# National Stock Exchange of India

## Circular

| Department: Investigation | |
|---|---|
| Download Ref No: NSE/INVG/60935 | Date: February 29, 2024 |
| Circular Ref. No: 289/2024 | |

To All NSE Members,

**Sub: SEBI Order in the respect of Mr. Heet Manish Bapna alias Heet Manish Bafna (Proprietor Standard Chartists) in the matter of Unregistered Investment Advisory Services.**

This is with reference to in respect of SEBI Order No. QJA/AA/WRO/WRO/30066/2023-24 dated February 29, 2024, wherein SEBI has debarred following entity from accessing the securities market, directly or indirectly, and has prohibited it from buying, selling or otherwise dealing in the securities market, directly or indirectly, in any manner whatsoever, for a period of three (3) years from the date of this order or till the expiry of three (3) years from the date of completion of refunds to complainants/ investors along with depositing of balance amounts, if any, with SEBI, as directed in para 35.1 and 35.7 of above SEBI order, whichever is later.

| Noticee No. | Name of the Entity | PAN |
|---|---|---|
| 1. | Mr.Heet Manish Bapna alias Heet Manish Bafna (Proprietor - Standard Chartists) | EWEPB1991R |

SEBI vide above order has clarified that, if the Noticee has any open position in any exchange traded derivative contracts, as on the date of this order, he 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.

The order comes into force with immediate effect.

The detailed order is available on SEBI website (http://www.sebi.gov.in).

# National Stock Exchange of India

Further, the consolidated list of such entities is available on the Exchange website http://www.nseindia.com home page at the below mentioned link:

https://www.nseindia.com/regulations/member-sebi-debarred-entities

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

In case of any further queries, members are requested to email us at dl-invsg-all@nse.co.in

**For and on behalf of**
**National Stock Exchange of India Limited**

**Sandesh Sawant**
**Senior Manager**

**ANNEXURE: SEBI Order in the respect of Mr. Heet Manish Bapna alias Heet Manish Bafna (Proprietor Standard Chartists) in the matter of Unregistered Investment Advisory Services.**

**QJA/AA/WRO/WRO/30066/2023-24**

**SECURITIES AND EXCHANGE BOARD OF INDIA**

**ORDER**

**UNDER SECTIONS 11(1), 11(4), 11B AND 11D OF THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992 READ WITH REGULATION 3(1) OF SEBI (INVESTMENT ADVISERS) REGULATIONS, 2013**

**In respect of -**

| Sr. No. | Name of the Entity | PAN |
|---|---|---|
| **1.** | **Mr.Heet Manish Bapna alias Heet Manish Bafna (Proprietor - Standard Chartists)** | **EWEPB1991R** |

**In the matter of Unregistered Investment Advisory Services**

**BRIEF BACKGROUND**

**1.** Securities and Exchange Board of India (***'SEBI'***) conducted an examination, pursuant to receipt of a complaint vide letter dated November 17, 2021, against Mr. Heet Manish Bapna alias Heet Manish Bafna (Proprietor- Standard Chartists) (*hereinafter referred to as the* ***'Noticee'***) to ascertain the veracity of the said complaint and to determine whether there has been any violation of the provisions of the Securities and Exchange Board of India Act, 1992 (***'SEBI Act, 1992'***), the Securities and Exchange Board of India (Investment Advisers) Regulations, 2013 (***'IA Regulations'***) and any other Rules or Regulations made thereunder, by the Noticee. The Complainant had, *inter alia*, alleged that –

- **(i)** The Noticee has been posing as a SEBI registered advisor and charging people money to manage their portfolio. The Complainant was one of the victims of the Noticee and had suffered a loss of INR 33,000/-.
- **(ii)** The Complainant was charged INR 10,200/- as service charge on October 01, 2021 by the Noticee who took her account details for managing her portfolio.
- **(iii)** The Noticee was running a WhatsApp group called "Power of Markets", where he was marketing his premium membership packages and duping people of their

hard earned income.

**(iv)** The Noticee was using mobile no. xxxxxx7808 for communicating with the investors. The said mobile number also happens to be the group administrator of the WhatsApp Group “Power of Markets”.

**2.** The Complainant had further submitted the following vide letter dated November 17, 2021 and email dated December 02, 2021-

**2.1** The screenshots of transaction slip for the payment of INR 10,200/- made to the Noticee.

**2.2** The screenshots of WhatsApp chats wherein Noticee claimed to be holding SEBI Registration No. INA100219167 in the name of Standard Chartists for providing investment advisory services.

**2.3** The screenshots of WhatsApp chats through which the Noticee shared the details of premium membership packages being offered through his WhatsApp group “Power of Markets”.

**2.4** The Bank account details of the Noticee are as under:

| **Particulars** | **Details** |
|---|---|
| Name | Heet Manish Bapna |
| Account No. | 919010070367094 |
| Bank | Axis Bank |
| IFSC | UTIB0001710 |

**2.5** Further, payment through paytm and Google Pay was available through mobile no. xxxxxx7808.

**2.6** A copy of NISM certificate that the Noticee shared with the Complainant to impress upon her that he is a SEBI registered Investment Advisor.

