

National Stock Exchange of India Circular

Department: Investigation	
Download Ref No: NSE/INVG/54468	Date: November 16, 2022
Circular Ref. No: 174/2022	

To All NSE Members

Sub: Final Order in the matter of Live Indian Market

SEBI vide its order no. CGM/GG/QJC-2/SRO/SRO/21243/2022-23 dated November 16, 2022, has hereby debarred the below entity 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 one (1) year from the date of the SEBI order or till the date of filling of report as directed in para 31(h) of the SEBI Order, whichever is later.

Sr. No.	Name of the Entity	PAN
1	Manish Kumar Mahaseth, Proprietor of Live Indian Market	CODPM3115F

This Order shall come into force with immediate effect.

The detailed order is available on SEBI website (<http://www.sebi.gov.in>). Further, the consolidated list of such entities is available on the Exchange website <http://www.nseindia.com> home page under “Home-Regulation-Members-Action against Members-Regulatory Actions”.

Members are advised to take note of the above and ensure compliance.

In case of any further queries, members are requested to contact the following officials:

Mr. Akshit Sachdeva (Extension: 23346), Mr. Sumit Loya (Extension: 22374)
Direct No: 022-26598417/18 Fax: 022-26598195

For and on behalf of



National Stock Exchange of India

National Stock Exchange of India Limited

Sumit Loya
Senior Manager

National Stock Exchange of India

ANNEXURE: Final Order in the matter of Live Indian Market

CGM/GG/QJC-2/SRO/SRO/21243/2022-23

SECURITIES AND EXCHANGE BOARD OF INDIA

FINAL ORDER

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

In respect of:

Name of the Entity	PAN
Manish Kumar Mahaseth, Proprietor of Live Indian Market	CODPM3115F

In the matter of Unregistered Investment Advisory Services by Manish Kumar Mahaseth, Proprietor of Live Indian Market.

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1. Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) had received a complaint dated 18.03.2020, against Live Indian Market from one Shivank Gupta (hereinafter referred to as “**Complainant**”), wherein, it was inter-alia alleged that the complainant lost money based on the trading advice provided by Live Indian market.
 2. Pursuant to receipt of the aforesaid complaint, SEBI conducted an examination in relation to the affairs of Live Indian Market to ascertain possible violation, if any, of the provisions of Securities and Exchange Board of India Act, 1992 (hereinafter referred to as “**SEBI Act**”) and rules and regulations made thereunder.
 3. On the basis of findings of examination, a show cause notice dated 29.06.2021 (“hereinafter referred to as “**SCN**”), was issued by SEBI against Manish Kumar Mahaseth, proprietor of Live Indian Market (hereinafter collectively referred to

as “**Noticee**”), alleging that the Noticee has carried out investment advisory activities without obtaining registration from SEBI and thereby, has violated Section 12(1) of SEBI Act and Regulation 3(1) of the SEBI (Investment Advisers) Regulations, 2013 (“**IA Regulations**”).

4. I note that the SCN alleges that: -

- a) SEBI received a complaint dated 18.05.2020 from Shivank Gupta (herein after referred to as “**complainant**”) against the Noticee. It is stated that the complainant lost money based on the trading advice provided by the Noticee. As per the intermediary database on SEBI website, neither Live Indian Market nor Manish Kumar Mahaseth is registered with SEBI as an investment advisor.
- b) Live Indian Market held bank account no. 142xxxx0838 with ICICI Bank. As per the KYC documents provided by ICICI Bank, Manish Kumar Mahaseth (PAN: CODPM3115F) is the proprietor of Live Indian Market and the authorized signatory for the said bank account.
- c) As per registration certificate dated 30.05.2018, issued by Government of Karnataka, Department of Labour, Live Indian Market is registered with Government of Karnataka as a Commercial Establishment under the Karnataka Shops and Establishments Act, 1961 and the nature of business mentioned is “Investment Advisory”.
- d) The complainant has stated that he had paid the money to the Noticee’s bank account and the same is reflected in the transaction statement provided by ICICI bank. The transaction details are as follows:-

Transaction Date	Narration	Credit Amount
01-10-2018	NEFT-000069772172-SHIVANK GUPTA-/OTH/OK-5201010679	5090.00

