

WTM/AB/WRO/ILO/01/2021-22

**SECURITIES AND EXCHANGE BOARD OF INDIA
FINAL ORDER**

**UNDER SECTIONS 11(1), 11(4), 11B AND 11D OF THE SECURITIES AND
EXCHANGE BOARD OF INDIA ACT, 1992.**

In respect of:

Noticee No.	Name of the Noticee	PAN
1.	Money Booster - Proprietor: Anurag Singh	HMDPS5313C

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1. The present proceedings have emanated from an *ad interim ex-parte* order dated February 07, 2020 (hereinafter referred to as “**Interim Order**”) passed by Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) against various entities, including the Noticee Money Booster and its sole proprietor Shri Anurag Singh (hereinafter collectively referred to as “**the Noticees**”), for *prima facie*, violation of provisions of Sections 12(1) and 12A (a), (b), (c) of Securities and Exchange Board of India Act, 1992 (hereinafter referred to as “**SEBI Act, 1992**”), Regulations 3 (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, 2003**”), and Regulation 3(1) of SEBI (Investment Advisers) Regulations, 2013 (hereinafter referred to as “**IA Regulations, 2013**”). The interim order came to be issued against the Noticees as the various representations made/ services offered by the Noticees in securities market were *prima facie* found to be as a fraudulent practice/ act/ conduct and investment advisory plans floated by the Noticees were *prima facie* found to be as

unregistered investment advisory activity in terms of the provisions of SEBI Act, 1992 and IA Regulations 2013.

2. In the interim order following directions were issued against the Noticee:

- (i) The Noticees shall 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 manner whatsoever, until further orders.*
- (ii) The Noticees shall not access the securities market and buy, sell or otherwise deal in securities in any manner whatsoever, directly or indirectly, until further orders.*
- (iii) The Noticees shall not divert any funds raised from investors, kept in bank account(s) and/or in their custody until further orders.*
- (iv) The Noticees shall not dispose of or alienate any assets, whether movable or immovable, or any interest or investment or charge on any of assets held in their name, including money lying in bank accounts except with the prior permission of SEBI.*
- (v) The Noticees shall immediately withdraw and remove all advertisements, representations, literatures, brochures, materials, publications, documents, websites, communications etc., in relation to their investment advisory activity or any other unregistered activity in the securities market until further orders.*
- (vi) The Noticees shall provide a full inventory of all assets held in the name of the proprietorship or the proprietor and firm or the partner, 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.*
- (vii) Any person while working under the above mentioned Noticees as employee or otherwise, shall cease and desist from undertaking the activity of investment advisory services, including the activity of acting and representing through any media (physical or digital) as an investment advisor, directly or indirectly, till further orders.*

- (viii) *The Banks are directed not to allow any debits/ withdrawals from **or credits** to the accounts of the Noticees, held jointly or severally, without the permission of SEBI. The Banks are directed to ensure that all the above directions are strictly enforced.*
- (ix) *The Depositories are directed to ensure that till further directions no debits are made in the demat accounts of the Noticees held jointly or severally.*
- (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 the Noticees, jointly or severally, are not transferred or redeemed.*

3. Vide the *ex-parte ad interim* order dated February 07, 2020, the entities against whom the order was passed, including the Noticees, were given the opportunity to file their objections, if any, within 21 days from the date of the order and, if they so desire, they may avail themselves 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. The Interim Order was sent vide letters dated February 10, 2020 by speed post to the following addresses of the Noticees:

Sr. No.	Address	Method of Delivery	Address Proof
1.	Anurag Singh, Money Booster, S/o Rajender Singh, F 401A, Sudershan Park, Ramesh Nagar, H.O. West Delhi - 110015	Speed post	Address as given on the Aadhar Card of Anurag Singh as provided by ICICI Bank.
2.	Anurag Singh, Money Booster, WA-198, Scheme No. 94, Gulab Bagh, Indore, Madhya Pradesh - 452001	Speed Post	Communication address provided by the Noticees in the Account Opening Form/KYC documents to ICICI Bank