**2.7** A copy of complaint filed by the Complainant against the Noticee in the Civil line police station, Raipur.

**2.8** Exported WhatsApp chat of the Complainant with the Noticee, in text file. As per the text of the WhatsApp chats provided by the Complainant it is observed that:

**(a)** The Noticee was operating a firm with the name “Standard Chartists”.

**(b)** The Noticee offered various investment advisory packages, details of which are mentioned below:

**Full premium* (Full premium include intraday also with index options and stock options)*
*1 month: 3,349/-*
*3 month: 7,699/-*
*6 month: 11,799/-*
*1 year: 17,799/-*

**Only equity delivery**

*1 month: 2179/-*
*3 month: 5,189/-*
*6 month: 9,399/-*
*1 year: 16,799/-*

**Only options**

*1 month: 2279/-*
*3 month: 5,389/-*
*6 month: 9,699/-*
*1 year: 17,799/-*

**DISCOUNTS**
*10% discount on 1 month*
*15% discount on 3 month*
*20% discount on 6 month*
*30% discount on yearly.*

*FULL PREMIUM = 3,349/- per month*

*Only index options = 2,349/- per month*
*Commodity calls = 999/- per month.*
*Currency calls = 899/- per month.*
*3 month membership = 25% discount.*
*1 month membership = 10% discount.*
*Yearly membership flat 40% off*

**(c)** The Complainant opted for the package – “Full Premium” for one month, offered by the Noticee and paid Rs 3,104/- as advisory fee.

**(d)** The Complainant was provided investment advisory services/ tips through WhatsApp chats.

**2.9** Screenshot of payments made to the Noticee on November 27, 2020 – for Rs. 3014/- and on October 1, 2021 – for Rs. 10,200/-.

**2.10** Audio Recording with Noticee wherein Noticee admitted himself to be a SEBI registered advisor.

**2.11** Screenshots of the chats of the WhatsApp group "Power of Markets", from which it is observed that investment advisory services/ tips were provided to the investors who were members of the said group.

**3.** After examining the aforesaid complaint, KYC documents, bank account statements, and the screenshots of WhatsApp chats available on record, SEBI, *prima facie*, found that the Noticee is engaged in investment advisory services without obtaining a certificate of registration from SEBI. Further, upon examining the copy of NISM certificate that the Noticee shared with the Complainant and the WhatsApp chats, it was observed that the Noticee, was operating a firm with the name "Standard Chartists" and was holding the said firm as a SEBI registered intermediary, thereby, misrepresenting to the potential investors through the WhatsApp Group "Power of Markets" that it is a SEBI registered intermediary.

**SHOW CAUSE NOTICE, REPLY AND HEARING**

**4.** A Show Cause Notice dated October 18, 2023 (**"SCN"**) was issued to the Noticee calling upon him to show cause as to why suitable directions under Sections 11(1), 11(4), 11(4A), 11B (1), 11B(2) and 11D of the SEBI Act, 1992, including direction to refund investment advisory fees collected from investor/s and imposing monetary penalty under Sections 15EB of the SEBI Act, 1992, should not be issued against the Noticee for the alleged violation of the provisions of Section 12(1) of the SEBI Act, 1992 read with Regulation 3(1) of the IA Regulations and Regulation 4(2)(k) and 4(2)(s) of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices in Securities Market) Regulations, 2003 (*hereinafter referred to as the **'PFUTP Regulations, 2003'***). The aforesaid SCN was issued to the Noticee at the addresses available on record by way of Speed Post to the Noticee at the address "C-408, Green Avenue, Near Union park, Ghod Dod Road, Surat City, Surat, SVR College, Gujarat – 395007" and via email at the ids heetbapna30@gmail.com /manishbapna2050@gmail.com. The SCN was duly delivered via speed post and digitally signed email. The following documents were annexed with the SCN:

| Annexure No. | Particulars |
|---|---|
| 1 | Copy of the complaint along with enclosures like whatsapp chats, etc. |
| 2 | Email dated November 18, 2021 from Axis Bank Ltd |
| 3 | Email dated March 01, 2022 from Axis Bank Ltd providing requisite documents as sought by SEBI |
| 4 | Email dated December 02, 2021 of SBI Bank |
| 5 | Emails dated December 02, 2021 and December 03, 2021 received from SBI Bank |
| 6 | Copy of complaint filed by the Complainant against the Noticee in the Civil line police station, Raipur |
| 7 | Email dated December 02, 2021 of SEBI to Paytm |
| 8 | Email dated December 02, 2021 from Paytm |
| 10 | Email and letter dated December 06, 2021 of SEBI to the Noticee |
| 11 | Reminder letter dated December 16, 2021 by SEBI to the Noticee |
| 12 | Copy of Screenshots of SEBI website showing information pertaining to SEBI registered intermediaries |
| 13 | Email dated December 02, 2021 of the complainant |

**5.** The details of the allegations made in the SCN are as under:

**5.1** Pursuant to the complaint received against the Noticee, further examination into the activities of the Noticee was undertaken by SEBI. Vide an email dated November 18, 2021, additional information was sought from Axis Bank including Account Opening Form (AOF), Know Your Customer (KYC) documents, etc. pertaining to the bank account number xxxxxxxxxxx7094 belonging to the Noticee. Axis Bank, vide email dated November 18, 2021, furnished the requisite documents.

**5.2** The following details are noted from the aforesaid documents provided by Axis Bank:

| Particulars | Details |
|---|---|
| Account Holder Name | Mr. Heet Manish Bapna |
| Account Type | Savings |
| IFSC | UTIB0001710 |
| Account opening date | September 07, 2019 |
| Branch | Udhna, Surat, Gujarat |

| | |
|---|---|
| Email | heetbapna30@gmail.com |
| Mobile Number | 9998297808 |

**5.3** Further, the bank statement for the Axis bank account mentioned at para 5.1 above (*from date of account opening till February 23, 2022*) was sought from Axis Bank by SEBI, vide email dated February 23, 2022. Axis Bank furnished the requisite information vide email dated March 01, 2022.

