

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NOS. 607-612 OF 2020

**MULTI COMMODITY EXCHANGE OF INDIA
LTD. & ANR.**

Petitioner(s)

VERSUS

**SECURITIES AND EXCHANGE BOARD OF
INDIA & ORS. ETC.**

Respondent(s)

WITH

TRANSFER PETITION (C) NOS. 695-710 OF 2020

TRANSFER PETITION (C) NO. 1102 OF 2020

TRANSFER PETITION (C) NO. 1255 OF 2022

TRANSFER PETITION (C) NOS. 1480-1493 OF 2022

O R D E R

All these Transfer Petitions are filed by the Multi Commodity Exchange of India Ltd. and Anr. and Securities and Exchange Board of India (SEBI) to transfer the writ petitions pending in different High Courts for analogous hearing before the Bombay High Court along with Writ Petition No.12/2020 (re-numbered as Writ Petition (L) No.6706/2020) titled as Motilal Oswal Financial Services Ltd. & Anr. Vs. Securities and Exchange

Board of India & Ors. The particulars of the respective writ petitions pending in different High Courts, which are sought to

be transferred are as under -

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Sr. No.	Cause Title	Case No.	High Court
1.	Akshay Aluminium Alloys LLP vs. Securities Exchange Board of India	Writ Petition (C) No. 3008 of 2020	Hon'ble Delhi High Court
2.	PRRSAAR Commodity Pvt. Ltd. vs. Securities Exchange Board of India & Ors.	Writ Petition (C) No. 3019 of 2020	Hon'ble Delhi High Court
3.	R. K. Commodities Services Pvt. Ltd. vs. Securities and Exchange Board of India	Writ Petition (C) No. 3021 of 2020	Hon'ble Delhi High Court
4.	Kunvarji Commodities Brokers Pvt. Ltd. vs. Securities and Exchange Board of India.	Special Civil Application No. 7016 of 2020	Hon'ble Gujarat High Court
5.	Mr. Narendra Surana vs. Securities and Exchange Board of India & Ors.	Writ Petition (C) No. 6619 of 2020	Hon'ble High Court of Telangana
6.	M/s. Nokha Commodity Services vs. Securities and Exchange Board of India & Ors.	S.B. Civil Writ Petition No. 4187 of 2020	Hon'ble High Court of Rajasthan at Jodhpur
7.	Bhagwan Das Sharda vs. Union of India & Ors.	W.P. No. 5440/2020	Rajasthan High Court at Jaipur
8.	Hindustan Technosol Pvt. Ltd. vs. Union of India & Ors.	W.P. No. 5513/2020	Rajasthan High Court at Jaipur
9.	Ganganagar Commodity Ltd. vs. Union of India & Ors.	W.P. No. 5525/2020	Rajasthan High Court at Jaipur

10.	Nine Star Broking Pvt. Ltd. vs. SEBI & Ors.	W.P. No. 4291/2020	Rajasthan High Court at Jodhpur
11.	Tradeswift Derivatives Pvt. Ltd. vs. Union of India	-	Rajasthan High Court at Jaipur
12.	Rahul Jain vs. SEBI & Ors.	W.P. No. 5568/2020	Rajasthan High Court at Jaipur
13.	Rajeev Garg vs. SEBI & Ors.	C.W.P. No. 7458/2020	High Court of Punjab and Haryana at Chandigarh.
14.	M/s. Balaji Trading Company vs. Securities and Exchange Board of India & Ors.	Civil Writ Petition No. 13024 of 2020	High Court of Judicature at Rajasthan
15.	Gordhan Shyam Gupta vs. Securities and Exchange Board of India & Ors.	Civil Writ Petition No. 10194 of 2021	High Court of Judicature at Rajasthan
16.	P. Natarajan HUF vs. Securities and Exchange Board of India & Ors.	Writ Petition No. 6547 of 2022	High Court of Judicature at Madras
17.	Ankit Kushwah & Ors. vs. Union of India & Ors.	Writ Petition No. 7935 of 2020	High Court of Madhya Pradesh.
18.	Gopal Sahu v. Union of India & Ors.	Writ Petition No. 7901 of 2020	High Court of Madhya Pradesh
19.	Sanjeev Jain & Ors. v. Union of India & Ors.	Writ Petition (C) No. 3472 of 2020	High Court of Delhi
20.	Shailendra Kumar Srivastava vs. Union of India through Chairman, Securities and Exchange Board of India & Ors.	Writ Petition No. 12013 (M/B) of 2020	Allahabad High Court

All these Transfer Petitions are filed under Article 139-A of
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the Constitution of India seeking transfer of the aforesaid writ petitions pending in different High Court to the Bombay High Court.