- e) The bank statement received from ICICI Bank has the narration of certain transactions like 'Investment', 'Stocks', 'Trading Charges', 'registration', 'Bal 4 Registrat', 'Market Advisor', 'Stock Advisor charge', 'live call', 'fee', 'fund management', 'brokerage', 'for trading' etc., indicating that said bank account was used to receive fees towards advisory services. An illustrative list of transactions with such narrations in the ICICI Bank account of the Noticee is as under:

Date	Narration	Credit (Rs)
02-08-2018	BIL/001504744081/Investment/NSP	100.00
02-08-2018	BIL/001504750637/Investment/NSP	14900.00
13-08-2018	BIL/001513165900/Investment/NSP	7500.00
24-08-2018	BIL/001519506806/Stocks/NSP	1500.00
24-08-2018	BIL/001519517227/Investment/NSP	1500.00
04-09-2018	BIL/INFT/001527982038/Trading Charges/LIVE INDIA/I	5000.00
06-09-2018	BIL/INFT/OO1529186073/registration co/LIVE INDIA/I	11500.00
07-09-2018	BIL/INFT/001529937652/Bal 4 Registrat/LIVE INDIA/I	4000.00
12-09-2018	BIL/001534190948/Market advisor/NSP	25000.00
20-09-2018	BIL/001538682814/Investment/NSP	5000.00
24-09-2018	BIL/001540665786/Investment/NSP	6000.00
24-09-2018	MMT/IMPS/826712613150/trade/N RAMESH/INDIAN BANK	5000.00
24-09-2018	BIL/001540887685/Stock advisor charge/NSP	1430.00
24-09-2018	BIL/0015408999/Stock advisor charge/NSP	3600.00
25-09-2018	MMT/IMPS/826816435398/MB: LIVE CALL/RAHUL PATE/KOT	5000.00
27-09-2018	MMT/IMPS/827016186178/fee/DEEPAK KAN/UNION BANK OF	10000.00
04-10-2018	BIL/001548779843/Investment/NSP	2500.00
09-10-2018	MMT/IMPS/828217868313/fee/DEEPAK KAN/UNION BANK OF	25000.00
23-10-2018	MMT/IMPS/829621413869/equity fee/KKRAMACHAN/UNION B	3000.00
19-11-2018	BIL/INFT/001580320186/FUNDMANAGEMENT/LIVE INDIA/IC	80000.00
20-11-2018	BIL/INFT/001580935980/FUNDMANAGEMENT/LIVE INDIA/IC	15000.00
28-11-2018	BIL/INFT/001585790823/INVESTMENT/ /ICICI	2000.00
29-11-2018	BIL/INFT/001586228277/FUNDMANAGEMENT/LIVE INDIA/IC	25000.00
10-12-2018	BIL/INFT/001594293801/registration/LIVE INDIA/ICIC	3000.00
10-12-2018	BIL/INFT/001595709967/registration fe/LIVE INDIA/I	50000.00
12-12-2018	BIL/INFT/001597280388/brokerage/LIVE INDIA/ICIC B	100000.00
13-12-2018	MMT/IMPS/834709399478For Trading/ANIL PUJAR/HDFC	5000.00
19-12-2018	BIL/INFT/001601515032/brokerage/LIVE INDIA/ICICI B	5000.00

- f) A total of 268 credits were made from different sources into the said account since 12.07.2018 and the total credit received in the aforesaid account is

Rs.93,57,089/- (Rupees Ninety Three Lakh Fifty Seven Thousand and Eighty Nine)-. The summary of transactions observed in the aforesaid ICICI account is tabulated as under:

Account number & Bank	Bank Statement Period	Total Credits (Rs.)	No. of Credit Transactions	Last Credit Transaction date	Closing Balance
1421050000838	12.07.2018 to 05.03.2019	93,57,089/-	268	02/01/2019	0