**5.4** The analysis of the bank statement furnished by Axis Bank revealed that the total amount credited in the A/c. No. xxxxxxxxxxx7094 from December 10, 2019 (*i.e. date of earliest credit entry for services which are in nature of investment advisory activity*) to February 27, 2022 was INR 88,17,222.69/-. The statement further reflects receipt of payments of INR 3,014 and INR 10,200/- made by the Complainant on November 27, 2020 and October 01, 2021 respectively, for availing investment advisory packages being offered by the Noticee. Few credit entries/ transactions, in the said bank accounts are provided as under:

| Date | Particulars | Amount Credited (Rs.) |
|---|---|---|
| 10-12-19 | UPI/P2A/934416494819/AMAR A GA/ICICI Ban/Fee ret | 1,200 |
| 22-06-20 | UPI/P2A/017415888477/CHARLOTTN/UCOBank/FOR TRAD | 2,846 |
| 11-07-20 | UPI/P2A/019317109920/KUSHAGRA /Kotak Mah/Fees | 4,208 |
| 18-07-20 | NEFT/2032680091/SIDDHARTH R BAVALIA/NEFT//Trade s | 699 |
| 24-07-20 | UPI/P2A/020622865823/ROHAN DO/State Ban/Trading | 700 |
| 08-10-20 | NEFT/2093997807/SIDDHARTH R BAVALIA/NEFT//Trading | 6,000 |
| 02-11-20 | UPI/P2A/030713955169/PARKER V/IDBI Bank/Mdp fees | 5,000 |
| 29-01-21 | UPI/P2A/102912452148/URMIT JA/Bank of I/Share m | 13,563 |
| 30-01-21 | UPI/P2A/103007827842/IKRAMJIT /State Ban/stock p | 7,535 |
| 18-05-21 | IMPS/P2A/113813524078/RUSHABHS/KOTAKMAH/MBSTOCKS | 3,349 |
| 26-05-21 | IMPS/P2A/114621831729/RAHULKAK/KOTAKMAH/MBSHAREM | 6,544 |
| 19-06-20 | UPI/P2A/017115248676/DANG INDE/HDFC BANK/Stock p | 19,100 |
| 27-11-20 | UPI/P2A/033211190847/SHRUTI RA/HDFC BANK/UPI | 3,014/- |
| 01-10-21 | UPI/P2A/127467992935/SHRUTI RA/HDFC BANK/UPI | 10,200/- |

**5.5** It was further observed that the Axis Bank Account Number xxxxxxxxxxx7094 was opened using a cheque drawn on SBI Bank Account No. xxxxxx60504. Accordingly, Bank statement, KYC documents and Account Opening Form (AOF) etc. for the said account were sought by SEBI from SBI Bank vide an email dated December 01, 2021. SBI Bank, vide emails dated December 02, 2021 and December 03, 2021, furnished response to SEBI, details of which are as under:

| **Particulars** | **Details** |
|---|---|
| Account Holder Name | Mr. Heet Manish Bapna |
| Account Type | Savings |
| IFSC | SBIN0009166 |
| Account opening date | November 29, 2017 |
| Branch | Sagar, Madhya Pradesh |
| Email | heetbapna30@gmail.com |

**5.6** The analysis of bank statement of the aforementioned SBI account belonging to the Noticee revealed that except interest income on savings account balance, no amount was credited in the said Bank Account Number xxxxxx60504 during the period December 10, 2019 to September 25, 2021.

**5.7** Further, SEBI, vide email dated December 2, 2021, asked Paytm to furnish documents viz., Account opening form, KYC documents, etc. pertaining to the Paytm account linked to the mobile number xxxxxx7808. Paytm vide email dated December 02, 2021 furnished the requisite documents, details of which are summarized below:

| **Particulars** | **Details** |
|---|---|
| Account Holder Name | Mr. Heet Manish Bapna |
| Customer ID | 312510286 |
| A/c open date | December 10, 2016 |
| Mobile no. | xxxxxx7808 |

**5.8** The analysis of the Paytm statements revealed that the total amount credited in the above mentioned Paytm account from date of account opening (*i.e. December 10, 2016 till December 1, 2021*) was Rs. 2,55,172.71/-. It was observed that a lot of credit entries were pertaining to “Paytm recharge” or “Bill Payment”. Further, with respect to some credit entries the sender was the

Noticee himself. On removing such credit entries, about 162 credit entries reflected in the statement, with total coming out to be Rs. 1,21,056.50/- since December 10, 2019.

**5.9** In view of the above, the Noticee was alleged to have collected total amounts of Rs. 89,38,279.09/- as Investment Advisory Fees in his accounts with Axis Bank account and Paytm, since December 10, 2019 which is summarized as under:

| **Bank Name** | **Total credit amount (Rs.)** |
|---|---|
| Axis Bank | INR 88,17,222.69/- |
| PayTM | INR 1,21,056.50/- |
| Total | INR 89,38,279.19/- |

**5.10** Further, upon perusal of the information available on the SEBI website, it was found that the Noticee is not registered with SEBI in any capacity. Also, as per the documents provided by the Complainant, it was also noted that the Noticee was misrepresenting 'Standard Chartists' as a SEBI registered intermediary through his WhatsApp Group "Power of Markets".

**6.** In view of the aforesaid, it was alleged in the SCN that the Noticee was engaged in the activities of an investment adviser without obtaining the requisite registration from SEBI, and the above acts of the Noticee of holding himself out as an investment advisor, without having any certificate of registration, are in violation of Section 12 (1) of SEBI Act read with Regulation 3(1) of the IA Regulations, 2013. Further, the act on the part of the Noticee of misrepresenting to the potential investors through WhatsApp/ his WhatsApp group that it was registered with SEBI as Investment Advisor, was alleged to be an activity in the nature of fraud and therefore, same is in violation of regulation 3(a), (b), (c), (d) and Regulation 4(1), 4(2)(k) and 4(2)(s) of PFUTP Regulations, 2003 read with Section 12A(a), (b), (c) of SEBI Act, 1992.