4. I note that the Interim Order was sent to both the above addresses available with SEBI as provided by ICICI Bank, with which Anurag Singh, the proprietor of Money Booster has an account no. 091601516251. The details of the ICICI bank account were provided by a complainant who was provided this account number for the

purpose of transferring money to the Noticees. However, I note that the first letter could not be served as there is no delivery status available on the same. Further, the letter to the second address could also not be served as the letter returned undelivered. Accordingly, since the Interim Order could not be served by post, the Interim Order was served through newspaper publication on August 10, 2020 and again on August 23, 2020 in the Hindustan Times, New Delhi (English Edition), Dainik Jagran, Delhi (Hindi Edition), Times of India, Indore (English Edition) and Dainik Bhaskar, Indore (Hindi Edition), having circulation in the last known addresses of the Noticees.

5. Thereafter, the Interim Order was also sent vide letter dated March 03, 2021 by speed post to the following address of the Noticee:

Sr. No.	Address	Method of Delivery	Address Proof
1.	Anurag Singh (Proprietor) Money Booster AB Road Indore Madhya Pradesh - 452018	Speed post	Address as given on the Retail Invoice of Money Booster, as provided by the complainants Mr. Pramod Kumar Raikwar and Mr. Anam Rahim Shaikh

6. However, I note that the letter returned back undelivered with the remark “insufficient address”. I note that an email address “support@moneybooster.in” is also available on the retail invoice of Money Booster, as provided by the complainants Mr. Pramod Kumar Raikwar and Mr. Anam Rahim Shaikh, and vide email dated February 12, 2021, scanned copy of the Interim Order was sent to the said email “support@moneybooster.in”. I note that the Noticees have neither filed any objection/reply to the interim order nor sought any opportunity of personal hearing. Thereafter, the file was placed before me on March 15, 2021 for passing of final order in the matter.
7. As the Noticees have neither filed any reply/objection to the interim order nor have they sought any hearing in the matter, I am proceeding in the matter on the basis of the material available on record. The only question for determination before me

is whether the Noticees are liable for appropriate directions, under Sections 11, 11B (1) and 11D of SEBI Act, 1992, as proposed in the interim order.

8. On a perusal of the allegations levelled against the Noticees in the interim order, and the material available on record, I find that:

(i) SEBI received various complaints against the entity Money Booster. The details of complaints are as under :

Date of Receipt	Complainant Name	Complaint details
January 03, 2020	Mohit Yadav	It was, inter alia, alleged that Money Booster has cheated him by forcing him to pay more money in name of de-mat account opening.
June 17, 2019	Bhabesh	It was, inter alia, alleged that he has paid total of Rs.92,951 for handling his de-mat account but has not got single rupee profit and Money Booster is forcing him to pay Rs. 25,000 more. The complainant has attached Whatsapp conversation, Email conversation, Cell Phone SMS, etc. He has also shared Money Booster's ICICI Bank account details bearing an account no – 091601516251.
March 14, 2019	Anam Rahim Shaikh	It was, inter-alia, alleged that Money Booster has given false commitments. They took service charges for trading in De-mat account and assured profit of Rs.1.8 Lakhs in 2 months and later they made losses. The complainant has also attached invoices with respect to payment made to Money Booster.
April 24, 2019	Rahul Attri	It was, inter-alia, alleged that Money Booster took money in name of opening De-mat account and later denied and said that the amount paid was for service charges.
January 25, 2019	Pankaj Kumar	It was, inter-alia, alleged that Money Booster took payment for opening de-mat account and later forced to pay more and more money in the name of providing de-mat id and password.

		The complainant has also attached payment details with respect to payment made to Money Booster.
February 07, 2019	Shobhna Dubey	It was, inter-alia, alleged that Money Booster has mentally harassed her by forcing to pay more money. On paying Rs. 70,000 for 3 months, they assured returns of Rs.3,00,000 and the company didn't provide any trading calls.
February 15, 2019	Ramanand Ramesh Ghantwal	It was, inter-alia, alleged that he has paid total of Rs.11,00,000 to Money Booster and they are asking to pay Rs. 2,00,000 more, otherwise his services will be terminated. The complainant has attached copy of FIR registered with Goa Police and bank statement, reflecting payment made to Money Booster.
March 12, 2019	Pramod Kumar Raikwar	It was, inter-alia, alleged that he has paid total of Rs.65,000 to Money Booster and they didn't provide any service due to software issue and are demanding for more money. The complainant has attached payment invoice reflecting payment made to Money Booster.
March 13, 2019	Yash Mangal	It was, inter-alia, alleged that he has paid total of Rs.3,500 as a registration amount. Later, Money Booster asked him to pay more money otherwise his registration will be cancelled. The complainant has attached WhatsApp chat with respect to above mentioned complaint.