- g) The Noticee was asked vide letter dated 18.08.2020 to submit the details of his alleged activities. The letter was delivered to the Noticee at S/o Ramprit, Sentil-997, BEL Layout, East West college, Bharat Nagar Bangalore North, Bangalore, Karnataka -560091. However no information was forthcoming from the Noticee. A reminder letter dated 10.09.2020 was sent to the Noticee. However, the aforesaid letter returned undelivered with the remark "No such person".
- h) It is observed from the above information i.e., complaint dated 18.05.2020; establishment certificate dated 30.05.2018 issued by the Government of Karnataka; complainant's payment details; bank transaction statement; KYC documents of the Noticee submitted by ICICI bank that the Noticee has acted as an Investment Adviser by collecting fees from investors for advisory services without having a certificate of Registration from SEBI. The Noticee appeared to have carried out investment advisory activities without obtaining registration from SEBI, thereby violating the provisions of Section 12(1) of SEBI Act read with Regulation 3(1) of IA Regulations.
5. Hence, the Noticee was called upon vide the aforesaid SCN to show cause as to why suitable directions including refund of fees collected, debarment, non-association with listed entities, intermediaries, etc., should not be issued against the Noticee under Section 11B/ 11(4) of the SEBI Act.
6. The SCN was sent through speed post to the Noticee at S-997, BEL Layout, East West College, Bharat Nagar, Bengaluru North, Bengaluru-560091,

mentioned as his address in Aadhar Card, which is part of KYC documents provided by ICICI Bank. In addition thereto, the SCN was also sent through speed post at 3rd Floor, No.2, H.B. Complex, BTM 100 Ft. Main Road, H.B. Complex, Madiwala Village, BTM Layout, 1st Stage, Bangalore-560068, mentioned as address of the Noticee in the said certificate dated 30.05.2018. However, the SCN returned undelivered from both the said addresses with the remark "Addressee Left".

7. Simultaneously, a scanned copy of the SCN was also sent to the Noticee through email dated 29.06.2021 at email id i.e. mkm00977@gmail.com, mentioned in the said certificate dated 30.05.2018. Further, vide the said email, the Noticee was advised to keep SEBI informed about his current email id and to update any change in correspondence address till the proceedings are concluded. However, no response was received from the Noticee.
8. SEBI sent an email dated 27.10.2021 to the Noticee at mkm00977@gmail.com informing him that the physical copy of the SCN sent to the aforesaid addresses of the Noticee returned undelivered. The Noticee was advised to inform his current address and acknowledge receipt of the said email. The Noticee was also advised to inform SEBI if he wished to avail opportunity of personal hearing. However, no response was received from the Noticee, even though the email has been received by him.
9. Since the Noticee failed to respond to the SCN, it was again attempted to be served on the Noticee through hand delivery/affixture. The SCN was successfully affixed at 3rd Floor, No.2, H.B. Complex, BTM 100 Ft. Main Road, H.B. Complex, Madiwala Village, BTM Layout, 1st Stage, Bangalore-560068. However, the SCN could not be hand delivered/affixed at the second address of the Noticee, i.e. at S-997, BEL Layout, East West College, Bharat Nagar, Bengaluru North, Bengaluru-560091, as no such person was found at the said address.

10. In the meantime, SEBI found that the Noticee has opened a trading account with RKSV Securities India Private Limited (also known as Upstox) on 26.02.2021. The Noticee's application form dated 25.02.2021 for the said account with RKSV Securities India Private Limited mentioned address of the Noticee as S 997, Bel Layout, Bharat Nagar, East West College, Bangalore, Karnataka – 560091 and email id as mkm4trades@gmail.com. Further, the Noticee's additional KYC form for opening demat account mentioned mkm4trades@gmail.com as email id of the Noticee for receiving electronic transaction cum holding statement.
11. SEBI also found that the Noticee was also having another account bearing no. 000201XX8887 with ICICI Bank. KYC documents in respect of the said bank account mentioned address of the Noticee as S 997, Bel Layout, Bharat Nagar, East West College, Bangalore, Karnataka – 560091 and email id as manishmahaseth977@gmail.com. SEBI also found that the Noticee had opened bank account nos. 502000xx715083 and 50100xx0023502 with HDFC Bank on 13.6.2018 and 08.06.2018, respectively. As per account details provided by HDFC Bank, the address of the Noticee was No.2 3rd Flr. HB Complex BTM 100 FT Main Rd BTM Layout 1ST STG Madiwala, Bangalor Karnataka and "S-997 BEL Layout East West College Bharat Nagar Near Karnataka Bank Bangalore Karnataka-560091". Further, the email id of the Noticee was mkm00977@gmail.com. The Noticee closed the bank account no. 502000xx715083 and 50100xx0023502 on 01.02.2019 and 13.08.2021 respectively.
12. In the circumstances, the SCN was served on the Noticee vide email dated 12.07.2022 on his email id viz., mkm00977@gmail.com; manishmahaseth977@gmail.com; and mkm4trades@gmail.com and despite service and knowledge of the contents thereof, the Noticee failed to respond.