**7.** Vide email dated October 22, 2023, the Noticee replied to the SEBI email stating that the attached file is not opening. Further, it was stated that the case was already settled with the complainant and the complainant may be contacted to check on the same. Also, the Noticee stated that he is not involved in any illegal practices. Accordingly, vide email dated October 19, 2023, the scanned copy of the SCN along with annexures was forwarded by SEBI to the Noticee. Further, it was also mentioned that the SCN along with the Annexures has already been delivered by speed post at the available address. However, no reply was submitted by the Noticee in the matter. In view of the same, vide reminder emails dated November 24, 2023, December 05, 2023 and December 06, 2023, the Noticee was advised to file his reply, if any, to the SCN at the earliest. However, from the record available, it is noted that the Noticee did not file any reply to the SCN.

**8.** Thereafter, in compliance with the principles of natural justice, vide hearing notice dated December 19, 2023, an opportunity of hearing was provided to the Noticee on January 04, 2024 before me. The hearing notice was duly delivered to the Noticee via speed post and digitally signed email. As no confirmation for attendance was received from the Noticee, vide email dated January 03, 2024, the Noticee was advised to confirm his attendance for the scheduled hearing on January 04, 2024 by SEBI. The Noticee did not avail the said opportunity. However, vide email dated January 08, 2024, it was informed by Western Regional Office, SEBI that the Noticee had called on the landline number of the said Office of SEBI on January 04, 2024 stating that he was in Mumbai. The Noticee was advised to visit the SEBI, HO Mumbai and to make a representation before me. I note that the Noticee did not appear before me on the said date, despite being in Mumbai. Another opportunity of hearing was granted to the Noticee to defend himself on February 13, 2024.

**9.** On the scheduled date, the Noticee attended the hearing in person and confirmed receipt of the SCN and of not submitting any reply to the same till date. Further, he stated that he has not acted as an unregistered investment advisor and that he was not representing himself as a SEBI registered Investment Advisor. Further, the Noticee, vide letter dated February 13, 2024, has given his latest correspondence details which were taken on record. Also, a copy of the bank account statement received from Axis Bank during the examination period for the bank account held in the name of the Noticee for the period from September 07, 2019 to February 27, 2022 (annexed as annexure 3 to the show cause notice) was provided to him. The Noticee was also advised to file his reply to the SCN alongwith a detailed response on the amounts received by him during the examination period and a copy of Bank account statement for the period from March 2022 till date, on or before February 23, 2024 in the matter. Accordingly, vide email dated February 22, 2024, the Noticee submitted his reply and made the following submissions:

(a) During the relevant time of examination held by SEBI, the Noticee was studying in Mumbai and when he went back to Surat, Gujarat, as an adventure, he started a venture in the name of 'Standard Chartists'.

(b) However, the Noticee states that it was totally a *bonafide* venture and he didn't do any substantial commercial activity in the said name. There were one or two transactions and he has repaid the money to the said clients.

(c) Further, the Noticee states that he was doing retail trading business of sarees owned by his father and most of the receipts in his bank account were for the sale of sarees. Most of the debit transactions were in the nature of withdrawals.

(d) In support of the said submission, the Noticee has attached Trading and Profit & Loss account for the F.Y. 2019-2020, 2020-21 and 2021-22, Balance sheets for F.Ys. 2019-2020, 2020-2021 and 2021-2022, Axis Bank account statement for the period from 01.04.2022 to 31.03.2023 and 01.04.2023 to 13.02.2024.

## CONSIDERATION OF ISSUES AND FINDINGS

**10.** I have carefully considered the allegations made in the SCN along with the findings of examination by SEBI stated therein, submissions made by the Noticee in his reply to the SCN and the documents available on record.

**11.** I note that the issue that arises for consideration in the present proceeding is whether the Noticee has acted as an unregistered investment adviser in violation of the provisions of the SEBI Act, 1992 and the IA Regulations and whether by representing 'Standard Chartists' as a SEBI registered Advisor misrepresented information and misled the potential investors which acted as false through its WhatsApp Group in violation of the provisions of PFUTP Regulations, 2003.

**12.** In this regard, I note that the definition of *'Investment Adviser'* as given under Regulation 2(1)(m) of the IA Regulations 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;"*

**13.** Further, Regulation 2(1)(l) of the IA Regulations, which defines *'investment advice'*, reads 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;"*

**14.** For ease of reference, the provisions of the SEBI Act, 1992, IA Regulations and PFUTP Regulations, 2003 alleged to have been violated by the Noticee are reproduced as under:

***SEBI Act, 1992***
***"Registration of stock brokers, sub-brokers, share transfer agents, etc.***
***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:"*

***SEBI (INVESTMENT ADVISER) REGULATIONS, 2013***
***"Application for grant of certificate.***
***3. (1)*** *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:*

***SEBI (PFUTP) REGULATIONS, 2003***
***2(c)*** *"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**;***

***4(2).** Dealing in securities shall be deemed to be a manipulative fraudulent or an unfair trade practice if it involves any of the following:*

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

*Provided that a person acting as an investment adviser immediately before the commencement of these regulations may continue to do so for a period of six months from such commencement or, if it has made an application for a certificate under sub-regulation (2) within the said period of six months, till the disposal of such application."*

***(s)** mis-selling of securities or services relating to securities market;*

*Explanation-For the purpose of this clause, "mis-selling" means sale of securities or services relating to securities market by any person, directly or indirectly, by—*

*(i)knowingly making a false or misleading statement, or*

*(ii)knowingly concealing or omitting material facts, or*

*(iii)knowingly concealing the associated risk, or*

*(iv)not taking reasonable care to ensure suitability of the securities or service to the buyer.*

