(2021) 08 SEBI CK 0184

In the Securities Appellate Tribunal Mumbai

Case No : Miscellaneous Application No. 807, 808, 904, 905 Of 2021, Appeal No.31 Of 2020, 23 Of 2021

Top Class Capital Markets Pvt. Ltd APPELLANT

Vs

Securities And Exchange Board Of India RESPONDENT

Date of Decision : 24-08-2021

Acts Referred:

Citation : (2021) 08 SEBI CK 0184

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

Bench : Division Bench

Advocate : P.N. Modi, Neville Lashkari, Khushali Palrecha, Gaurav Joshi, Abhiraj Arora, Rashi Dalmia, Karthik Narayan

Judgement

1. By our order dated March 3, 2021 we had stayed the effect and operation of the impugned orders passed by the Whole Time Member and

Adjudicating Officer of SEBI. The paragraph

3 of our order is extracted hereunder:-

â??3. Considering the aforesaid, we stay the effect and operation of the impugned order subject to the conditions that the appellant to

deposit a sum of Rs. 10 crore within five weeks from today before SEBI which amount shall be kept in an interest bearing account and

would be subject to the result of the appeal. It has been stated by the learned senior counsel for the appellant that demat accounts have

been frozen and in order to deposit this amount of Rs. 10 crore they need to sell the shares which are at the moment frozen in their demat

accounts. Considering the aforesaid, we direct the appellant to sell the shares from the demat accounts to the extent of Rs. 10 crore after duly intimating the respondent of the name and value of shares. The realization so made shall be deposited within 48 hours from the sale of

the shares before SEBI. Once the amount of Rs. 10 crore is deposited the SEBI will revoke the freezing of the demat accounts.â??

2. Since the amount of Rs. 10 crore was not deposited within the prescribed period the respondent initiated recovery proceedings and sold certain

shares from the demat account. However, at this stage we have been informed that the appellants have deposited a sum of Rs. 10 crore before the

respondent which includes the proceeds of the shares sold by SEBI.

3. In view of the aforesaid, we direct that further recovery proceedings against the appellant shall remain stayed during the pendency of the appeal in

addition to the directions given by us in our order dated March 3, 2021. The freezing of the demat account and the attachment order shall be lifted by

the respondent. All the miscellaneous applications are accordingly disposed of.

4. We also direct the respondent to file a reply to the amended memo of appeal within three weeks from today. Rejoinder, if any, may be filed within a

week thereafter. The matter would be listed for admission and for final disposal on October 21, 2021.

5. Parties are directed to take instructions from the Registrar 48 hours before the date fixed in order to find out as to whether the matter would be

taken up for hearing through video conference or through physical hearing.

6. 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.