
(2022) 02 SEBI CK 0134

In the Securities Appellate Tribunal Mumbai

Case No : Miscellaneous Application No. 146 Of 2022 In Appeal No. 177 Of 2021

M. Mathivanan

APPELLANT

Vs

Securities And Exchange Board Of India

RESPONDENT

Date of Decision : 22-02-2022

Acts Referred:

Citation : (2022) 02 SEBI CK 0134

Hon'ble Judges : Tarun Agarwala, Presiding Officer; M. T. Joshi, J

Bench : Division Bench

Advocate : Varada Bhide, Vishal Kanade, Nidhi Singh, Deepti Mohan, Binjal Samani, Aditi Palnitkar, Moksha Kothari, Vidhii Partners

Judgement

Tarun Agarwala, Presiding Officer

1. A bunch of appeals were filed against a common order of the Whole Time Member ('WTM' for short) of the Securities and Exchange Board of India ('SEBI' for short) dated July 29, 2020 and against the order of the Adjudicating Officer ('AO' for short). These appeals were heard and Judgment was reserved on December 14, 2021. After we had reserved the judgment it transpires that the Recovery Officer has issued an attachment order pursuant to which the bank account and demat account of the appellant was frozen on December 24, 2021. Consequently, a miscellaneous application has been filed before this Tribunal for appropriate orders.

2. Having heard the learned counsel for the parties, we are of the opinion that once the appeals have been heard and the judgment has been reserved it would have been appropriate for the Recovery Officer to await the result of the appeals before proceeding with recovery pursuant to the impugned order. The impugned order was passed in July 2020 by the WTM and no steps were taken during the pendency of the appeal. It is, therefore, unfortunate that the recovery proceedings have been initiated after we had reserved the judgment.

3. Consequently, we direct that no recovery shall be made against the appellant

in this appeal or in other connected appeals pursuant to the impugned order passed by the WTM and AO till the delivery of the judgment. Any action taken by the Recovery Officer after reserving the judgment on December 14, 2021 would be reversed immediately. The miscellaneous application is disposed of.

4. The present matter was heard through video conference due to Covid-19 pandemic. At this stage it is not possible to sign a copy of this order nor a certified copy of this order could be issued by the registry. In these circumstances, this order will be digitally signed by the Private Secretary on behalf of the bench and all concerned parties are directed to act on the digitally signed copy of this order. Parties will act on production of a digitally signed copy sent by fax and/or email.