**15.** I note that, SEBI, upon receipt of the complaint alleging that the Noticee is providing investment advisory services and is representing himself to be a SEBI registered Advisor, conducted an examination into the activities of the Noticee. Upon examining the bank account statements, the AoF and the KYC documents, as received from Axis Bank, it is established that the Noticee is having a savings bank account bearing no. xxxxxxxxxxx7094 and the said account has been opened on September 07, 2019. A total credit of Rs. 88,17,222.69/- reflected in the said bank account held by the Noticee from December 10, 2019 (i.e. date of earliest credit entry for services which are in nature of investment advisory activity) till March 2022. The bank statement further reflected the receipt of payment of Rs. 3,014/- and Rs. 10,200/- claimed to have been made by the complainant on November 27, 2020 and October 01, 2021, respectively, for availing the investment advisory packages offered by the Noticee. As can be seen from the table at paragraph 5.4 above, certain credit entries / transactions with narrations such as '*Fees' / 'For Trade' / 'Trading' / 'stock' / 'shares'* have also been observed which show that the Noticee has been getting consideration for the advisory services provided by him during the examination period. Further, upon analysis of the Paytm account linked to the mobile number xxxxxx7808 belonging to the Noticee, it is noted that the Noticee is having an account with Paytm with customer ID xxxxx0286 opened on December 10, 2016. An analysis of the statement of the account held by the Noticee with Paytm (*as provided by Paytm*) revealed that total amount credited from the date of opening of the account was Rs. 2,55,172.71/- at the relevant time. Further, after deducting the credit entries showing recharge and bill payments made by the Noticee using Paytm account, it is noted that about 162 credit entries totaling to Rs. 1,21,056.50/- have been received by the Noticee since December 10, 2019. I note that the Noticee did not give any details sought by SEBI during the examination and also, after receipt of the SCN.

**16.** However, the Noticee, vide his email dated February 22, 2024, after availing of the second opportunity of hearing granted to him before me, has submitted his short reply by stating that he had started a new venture in the name of 'Standard Chartists' as an adventure and did not have any substantial commercial activity in the said name. The Noticee has stated that there were only one or two small transactions and that he has already paid to the said clients. The Noticee is doing retail trading of sarees which is his father's business and most of the receipts in his bank account with Axis Bank are on account of sale of sarees. Further, the debits are mostly withdrawals. I note that the Noticee has not even provided any documentary proof in support of his claim of doing textile / saree business such as screen shots of payments made by the purchasers towards sarees, bank entries with narration showing sale of textile products / saree, payment of taxes for the sale of sarees such as VAT, any material showing how the Noticee advertises the products sold to the potential clients, any communications (*including WhatsApp chats*) with his clients, confirmation of payments, etc. I further note that the Noticee has provided Trading and Profit & Loss account for the F.Y. 2019-2020, 2020-21 and 2021-22, Balance sheets for F.Ys. 2019-2020, 2020-2021 and 2021-2022, Axis Bank account statement for the period from 01.04.2022 to 31.03.2023 and 01.04.2023 to 25.02.2024 in support of his submissions.

**17.** Upon perusal of the said Trading and Profit & Loss accounts and the balance sheets, it is noted that the same are not certified by a qualified Chartered Accountant (CA) authenticating the said documents. Thus, neither has the Noticee provided any CA Certificate and / or Tax Certificate in support of his submissions nor has the Noticee provided any receipts, WhatsApp chat screenshots, payment proof, etc. in support of his contentions. Further, upon perusing the Balance sheets and the Trading and Profit & loss accounts, it is noticed that under the head *'Expenditure'*, purchases and Gross Profit both are mentioned. Further, in the balance sheet report 2022, the Noticee has shown provision of an amount of Rs. 20,30,321.83/- against RKSV Securities P. Ltd without any supporting document. In the Trading and Profit & Loss account for the year 2019-20, Gross Profit is shown under the head *'Expenditure'*. I also find from the submissions of the Noticee that he has stated, *"please bear with any accounting error because I am not so very comfortable with accounting so there might be some clerical errors"*. The said statement further establishes that the said balance sheets and trading and Profit & loss accounts provided by the Noticee are not authentic documents. Thus, I find that a bare submission that he was into the business of textile / selling sarees without any documentary evidence in support of the same cannot be taken into consideration as the same lacks merit. With respect to the submission of the Noticee that he has already repaid the monies taken from his clients, no documentary evidence has been provided by the Noticee in support of his submission and therefore, the same cannot be accepted as is devoid of any merit.

**18.** An analysis of the bank account statements provided by the Noticee along with his submissions for the period from April 01, 2022 to March 31, 2023 and April 01, 2023 to February 24, 2024 was undertaken and the following is observed:

| **Sr. No.** | **Period** | **Amount Received (in Rs.)*** | **Credits identified for transactions other than unregistered Investment Advisory activities (in Rs.)*$** | **Credits identified for transactions pertaining to securities market (in Rs.)*#** | **Credit Amount (E=B-C-D) (In (in Rs.)** |
|---|---|---|---|---|---|
| | **(A)** | **(B)** | **(C)** | **(D)** | **(E)** |
| **1.** | February 28, 2022 to March 31, 2022 | 1,88,126.84 | 263.84 (2 Transactions) | Nil | 1,87,863.00 |
| **2.** | April 01, 2022 to March 31, 2023 | 46,53,067.28 | 2,39,612.69 (4 Transactions) | 19,97,071.67 (23 Transactions) | 24,16,382.92 |
| **3.** | April 01, 2023 to February 24, 2024 | 93,26,943.9 | 8,01,785 (16 Transactions) | 6,28,230.86 (15 Transactions) | 78,96,928.04 |
| | | **Total** | | | **1,05,01,173.96** |

***** *As per bank ac. statements submitted by the Noticee vide his emails dated February 22 & 26, 2024 in **excel sheet format**.*

**$** *Credit transactions with narrations having words Swiggy, Petroleum, Zomato, IRCTC, Yulu bike, Flipkart, Dominos, ITDTAX RE, & BAAZI Net are taken into account for calculating this amount.*

*# Credit transactions with narrations having words RKSV, HDFC MUTU, SBI MUTUA, ICICI PRU, were taken into account for calculating this amount.*

**19.** I further find from the bank account statements provided by the Noticee for the years 2022-23 and 2023-24 that the Noticee has been receiving monies from various persons through online transactions as well as by way of cash deposits. In the submissions made by the Noticee, no documentary evidence has been provided by the Noticee to explain the said credits into his bank account. In view of the same, I am constrained to conclude that the Noticee is still continuing to provide investment advisory services without obtaining a certificate of registration as provided under the provisions of law.