(ii) Based on the bank account details shared by complainant Mr. Bhabesh, vide email dated November 19, 2019, ICICI Bank was requested to furnish copies of the AOF, KYC details and bank statements available with the bank (from opening till the date of the email) for Money Booster having the account no. – 091601516251.

(iii) ICICI Bank, vide email dated November 22, 2019, *inter alia*, forwarded the KYC, AOF and account statement for Money Booster. From the above stated information submitted by the Bank, the following observations were made:

- a) Anurag Singh seems to be proprietor of Money Booster. He has furnished copies of his Aadhar Card and PAN Card to the Bank.
 - b) In the account opening form, the type of account has been mentioned as 'Savings'.
 - c) Anurag Singh's address is F 401A, Sudershan Park, Ramesh Nagar, H.O. West, Delhi, 110015.
- (iv) From the Bank account statement of ICICI Bank, it was observed that around Rs. 3,703,118/- have been credited during the period November 5, 2018 to November 14, 2019 in the said account.
- (v) An internet search made in the name of 'Mooney Booster' showed its website as www.moneybooster.in. It is observed from the website that Money Booster advertises itself as one of the leading financial service provider and Investment Advisory Company in India. It has given information about various services it offers such as Retirement Planning, Estate Planning, Tax Planning, etc. It provides services for different segments like Equity, Comex, Commodity, NCDEX, Delivery Packages, etc.
- (vi) Money Booster and its proprietor Anurag Singh were using SEBI Registration No. INA100007550 of another person named Mr. Anurag Singh, an Investment Adviser based in Gurgaon, Haryana.
- (vii) During the examination, in order to ascertain whether the Noticee is registered either in the name of proprietorship concern or the individual or the firm or its partner, the registration database of SEBI registered investment advisors was checked. The same revealed that the Noticee was not registered with SEBI as an investment advisor.
- (viii) The total alleged money collected by the Noticee from the complainants itself, *prima facie*, through subscription fee for unregistered investment advisory activity on the websites was in excess of Rs. 15 lakhs and it was observed from the ICICI Bank Account statement of the Noticees that around

Rs. 37,03,118/- have been credited during the period November 05, 2018 to November 14, 2019 in the said account.

9. I find that the definition of Investment Adviser, as given in Regulation 2(m) of the IA Regulations, 2013, 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, Regulation 2(l) of the IA Regulations, 2013 defines Investment Advice as an “*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.*” In light of the aforesaid definitions, I find that the Noticees have on their website www.moneybooster.in advertised themselves as one of the leading financial service provider and Investment Advisory Company in India, and thus, holding themselves out as an investment adviser, as defined under Regulation 2(m) of IA Regulations, 2013, by offering to provide investment advice, as defined under Regulation 2(l) of IA Regulations, 2013, relating to investing in, purchasing and selling in securities and is also offering services for different segments like Equity, Comex, Commodity, NCDEX, Delivery Packages, etc. I note that money was received by the Noticees from the investors through payment gateways or directly to their bank accounts for providing the above services. In this regard, from the complaints of investors filed against the Noticees as referred to in para 8(i) above, I note that the Noticees apart from using payment gateways such as Bhartipay have received payments directly into their bank accounts. The concerned bank accounts used by the Noticees as revealed from the complaints filed with SEBI are as under:

Sr. No.	Bank Name	Bank Details
1.	ICICI Bank	Account Name: Anurag Singh Account No.: 091601516251 IFSC Code: ICIC0000916 Branch Code: 452229004

