
(2023) 01 SEBI CK 0031

In the Securities Appellate Tribunal Mumbai

Case No : Miscellaneous Application No. 745 Of 2022, Appeal No. 279 Of 2022 & Miscellaneous Application No. 745 Of 2023, Appeal No. 279 Of 2022

Blue Pearl Texspin Limited

APPELLANT

Vs

Securities And Exchange Board Of India

RESPONDENT

Date of Decision : 20-01-2023

Acts Referred:

Securities And Exchange Board Of India (Listing Obligations And Disclosure Requirements) Regulations, 2015 — Regulation 31, 31(3)
Securities Contracts (Regulation) Act, 1956 — Section 23E, 25E

Citation : (2023) 01 SEBI CK 0031

Hon'ble Judges : Tarun Agarwala Presiding Officer; Meera Swarup Technical Member

Bench : Division Bench

Advocate : Prakash Shah, Kushal Shah, Suraj Chaudhary, Mridul Sharma, Atul Umekar

Final Decision : Allowed

Judgement

Tarun Agarwala, Presiding Officer

1. The present appeal is filed against the order dated April 27, 2022 wherein the penalty of Rs. 5 lakh has been imposed upon the appellant under Section 23E of the Securities Contracts (Regulation) Act, 1956 ('SCRA' for short) for violation of SEBI Circular dated June 17, 2011 and Circular dated September 30, 2011 and Regulation 31 of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 ('LODR Regulations' for short)

2. A show cause notice alleged that the appellant is liable for penalty under Section 23E of the SCRA for violation of the Circulars and Regulation 31(3) of the LODR Regulations.

3. In Suzlon Energy Limited & Anr. vs SEBI in Appeal no. 201 of 2018 decided on May 3, 2021 this Tribunal held that Section 23E of the SCRA is not applicable for violation of the Listing Agreement and / or LODR Regulations. This decision is

squarely applicable in the instant case.

4. In view of the aforesaid, the impugned order insofar as the appellant is concerned cannot be sustained and is quashed. The appeal is allowed.

5. This order will be digitally signed by the Private Secretary on behalf of the bench and all concerned parties are directed to act on the digitally signed copy of this order. Certified copy of this order is also available from the Registry on payment of usual charges.