**20.** Further, upon perusal of the documents available on record before me, I find that in order to examine into the activities of the Noticee, SEBI, vide letter and email dated

December 06, 2021 and reminder email dated December 16, 2021, had advised the Noticee to provide information regarding the details of clients who availed of the investment advisory services from him and the details of the amounts collected from such clients as advisory fees, etc. in his bank account maintained with Axis Bank, SBI Bank and Paytm account linked to his aforementioned mobile number. Despite receipt of the said emails, the Noticee chose not to respond to the said emails. Further, during the present proceedings as well, despite issuing the SCN dated October 18, 2023, receipt of which was acknowledged by the Noticee vide his email dated October 22, 2023, the Noticee did not file any reply to the same. I note that the Noticee avoided attending the first opportunity of hearing provided to him on January 04, 2024, despite his being in Mumbai on the said date as mentioned in paragraph no. 8 above. Thereafter, the Noticee ultimately appeared for the hearing scheduled on February 13, 2024 in person and has now made written submissions in the matter. Non-cooperation on the part of the Noticee at the examination stage and after initiation of the instant proceedings itself also indicate that the claim of the Noticee is only an afterthought, especially when the same is not supported with any documentary evidence. Therefore, I do not find any merit in the said submissions of the Noticee and the same cannot be considered in the instant case.

**21.** I note that if an entity is engaged in providing advice relating to investing in, purchasing, selling or otherwise dealing in securities or investment products, and advise on investment portfolio containing securities or investment products, whether written, oral or through any other means of communication for the benefit of the client *in lieu* of consideration, including any person which is holding itself out as investment adviser, will be covered by the definition of *"Investment Adviser"* as given in Regulation 2(1)(m) of the IA Regulations. As noted above, the Noticee has received a total of Rs. 89,38,279.09/- (*i.e. Rs. 88,17,222.69/- received in Axis Bank account plus Rs. 1,21,056.50/- received in the Paytm account from December 10, 2019 till March 2022*) for the investment advisory services provided by him through his proprietorship concern namely, Standard Chartists and the said services were provided by the Noticee through WhatsApp. As can be seen from the table at paragraph 5.4 above, credit entries / transactions with narrations such as *Fees / For*

*Trade / Trading / stock / shares* have been observed. Further, the WhatsApp chats available on record clearly show that the Noticee, through WhatsApp, was sharing membership packages such as *"Full premium"*, *"Only equity delivery"*, *"Only Options"*, etc. for specific durations such as 1 month, 3 months, 6 months, etc. which establishes beyond doubt that the Noticee has been getting consideration for the advisory services provided by him during the examination period.

**22.** I note that, as advised during the hearing, the Noticee has provided his bank account statement for the savings bank account bearing No. xxxxxxxxxxx7094 for the period April 01, 2022 to February 13, 2024. Upon perusal of the said bank account statements, I find that the Noticee has received total credits of Rs. 1,05,01,173.96/-, excluding the heads specifically mentioned in the table at paragraph 17 above. However, in the absence of any documentary evidence, the credits received by the Noticee in his Axis Bank account during the F.Y. 2022-23 and 2023 till February 24, 2024 are nothing but amounts received as fees towards the investment advisory activities carried out by the Noticee in the name of 'Standard Chartists'. I also note that the complainant has provided documentary evidence giving details of communication received from Zerodha stating that her demat account has been operated through different IP address/s at different locations for trading purposes. Call recordings are also available on record from which it can be clearly seen that the Noticee has been representing himself as an Investment Advisor and also, trading on behalf of his clients. Further, I note that a complaint has also been filed by the complainant with the police authorities stating that the Noticee has been transacting in her demat account without her consent / permission. In view of the material available on record and the facts mentioned in the preceding paragraphs, I find that the services undertaken and offered by the Noticee were *in lieu* of the consideration and thus, the Notice has been acting as an investment adviser, as defined under Regulation 2(1)(m) of the IA Regulations.

**23.** 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:

(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 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.

**24.** I note that safeguards provided under IA Regulations, 2013 requires continued minimum professional qualification and net-worth requirement for investment adviser, including disclosure of all conflict of interest, prohibition on entering into transactions which are contrary to advice given for 15 days, risk profiling of investors, maintaining documented process for selecting investment for client based on client's objective and risk profile, understanding the nature and risks of products or assets selected for clients, etc. These requirements are aimed at protection of investor's interest.

