(2020) 09 SEBI CK 0056

In the Securities Appellate Tribunal Mumbai

Case No : Miscellaneous Application No. 231, 232 Of 2020, Appeal No. 237 Of 2020

MPF Systems Ltd And Others APPELLANT

Vs

Securities And Exchange Board Of India RESPONDENT

Date of Decision : 11-09-2020

Acts Referred:

Citation : (2020) 09 SEBI CK 0056

Hon'ble Judges : Tarun Agarwala, Presiding Officer;Dr. C. K. G. Nair, Member;M. T. Joshi, J

Bench : Full Bench

Advocate : Pulkit Sharma, Saurabh Bachhawat, Harsh Kesharia, Mustafa Doctor, Nidhi Singh, Kinjal Bhatt, Vidhi Partners

Judgement

Tarun Agarwala, Presiding Officer

1. We have heard Mr. Pulkit Sharma, the learned counsel with Mr. Saurabh Bachhawat, the learned counsel for the appellants and Mr. Mustafa

Doctor, the learned senior counsel alongwith Ms. Nidhi Singh, Ms. Kinjal Bhatt, the learned counsel for the respondent through video conference.

2. The present appeal has been filed questioning the veracity of the order dated April 20, 2020 passed by the Whole Time Member (hereinafter

referred to as â??WTMâ??) of Securities and Exchange Board of India (hereinafter referred to as â??SEBIâ??) debarring the appellants from

accessing the securities market for a period of six months from the date of the impugned order on the ground that the financial condition of the

company did not depict the correct picture and therefore violated the provisions of Securities and Exchange Board of India (Listing Obligations and

Disclosures Requirements) Regulations, 2015 (hereinafter referred to as â??

LODR Regulationsâ??) and Securities and Exchange Board of India

(Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003 (hereinafter referred to as â??PFUTP

Regulationsâ??).

3. We find that the appellants have already undergone a substantial period of debarment from the date of the impugned order and only about 40 days

are left. It has also been stated by the learned counsel for the appellants that for the same violations penalty proceedings have been initiated before the

Adjudicating Officer (hereinafter referred to as â??AOâ??).

4. In the light of the aforesaid, we are of the view that a substantial period of debarment has already been undergone by the appellants and therefore

the period of debarrment pursuant to the impugned order dated April 20, 2020 will operate only till today. The appeal is accordingly disposed of to that

extent. We also make it clear that it is open to the appellants to raise all issues before the AO and the findings given by the WTM in the impugned

order will not come in the way. In the circumstances of the case, parties shall bear their own costs.

5. 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 Presiding Officer 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.