		Branch: Indore
2.	Kotak Mahindra Bank Ltd	Account Name: Anurag Singh Account No.:7812449324 IFSC Code: KKBK0004623 Branch Code 004623 Branch: Janakpuri

10. It was observed from the ICICI Bank Account statement of Anurag Singh, who is the sole proprietor of Money Booster, that around Rs. 37,03,118/- have been credited during the period November 05, 2018 to November 14, 2019 in the said account. From statements of the bank accounts of the Noticees, the complaints as referred to in para 8(i) received in the matter and in the absence of any reply of the Noticees explaining these entries, I find that the credit entries in the bank accounts statements of the Noticees pertain to the consideration received by the Noticees in lieu of the investment advice given by the Noticees to its clients. Thus, the Noticees have acted as an investment adviser as defined under Regulation 2 (m) of IA Regulations, 2013.

11. 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 Act, 1992 and IA Regulations, 2013. Section 12(1) of the SEBI Act, 1992 reads as under:

“12 (1) 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:”

12. Further, as per Regulation 3(1) of the IA Regulations, 2013 the registration of the investment advisers is mandatory. Regulation 3(1) 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”.

13. The activities of the Noticees, as brought out from the various materials described above, seen in the backdrop of the aforesaid provisions show that the Noticees are holding themselves out and acting as an investment adviser without complying with requirements of IA Regulations, 2013 including seeking of registration with SEBI. Hence, I find that these activities/ representations as being made by the Noticees without holding the certificate of registration as investment adviser is in violation of Section 12(1) of SEBI Act, 1992 read with Regulation 3(1) of the IA Regulations, 2013.
14. The interim order records that the Noticees do not have a registration with SEBI to provide investment advisory services and has knowingly misrepresented to the investors by advertising/showing the SEBI Registration number of some other SEBI registered investment advisor named Mr. Anurag Singh on their website. In view of this, I find that the Noticees have induced investors to deal in securities by misrepresenting themselves as an IA and have thus misled the investors.
15. The interim order records that complaints had been filed against the Noticees that they had cheated investors. It was observed that once the registration fees/subscription from the investors was received, the Noticees would either ask the investor to give further money for demat account opening and threaten to cancel the registration if further money was not given or thereafter not provide any stock tips or ask money for investing on behalf of the investor and then tell them that they made losses and then stop entertaining their calls, or avoid the calls of the investors. The interim order records that the Noticees had assured profits to the investors. In this regard, I note from the complaints as recorded in the interim order that the Noticees *inter alia* assured the complainant Anam Rahim Shaikh of profit of Rs. 1.8 lakhs in 2 months and assured the complainant Shobhna Dubey of Rs. 3,00,000 on paying Rs. 70,000 for 3 months.
16. I note that the aforesaid claims are active concealment of the material fact that investments in the securities market are subject to market risk and an investment

made by a client may also run into losses and may even become zero. In light of the same, the act of the firm to assure returns to the clients is a non-genuine and deceptive act and has been, made with an intent to influence the client to avail its advisory services. The Noticees cannot make promise to give assured returns as investment in securities market are subject to risk associated with the market. An IA cannot promise assured returns as per Guidelines for IA issued by SEBI vide circular dated September 23, 2020. Regulation 4(2)(k) provides that dealing in securities shall be deemed to be a manipulative, fraudulent or an unfair trade practice if it involves 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. In view of this, I find that Money Booster and its sole proprietor Shri Anurag Singh, have violated Regulations 4(2)(k) of PFUTP Regulations, 2003.

17. I note that the material available on record does not indicate the exact amount of fees collected by the Noticees, as a result of providing investment advice to investors, in violation of the provisions of the IA Regulations. However, interim order records that 9 complaints have been received against the Noticees and the total amount paid by the complainants as fees and advisory services as submitted by the complainants till date, are as under:

Sr. No.	Complainant Name	Amount of money paid to Noticee
1	Mohit Yadav	Rs. 22,000/-
2	Bhabesh Chandra Kar	Rs. 1,07,591/-
3	Anam Rahim Shaikh	Rs. 90,000/-
4	Rahul Attri	Rs. 20,000/-
5	Pankaj Kumar	Rs. 61,003/-
6	Shobhna Dubey	Rs. 38,400/-
7	Ramanand Ramesh Ghantwal	Rs. 11,00,000/-
8	Pramod Kumar Raikwar	Rs. 65,000/-
9	Yash Mangal	Rs. 18,500/-
	Total	Rs. 15,22,494/-