It is submitted by learned counsel appearing on behalf of the petitioners that in all the writ petitions pending before different High Courts, MCXCCL's Circular dated 21.04.2020 is under challenge. It is submitted that therefore, it will be appropriate that all the writ petitions be heard by one High Court to avoid any further conflicting decisions and for convenience of all concerned. It is reported that the writ petition filed before the Bombay High Court was first in time and the same is ripe for hearing by the Bombay High Court.

Having heard Shri Arvind Datar, learned Senior Advocate appearing with Shri Pratap Venugopal, learned counsel appearing on behalf of the respective petitioners and having heard the learned counsel appearing for respective respondents/original writ petitioners before various High Courts and considering the fact that the issue in all the writ petitions is common, namely, challenging Circular dated 21.04.2020 and the writ petition pending before the Bombay High Court was first in time and it is reported that it is ripe for hearing, we deem it proper to exercise the powers under Article 139-A of the Constitution of India and to transfer all the aforesaid writ petitions pending in

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the respective High Courts to the Bombay High Court to be heard with Writ Petition No.12/2020 (re-numbered as Writ Petition (L) No.6706/2020) titled as Motilal Oswal Financial Services Ltd. & Anr. Vs. Securities and Exchange Board of India & Ors.

In view of the above and for the reasons stated hereinabove, all these Transfer Petitions are allowed. The writ petitions pending before respective High Courts, the particulars of which are as above, are ordered to be transferred to the Bombay High Court along with all interlocutory applications and to be heard with Writ Petition No.12/2020 (re-numbered as Writ Petition (L) No.6706/2020) titled as Motilal Oswal Financial Services Ltd. & Anr. Vs. Securities and Exchange Board of India & Ors.

All the aforesaid writ petitions pending before respective High Courts stand transferred to the Bombay High Court and to be heard with Writ Petition No.12/2020 (re-numbered as Writ Petition (L) No.6706/2020). All the High Courts are hereby directed to transfer the record and proceedings of the respective writ petitions along with interlocutory application(s), if any, to the Bombay High Court within a period of four weeks from today. On such transfer, Bombay High Court to finally decide and dispose of Writ Petition No.12/2020 (re-numbered as Writ Petition (L) No.6706/2020) along with other writ petitions which are now transferred in accordance with law and on its own merits, at the

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earliest and preferably within a period of six months from the date of receipt of the transferred petitions.

The present Transfer Petitions stand allowed accordingly.

.....J.
(M.R. SHAH)

.....J.
(KRISHNA MURARI)

New Delhi;
September 01, 2022.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (C) NO. 1166 OF 2020

JMC METALS PVT. LTD. AND ANR.

Petitioner(s)

VERSUS

SECURITIES AND EXCHANGE BOARD OF INDIA & ORS.

Respondent(s)

O R D E R

Pursuant to our order passed today in Transfer Petition Nos. 607-612/2020 and other allied Transfer Petitions whereby all the writ petitions challenging Circular dated 21.04.2020 are transferred to Bombay High Court and in the present Transfer Petition, the writ petition is pending before Bombay High Court, no further order is required to be passed except disposing of the same. It will be open for the learned counsel appearing on behalf of the writ petitioners to request the High Court to hear Writ Petition LD-VC No.265/2020 along with Writ Petition No.12/2020 (re-numbered as Writ Petition (L) No.6706/2020).

The present Transfer Petition stands disposed of.

.....J.
(M.R. SHAH)

.....J.
(KRISHNA MURARI)

New Delhi;
September 01, 2022.

