accessing the securities market for a period of six months from the date of the impugned order on the ground that the financial condition of the company did not depict the correct picture and therefore violated the provisions of Securities and Exchange Board of India (Listing Obligations and Disclosures Requirements) Regulations, 2015 (hereinafter referred to as 'LODR Regulations') and Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003 (hereinafter referred to as 'PFUTP Regulations').

3. We find that the appellants have already undergone a substantial period of debarment from the date of the impugned order and only about 40 days are left. It has also been stated by the learned counsel for the appellants that for the same violations penalty proceedings have been initiated before the Adjudicating Officer (hereinafter referred to as 'AO').

4. In the light of the aforesaid, we are of the view that a substantial period of debarment has already been undergone by the appellants and therefore the period of debarment pursuant to the impugned order dated April 20, 2020 will operate only till today. The appeal is accordingly disposed of to that extent. We also make it clear that it is open to the appellants to raise all issues before the AO and

the findings given by the WTM in the impugned order will not come in the way. In the circumstances of the case, parties shall bear their own costs.

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

11.09.2020
PTM