**25.** As per Regulation 3(1) of 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*".

**26.** Upon perusal of the WhatsApp chats and the NISM certificate displayed by the Noticee to his clients, as provided by the complainant, representing *'Standard Chartists'* as a SEBI registered Investment Advisory concern, I am of the considered view that the Noticee has knowingly misled the investors at large thereby engaging in acts, practices, course of businesses which operated as *'fraud'* as defined under Regulation 2(1)(c) of the PFUTP Regulations by disseminating information that the said firm is registered with SEBI with registration No. INA100219167. The documentary evidence available on record clearly shows that the Noticee was claiming to be SEBI Registered Investment Advisor in order to influence them. 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. Further, Regulation 4(2)(s) provides that dealing in securities shall be deemed to be a manipulative, fraudulent or an unfair trade practice if it involves mis-selling of securities or services relating to securities market by knowingly making a misleading and false statement and / or knowingly concealing or omitting material facts. In the case of ***SEBI Vs. Kishore Ajmera***[1], the Hon'ble Supreme Court observed that,

*"the SEBI Act and the Regulations framed there under are intended to protect the interests of investors in the Securities Market which has seen substantial growth in*

[1] **(2016) 6 SCC 368**

*tune with the parallel developments in the economy. Investors' confidence in the Capital/Securities Market is a reflection of the effectiveness of the regulatory mechanism in force. All such measures are intended to pre-empt manipulative trading and check all kinds of impermissible conduct in order to boost the investors' confidence in the Capital market. The primary purpose of the statutory enactments is to provide enactment is to provide an environment conductive to increased participation and investment in the securities market which is vital to the growth and development of the economy. The provisions of the SEBI Act and the Regulations will, therefore, have to be understood and interpreted in the above light"*.

**27.** The PFUTP Regulations, 2003 are intended to curb market abuse. The Hon'ble Supreme Court in the case of ***SEBI Vs. Kanaiyalal Baldevbhai Patel***[2], has observed that,

*"The definition of 'fraud', which is an inclusive definition and, therefore, has to be understood to be broad and expansive, contemplates even an action or omission, as may be committed, even without any deceit if such act or omission has the effect of inducing another person to deal in securities. Certainly, the definition expands beyond what can be normally understood to be a 'fraudulent act' or a conduct amounting to 'fraud'. The emphasis is on the act of inducement and the scrutiny must, therefore, be on the meaning that must be attributed to the word "induce"……*
*……to make inducement an offence the intention behind the representation or misrepresentation of facts must be dishonest whereas in the latter category of cases like the present the element of dishonesty need not be present or proved and established to be present. In the latter category of cases, a mere inference, rather than proof, that the person induced would not have acted in the manner that he did but for the inducement is sufficient."*

**28.** Thus, the Noticee, by disseminating that *'Standard Chartists'* is a SEBI registered Investment Advisory firm through his WhatsApp Group "Power of Markets" has knowingly published false and misleading information and has knowingly made a misleading statement, thereby, defrauding the investors at large by inducing them to execute trades in the market based on the advice provided and therefore, I find that the Noticee has violated the provisions of Regulation 4(2)(k) and 4(2)(s) of the PFUTP Regulations, 2003.

**29.** In view of the foregoing, I do not have any hesitation to conclude that the Noticee

[2] **(2017) 15 SCC 1**

through its proprietorship concern viz. Standard Chartists, was acting as an investment advisor. However, neither the Noticee nor the proprietorship concern were registered with SEBI in the capacity of Investment Advisor. Hence, I find that these activities were being carried out by the Noticee without obtaining the necessary certificate of registration as an investment adviser and therefore, the Noticee has violated Section 12(1) of the SEBI Act, 1992 along with Regulation 3 of the IA Regulations. Further, as concluded above, the Noticee, by disseminating false and misleading information and knowingly making a misleading and false statement that the proprietorship firm 'Standard Chartists' was SEBI Registered Investment Advisor to the potential investors, has violated the provisions of Regulation 4(2)(k) and 4(2)(s) of the PFUTP Regulations, 2003.

**30.** The SCN referred above, also calls upon the Noticee to explain as to why appropriate penalty be not imposed upon him under Section 15EB of the SEBI Act, 1992 for acting as an Investment Advisor and carrying out such activities without obtaining a certificate of registration from SEBI in violation of Regulation 3 of the IA Regulations read with Section 12(1) of the SEBI Act, 1992. Section 15EB of the SEBI Act, 1992 is reproduced, hereunder:

***"Penalty for default in case of investment adviser and research analyst.***
***15EB.*** *Where an investment adviser or a research analyst fails to comply with the regulations made by the Board or directions issued by the Board, such investment adviser or research analyst shall be liable to penalty which shall not be less than one lakh rupees but which may extend to one lakh rupees for each day during which such failure continues subject to a maximum of one crore rupees."*

**31.** Upon considering the above penalty provision, I note that the Noticee has acted as an investment adviser without obtaining a certificate of registration from SEBI has been clearly established in the preceding paras and therefore, violated Regulation 3(1) of the IA Regulations read with Section 12 of the SEBI Act. I find that the penalty under Section 15EB of the SEBI Act, 1992 is clearly attracted.

**32.** For imposition of penalties under the provisions of the SEBI Act, 1992, Section 15J of the SEBI Act, 1992 provides as follows:

*“**Factors to be taken into account while adjudging quantum of penalty.***
***15J**. While adjudging quantum of penalty under 15-I or section 11 or section 11B, the Board or the adjudicating officer shall have due regard to the following factors, namely: —*
*(a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;*
*(b) the amount of loss caused to an investor or group of investors as a result of the default;*
*(c) the repetitive nature of the default.”*

*Explanation. —For the removal of doubts, it is clarified that the power to adjudge the quantum of penalty under sections 15A to 15E, clauses (b) and (c) of section 15F, 15G, 15H and 15HA shall be and shall always be deemed to have been exercised under the provisions of this section.”*

**33.** As discussed in the aforesaid paragraphs, I note that a total of Rs. 89,38,279.09/- has been received by the Noticee in the bank account and through his Paytm account for the investment advisory services provided by him through his proprietorship concern viz. ‘Standard Chartists’ from the period December 10, 2019 (i.e. date of earliest credit entry for services which are in nature of investment advisory activity) till March 2022. Thus, in the light of the findings in the preceding paragraphs, I am of the considered view that the Noticee, through his proprietorship concern viz. Standard Chartists, is liable for refund of the aforementioned amount i.e. Rs. 89,38,279.09/- (Rupees Eighty-Nine Lakh Thirty-Eight Thousand Two Hundred and Seventy-Nine Only) collected by him as an unregistered investment adviser in addition to monetary penalty which is attracted for the said violation under Section 15EB of the SEBI Act, 1992. Further, upon analyzing the bank account statements provided by the Noticee for the period from April 01, 2022 till February 24, 2024, I note that the Noticee has additionally received credits of Rs 1,05,01,173.96/- during the said period which clearly shows that the Noticee has continued to act as an unregistered investment adviser without obtaining a certificate of registration from SEBI in lines with the provisions of the IA Regulations, 2013 despite initiation of examination into his activities and issuance of a SCN to that effect.