ITEM NO.16

COURT NO.8

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition (Civil) Nos. 607-612/2020

MULTI COMMODITY EXCHANGE OF INDIA LTD. & ANR. Petitioner(s)

VERSUS

SECURITIES AND EXCHANGE BOARD OF INDIA & ORS. ETC. Respondent(s)

(IA No. 56676/2020 - CONDONATION OF DELAY IN FILING THE SPARE COPIES

IA No. 49790/2020 - EX-PARTE STAY

IA No. 66551/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 49791/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 66550/2020 - INTERVENTION/IMPLEADMENT

IA No. 51851/2021 - STAY APPLICATION)

WITH

T.P.(C) No. 695-710/2020 (XVI-A)

(FOR STAY APPLICATION ON IA 60726/2020

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 60727/2020

FOR STAY APPLICATION ON IA 66879/2021

IA No. 60727/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 66879/2021 - STAY APPLICATION

IA No. 60726/2020 - STAY APPLICATION)

T.P.(C) No. 1166/2020 (XVI-A)

(FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 107103/2020

IA No. 107103/2020 - EXEMPTION FROM FILING AFFIDAVIT)

T.P.(C) No. 1102/2020 (XVI-A)

(FOR STAY APPLICATION ON IA 100201/2020

FOR APPLICATION FOR EXEMPTION FROM FILING ORIGINAL

VAKALATNAMA/OTHER DOCUMENT ON IA 3717/2021

IA No. 3717/2021 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL

VAKALATNAMA/OTHER DOCUMENT

IA No. 100201/2020 - STAY APPLICATION)

T.P.(C) No. 1255/2022 (XVI-A)

(FOR STAY APPLICATION ON IA 80592/2022

IA No. 80592/2022 - STAY APPLICATION)

T.P.(C) No. 1480-1493/2022 (XVI-A)

(FOR ADMISSION and IA No.93327/2022-EX-PARTE STAY)

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Date : 01-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI

For Parties

Mr. Arvind P. Datar, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Akhil Abraham Roy, Adv.
Mr. Vijay Valsan, Adv.
M/s. K.J.JOHN & CO.

Ms. A. Sahitya Veena, Adv.
Ms. Supriya Juneja, AOR
Mr. Paritosh Gupta, Adv.
Mr. Aditya Singla, Adv.

Mr. Pranaya Goyal, AOR
Ms. Apoorva Kaushik, Adv.
Mr. Sameer Pandit, Adv.
Ms. Sarrah Khambati, Adv.
M/S. K J John And Co, AOR

Mr. Rupesh Kumar, AOR
Ms. Neelam Sharma, Adv.
Ms. Pankhuri Shrivastava, Adv.
Atreya a.c., Adv.

M/S. K J John And Co, AOR
Mr. Ranjit Kumar Sharma, AOR
Mr. Pranaya Goyal, AOR
Mr. Rupesh Kumar, AOR
Mr. Kumar Mihir, AOR
Ms. Deepanwita Priyanka, AOR
Mr. Atul Kumar, AOR

Mr. Vivek Jain, AOR
Ms. Suchitra Kumbhat, Adv.

Ms. Malvika Kapila, AOR

Mr. Piyush Sharma, AOR
Mr. Shivam Dubey, Adv.
Mr. Gaurav Singh, Adv.

Mr. Shekhar Kumar, AOR

Mr. Vikas Kumar Adv.
Mr. Manish Paliwal, Adv.
M/S Corporate Legal Partners, AOR

contd..

Dr. Anurag Kr. Agarwal, Adv.
Mr. Prateek Agarwal, Adv.
Mr. Sanjay Jain, AOR

Mr. Anish Maheshwari, Adv.
Mr. Yunus Malik, Adv.
Ms. Rajeeta Raj, Adv.
Mr. Aman Malik, Adv.
Ms. Nida Khan, Adv.
Ms. Meena Hasan, Adv.
Mr. Samir Malik, AOR

Ms. Aastha Mehta, Adv.
Mr. Ravi Pahwa, Adv.
Ms. Deepanwita Priyanka, Adv.

Mr. Atul Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

TRANSFER PETITION (C) NOS. 607-612 OF 2020, 695-710 OF 2020, 1102
OF 2020, 1255 OF 2022 AND 1480-1493 OF 2022

The present Transfer Petitions stand allowed in terms of
the signed order.

Pending applications shall stand disposed of.

TRANSFER PETITION (C) NO. 1166 OF 2020

The present Transfer Petition stands disposed of in
terms of the signed order.

Pending applications shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(Two signed orders are placed on the file)