18. In view of the foregoing, I, in exercise of the powers conferred upon me in terms Sections 11, 11B and 11D read with of Section 19 of the SEBI Act, 1992 and Regulation 11 of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003, hereby directs that:

- (i) The Noticees (Money Booster and its sole proprietor Anurag Singh) shall within a period of three months from the date of this order, refund the money received from the complainants/investors, as fees or consideration or in any other form, in respect of their unregistered investment advisory activities.
- (ii) The Noticees shall issue public notice in all editions of two National Dailies (one English and one Hindi) and in one local daily with wide circulation, detailing the modalities for refund, including the details of contact person such as names, addresses and contact details, within 15 days of coming into force of this Order;
- (iii) The repayments to the complainants/investors shall be effected only through Bank Demand Draft or Pay Order or electronic fund transfer or through any other appropriate banking channels, which ensures audit trails to identify the beneficiaries of repayments.
- (iv) The Noticees are prevented from selling his assets, properties and holding of mutual funds/shares/securities held by them in demat and physical form except for the sole purpose of making the refunds as directed above. Further, the banks are directed to allow debit only for the purpose of making refunds to the complainants/investors who were availing the investment advisory services from the Noticees, as directed in this order, from the bank accounts of the Noticees, wherein debit has been frozen by virtue of interim order dated February 07, 2020.

- (v) After completing the aforesaid repayments, the Noticees shall file a report of such completion with SEBI addressed to the Division Chief, CIS Division, Investment Management Department, SEBI Bhavan, Plot No. C4 A, G Block, Bandra Kurla Complex, Bandra (East) Mumbai – 400051, within a period of 15 days, after completion of three months from the coming into force of this order, duly certified by an independent Chartered Accountant and the directions under paragraph 18(iv) above shall cease to operate after filing of such report on completion of refund.
- (vi) The above direction for refund, does not preclude the complainants/investors to pursue legal remedies available to them under any other law, against the Noticees for refund or recovery of money or deficiency in service.
- (vii) In case of failure of the Noticees to comply with the aforesaid directions, SEBI, on the expiry of the stipulated time period therein from the date of coming into force of this Order, may recover the amounts mentioned in para 17 above or any other amount as may be found to have been collected by the Noticees from investors for providing investment advisory services without registration, from the Noticees, in accordance with Section 28A of the SEBI Act, 1992 including such other provisions contained in securities laws.
- (viii) The Noticees are debarred from accessing the securities market, directly or indirectly and are prohibited from buying, selling or otherwise dealing in the securities market, directly or indirectly in any manner whatsoever, for a period of 2 (two) years from the date of this order or till the expiry of 2 (two) years from the date of completion of refunds to complainants/investors as directed in paragraph 18(i) above, whichever is later.
- (ix) The Noticees are also restrained from associating with any company whose securities are listed on a recognized stock exchange and any company which intends to raise money from the public, or any

intermediary registered with SEBI in any capacity for a period of 2 (two) years from the date of this order or till the expiry of 2 (two) years from the date of completion of refunds to complainants/investors as directed in paragraph 18(i) of this order, whichever is later;

- (x) The Noticees shall not undertake, either during or after the expiry of the period of debarment as mentioned in paragraph 18(viii), either directly or indirectly, investment advisory services or any activity in the securities market without obtaining a certificate of registration from SEBI as required under the securities laws.

19. This order comes into force with immediate effect.

20. A copy of this order shall also be sent to the Noticees, recognized Stock Exchanges, the relevant banks, Depositories and Registrar and Transfer Agents of Mutual Funds to ensure that the directions given above are strictly complied with.

Place: Mumbai

Date: April 22, 2021

Sd/-

ANANTA BARUA

WHOLE TIME MEMBER

SECURITIES AND EXCHANGE BOARD OF INDIA