**34.** I also note that the non-cooperation on the part of the Noticee at the examination stage and after initiation of the instant proceedings clearly shows a defiant and casual approach on the part of the Noticee towards the regulatory proceedings which cannot be ignored. I note that despite issuing reminder letters and providing sufficient time to defend his case, the Noticee opted not to respond to any of the communications from SEBI and now filed a short reply, only on insistence during the personal hearing. Further, it is noteworthy that in addition to acting as an unregistered investment advisor, the Noticee, by disseminating that *'Standard Chartists'* is a SEBI registered Investment Advisory firm, through his WhatsApp Group, has knowingly published false and misleading information through social media and has knowingly made a misleading statement, thereby, defrauding the investors at large by inducing them to execute trades in the market based on the advice provided. In view of the same, I find that appropriate directions debarring and restraining the Noticee from accessing and / or dealing in securities market, so as to deter such practices, should be issued against the Noticee.

**ORDER AND DIRECTIONS**

**35.** In view of the foregoing, I, in exercise of the powers conferred upon me under Sections 11(1), 11(4), 11(4A), 11B(1), 11B(2) and 11D read with Section 19 of the SEBI Act, 1992 and Rule 5 of the SEBI (Procedure for Holding Inquiry and Imposing Penalties) Rules, 1995, do hereby issue the following directions:

**35.1** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna shall, within a period of three months from the date of coming into force of this direction, refund the money received from any complainant / investors, as fees or consideration or in any other form, in respect of the unregistered investment advisory activities;

**35.2** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna 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 direction;

**35.3** 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;

**35.4** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna shall cease and desist from carrying out the investment advisory services immediately;

**35.5** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna is prevented from selling his assets, properties and holding of mutual funds/shares/securities held by him 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 clients/ investors/ complainants who were availing the investment advisory services from the Noticee, as directed in this order, from the bank accounts of the Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna;

**35.6** After completing the aforesaid repayments, the Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna shall file a report of such completion with SEBI addressed to the "Division Chief, Division of Post-Inspection Enforcement Action, Market Intermediaries Regulation and Supervision Department, SEBI Bhavan II, Plot No. C7, 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 the directions at para 35.1 and 35.2 above, duly certified by an independent Chartered Accountant and the direction at para 35.5 above shall cease to operate upon filing of such report on completion of refunds to complainants/ investors;

**35.7** The remaining balance amount shall be deposited with SEBI which will be kept in an escrow account for a period of one year for distribution to clients/complainants/investors who were availing the investment advisory services from the Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna. Thereafter, remaining amount if any will be deposited in the Investors Protection and Education Fund maintained by SEBI;

**35.8** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna is debarred from accessing the securities market, directly or indirectly, and is prohibited from buying, selling or otherwise dealing in the securities market, directly or indirectly, in any manner whatsoever, for a period of three (3) years from the date of this order or till the expiry of three (3) years from the date of completion of refunds to complainants/ investors along with depositing of balance amounts, if any, with SEBI, as directed in para 35.1 and 35.7 above, whichever is later;

**35.9** It is hereby clarified that if the Noticee has any open position in any exchange traded derivative contracts, as on the date of this order, he 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. The Noticee is 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;

**35.10** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna shall not undertake, either during or after the expiry of the period of debarment/restraint as mentioned in para 35.8 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.

**35.11** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna is hereby imposed with a monetary penalty of Rs. 5,00,000 (Rupess Five Lakh Only) under Section 15EB of the SEBI Act, 1992 for the violation of the provision of Regulation 3(1) of the IA Regulations, 2013 read with Section 12 of the SEBI Act, 1992 and further is directed to pay the said penalty within a period of forty-five (45) date from the date of this order.

**35.12** The Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna shall remit / pay the said amount of penalty through online payment facility available on the website of SEBI, i.e. www.sebi.gov.in on the following path, by clicking on the payment link: ENFORCEMENT -> Orders ->Orders of EDs/CGMs -> PAY NOW. In case of any difficulties in online payment of penalties, the Noticee / Mr. Heet

Manish Bapna *alias* Heet Manish Bafna may contact the support at portalhelp@sebi.gov.in.

**35.13** In case of failure of the Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna to comply with the aforesaid directions in paras 35.1, 35.6, 35.7 and 35.11, SEBI, on the expiry of the stipulated time period therein from the date of coming into force of this order, may recover such amounts, from the Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna, in accordance with Section 28A of the SEBI Act, 1992, including such other provisions contained in securities laws;

**36.** The direction for refund, as given in para 35.1 above, does not preclude the clients/investors to pursue the other legal remedies available to them under any other law, against the Noticee for refund of money or deficiency in service before any appropriate forum of competent jurisdiction.

**37.** This order shall come into force with immediate effect.

**38.** A copy of this order shall be sent to the Noticee / Mr. Heet Manish Bapna *alias* Heet Manish Bafna, 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.

**Date: February 29, 2024**
**Place: Mumbai**

**Dr. ANITHA ANOOP**
**CHIEF GENERAL MANAGER**
**SECURITIES AND EXCHANGE BOARD OF INDIA**