Opportunity of personal Hearing

13. The Noticee was granted an opportunity of hearing on 19.10.2022. In this regard, hearing notice dated 21.09.2022 was served on the Noticee through speed post at his address i.e. 3rd Floor, No.2, H.B. Complex, BTM 100 Ft. Main Road, H.B. Complex, Madiwala Village, BTM Layout, 1st Stage, Bangalore-560068, as seen from the acknowledgment card. Further, the hearing notice dated 21.09.2022 was also sent to the Noticee through email dated 21.09.2022 at mkm00977@gmail.com; manishmahaseth977@gmail.com; and mkm4trades@gmail.com. The email sent to the address mkm4trades@gmail.com returned undelivered with remark "The email address you entered couldn't be found." However, delivery to email id mkm00977@gmail.com; manishmahaseth977@gmail.com got completed. The Noticee again failed to appear for hearing on 19.10.2022 or file any reply/response to the SCN. Subsequently, the Noticee was granted another opportunity of hearing on 27.10.2022. With regard to hearing dated 27.10.2022, the hearing notice dated 21.10.2022 was served on the Noticee through email at mkm00977@gmail.com; manishmahaseth977@gmail.com. However, the Noticee again failed to appear for hearing on 27.10.2022.
14. I note that the Noticee despite service of the SCN and hearing notice, failed to file reply to the SCN or appear for hearing. Therefore, it is presumed that the Noticee has nothing to submit in respect of the allegations levelled in the SCN. Therefore, I am constrained to proceed ex-parte against the Noticee, on the basis of material available on record.

Consideration:

15. I have perused the material made available to me, such as the complaint dated 18.03.2020 (received by SEBI on 18.05.2020), bank statement of complainant for account no. 520xxxxxxx1484 with Corporation Bank, bank statement of the Noticee for account no. 142xxxxxx838 with ICICI Bank, KYC documents, registration certificate of establishment and the SCN as well as details contained in KYC related to RKS SV Securities India Private Limited. From the material

available on record, I note that as stated in the SCN, the bank statement of the complainant contains an entry dated 01.10.2018 reflecting payment of amount of Rs. 5,090/- from the account of the complainant to Live Indian Market via cheque bearing no. 252405 with narration "NEFT to Live Indian Market: 000069772172. Further, the KYC documents of ICICI bank account no. 142xxxxxx838 shows Manish Kumar Mahaseth is the proprietor of Live Indian Market and authorized signatory for the said bank account. The narration of the transactions in the bank statement indicate expressions such as 'Investment', 'Stocks', 'Trading Charges', 'registration', 'Bal 4 Registrat', 'Market Advisor', 'Stock Advisor charge', 'live call', 'fee', 'fund management', 'brokerage', 'For Trading' etc., which shows that the credits were in respect of investment advice. I note that there were 268 credits made from different sources into the said account since 12.07.2018 and total credit received in the aforesaid account is Rs.93,57,089/- (Rupees Ninety Three Lakh Fifty Seven Thousand and Eighty Nine). The summary of transactions observed in the aforesaid ICICI account is tabulated in para 4 ((f) above. Further, Registration Certificate of Establishment dated 30.05.2018 mentions nature of business of Live Indian market as 'Investment Advisory'. The name of Manish Kumar Mahaseth is mentioned as "Name of the Employer" of the establishment Live Indian Market.

16. Before proceeding further, it is relevant to note that the definition of Investment Adviser as given in Regulation 2(1)(m) of the IA Regulations, 2013 is as follows:

*"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(1)(l) which defines investment advice states as follows:

"investment advice means 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:

Provided that investment advice given through newspaper, magazines, any electronic or broadcasting or telecommunications medium, which is widely available to the public shall not be considered as investment advice for the purpose of these regulations;”

17. As per Regulation 2(1)(m) of the IA Regulations, investment advisor means any person who is engaged in the business of providing investment advice to clients or other person or group of persons for consideration. Further, it includes any person who holds himself out as an ‘investment adviser’. As per Regulation 2(1)(l) of the IA Regulations, ‘Investment advice’ means 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. However, advice given through newspaper, magazines, any electronic or broadcasting or telecommunications medium, which is widely available to the public, shall not be an investment advice within the meaning of Regulation 2(1)(l) of the IA Regulations.
18. The complaint dated 18.03.2020 alleges that Live Indian Market is engaged in business of stock advisory and advisory fees was paid by the complainant to Live Indian Market. The complainant’s bank statement for his account no. 520xxxxxxxx1484 contains an entry dated 01.10.2018 reflecting payment of amount of Rs. 5,090/- by the complainant to Live Indian Market via cheque no. 252405. Corresponding entry of credit dated 01.10.2018 for amount of Rs.5,090/- with narration “NEFT-000069772172-SHIVANK GUPTA-/OTH/OK-5201010679 confirms the allegation of payment of fees by the complainant to Live Indian Market.
19. Further, the allegations in the complaint dated 18.03.2020 gets substantiated from narration of transactions in the bank account no. 142xxxxxx838 of Live Indian Market. This also evidences the fact that Live Indian Market used the said bank account for purpose of receiving advisory fees or consideration for

advisory business. In view thereof, I find that Live Indian Market was engaged in the business of advisory services for consideration.

20. Registration Certificate of Establishment dated 30.05. 2018 mentions the nature of business of Live Indian market as "Investment Advisory". In view thereof, I observe that Live Indian Market represented itself to be engaged in the business of investment advisory.
21. As per KYC documents of Live Indian Market`s bank account no. 142xxxxxx838 with ICICI Bank, Manish Kumar Mahaseth (PAN: CODPM3115F) is the proprietor of Live Indian Market and the authorized signatory for the said bank account. Further, registration certificate of Establishment dated 30.05. 2018 issued by the Government of Karnataka also mentions Manish Kumar Mahaseth as employer and Live Indian Market as "Establishment".
22. I note that Regulation 2(1)(m) of the IA Regulations provides that an 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. Further, Regulation 2(1)(m) of IA Regulations provides that any person who holds out himself to be an investment adviser, by whatever name called, shall also be included in the definition of investment adviser. As noted above, the Noticee was engaged in providing investment advice within the meaning of Regulation 2(1)(l) of the IA Regulations.
23. From the set of facts available on record, this case appears to be a fairly straight forward and simple case, whereby, as per the bank statements and documents on record, the amounts are shown to have been received by the Noticee during the course of business of investment advice without obtaining certificate of registration from SEBI. I find that Live Indian Market, which is the proprietorship concern of Manish Kumar Mahaseth, was engaged in giving advice relating to investing in, purchasing, selling or otherwise dealing in securities or investment products in lieu of consideration. Thus, I find that the Noticee as proprietor of

Live Indian Market, has acted as 'investment adviser' within the meaning of Regulation 2(1)(m) of the IA Regulations.

24. As noted in para 4(f) above, Live Indian Market received a sum of Rs. 93,57,089/- (Rupees Ninety Three Lakh Fifty Seven Thousand and Eighty Nine) in the bank account no. 142xxxxxx838 with ICICI Bank, which is nothing but fees or consideration collected by the Noticee towards advisory services rendered while acting as investment adviser without obtaining registration from SEBI.

25. I also note that, 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 Regulations framed thereunder. Section 12(1) of SEBI Act, 1992 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.”

26. As per Regulation 3(1) of IA Regulations, 2013, 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”.

27. I note that for seeking a certificate of registration for acting as an investment adviser, an entity is required to satisfy inter alia the following requirements, as provided under IA Regulations, 2013:

- (i) An application for seeking certificate of registration to be made to Local Office, Regional Office or Head Office of SEBI, as the case may be, in Form A as specified in the First Schedule to IA Regulations, 2013 along with requisite non-refundable application fee;

- (ii) The applicant, in case of an individual investment adviser or its principal officer in case of a non-individual investment adviser shall be appropriately qualified and certified as under:
 - a. A professional qualification or post-graduate degree or post graduate diploma (minimum two years in duration) in finance, accountancy, business management, commerce, economics, capital market, banking, insurance or actuarial science from a university or an institution recognized by the Central Government or any State Government or a recognized foreign university or institution or association or a professional qualification by completing a Post Graduate Program in the Securities Market (Investment Advisory) from NISM of a duration of not less than one year or a professional qualification by obtaining a CFA Charter from the CFA Institute;
 - b. An experience of at least five years in activities relating to advice in financial products or securities or fund or asset or portfolio management;
 - c. Applicant in case of individual investment adviser or its principal officer in case of a non-individual investment adviser and persons associated with investment advice shall have, at all times a certification on financial planning or fund or asset or portfolio management or investment advisory services, from (a) NISM; or (b) any other organization or institution including Financial Planning Standards Board of India or any recognized stock exchange in India provided such certification is accredited by NISM.
- (iii) Individual applicant must have net worth of not less than 5 lakh rupees and non-individual applicant must have net worth of not less than 50 lakh rupees.

28. The IA Regulations provide for the minimum professional qualification and prescribes mandatory net-worth requirement. Further, it inter-alia provides for

disclosures of any conflict of interest, risk profiling of clients, maintenance of records related to client- assessments and the suitability of advice. The prescriptions in the IA Regulations are intended to safeguard the interest of investors and curb the perpetration of unregistered entities entering the field of investment advisory services and indulging in unscrupulous market practices.

29. The activities of the Noticee, as brought out above, seen in the backdrop of the aforesaid provisions show that it was acting as an investment adviser, without holding the certificate of registration as investment adviser. I find that the Noticee has violated the provisions of Section 12(1) of SEBI Act read with Regulation 3(1) of the IA Regulations.

30. As observed above, I note that the Noticee received Rs. 93,57,089/- (Rupees Ninety Three Lakh Fifty Seven Thousand and Eighty Nine)/- in the bank account no. 142xxxxxxx838 with ICICI Bank as advisory fees, being the proceeds of an illegal activity are liable to be refunded to the respective clients.

DIRECTIONS

31. In the above facts and circumstances, in order to protect the interest of the investors, I hereby invoke the provisions of Sections 11(4) and 11B of the SEBI Act, which have been delegated upon me under Section 19 of the SEBI Act and direct as follows: -

- a. The Noticee shall refund a sum of Rs. 93,57,089/- (Rupees Ninety Three Lakh Fifty Seven Thousand and Eighty Nine) to his clients as detailed hereinafter;
- b. The Noticee shall issue public notice in all editions of two National Dailies (one English and one Hindi) and in one local daily with wide circulation, about this Order and give details of modalities for refund, including the details of contact person such as names, addresses and contact details of

person to be approached for refund, within 15 days from the date of this Order;

- c. The Noticee shall accept refund claims/requests for a period of 3 months from the date of public notice, as directed under para 31 (b) above;
- d. The Noticee shall within a period of four months from the date of public notice, as directed under para 31 (b) above, carry out and complete the refund exercise; ;
- e. Upon expiry of 4 months from the date of public notice, any balance amount which remains with the Noticee, due to his inability to contact the investor or otherwise, as directed in para 30 (d) above, shall be deposited in a dedicated escrow account, to be maintained by the Noticee and utilized only for the purpose of refund to clients. Thereafter, the amount lying in the said escrow account shall be transferred to the Investors Protection and Education Fund maintained by SEBI;
- f. The repayments to the claimants 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;
- g. The Noticee is hereby prohibited from selling his assets, properties including mutual funds/shares/securities held by him in demat and physical form except for the purpose of effecting refunds as directed above. Further, the banks are directed to allow debit from the bank accounts of the Noticee, only for the purpose of making refunds to the clients who were availing the investment advisory services from the Noticee;
- h. After completing the aforesaid repayments, the Noticee shall file a report of such completion with SEBI addressed to the Division Chief, Division of Post -Inspection Enforcement Action, Market Intermediaries Regulations

and Supervision Department, SEBI, SEBI Bhavan-II, Plot No. C7, G Block, Bandra Kurla Complex, Bandra (East) Mumbai–400051, within a period of 15 days, after expiry of four months from the date of public notice, as directed above, duly certified by an independent Chartered Accountant and the direction at para 31(g) above shall cease to operate upon filing of such report;

- i. The Noticee is restrained from accessing the securities market, directly or indirectly and prohibited from buying, selling or otherwise dealing in the securities market, directly or indirectly in any manner whatsoever, for a period of one year from the date of this order or till the date of filing of report, as directed in para 31(h) above, whichever is later;
- j. The Noticee shall not undertake, either during or after the expiry of the period of restraint and prohibition, as mentioned in para 31(i) above, 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.

32. This order shall come into force with immediate effect.

33. A copy of this order shall be sent to the Noticee, recognized Stock Exchanges, the banks, Depositories and Registrar and Transfer Agents of Mutual Funds.

Date: November 16, 2022

Place: Mumbai

GEETHA G
CHIEF GENERAL MANAGER
SECURITIES AND EXCHANGE BOARD OF INDIA