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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.10156 OF 2021

Rana Kapoor ... Petitioner
V/s.
Securities and Exchange Board of India ... Respondent

Dr.Birendra Saraf, Senior Advocate with Mr.Tomu Francis and Mr.Arka Saha
i/b Khaitan & Co. for the Petitioner.

Mr.Pradeep Sancheti, Senior Advocate with Ms.Nidhi Singh, Ms.Deepti
Mohan, Mr.Hersh Choudhary, Ms.Nipa Paka & Ms.Riddhi Pawar i/b Vidhi
Partners for the Respondent.

**CORAM : A. A. SAYED AND
MADHAV J. JAMDAR, JJ.
(THROUGH VIDEO CONFERENCING)**

DATED : 4TH MAY, 2021

P.C:-

1. The Writ Petition has been filed by the Petitioner seeking the following reliefs :

“(A) That this Hon’ble Court be pleased to issue a Writ of Certiorari or writ of mandamus or writ of prohibition or any other writ, order or direction in respect of the following :

(i) injuncting the Respondent from proceeding further on the SCN for a period of at least three months or such other period as this Hon’ble Court deems appropriate to enable normalcy to be restored in the ability of the Petitioner to access his lawyers and give appropriate instructions for responding to the SCN;

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(ii) injuncting the Petitioner from carrying out its threat held out vide e-mail dated March 23, 2021 and directing the Petitioner to file a response to the SCN by April 16, 2021;

(iii) directing the Respondent to provide access to the Petitioner to the entire relevant record that would enable an effective defence, in particular, the documents and records sought vide the Petitioners' representatives email dated March 19, 2021 within a reasonable period;

(iv) directing the Respondent to provide reasonable time to enable the Petitioner to consider the material on record to finalise the witnesses to be examined to answer the question of fact arising from the SCN;

2. We have perused paragraph 9 of the order dated 12th April, 2021 passed by the Adjudicating Officer. It reads as follows :

“9. Considering the peculiar factual situation regarding Noticee 2, including taking into account the fact that he is presently in jail, Adjudication proceedings in respect of Noticee 2 will be conducted separately so that he has reasonable opportunity to contest the allegations levelled against him in the SCN and is able to make a proper representation of the case.”

(Noticee No.2 is the Petitioner in the present Petition.)

3. In view of the above and considering the fact that the Petitioner is in jail and the present surge in Covid-19 cases as well as the fact that the proceedings only relate to imposition of penalties, we are inclined to grant

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time to the Petitioner as prayed to respond to the show cause notice. We, accordingly, extend time to file reply to the show cause notice by a period of three months from today. The decision on show cause notice shall be taken after the aforesaid period has elapsed.

4. The Petitioner has already been granted inspection of the documents relied upon by the SEBI. If there are any further document on which SEBI is relying, inspection of the same shall be given to the Petitioner by SEBI.

5. We record statement of learned Senior Counsel for the Respondent-SEBI that the decision on show cause notice shall be taken only on the basis of the documents relied upon by SEBI in show cause notice. No further directions/orders need to be given/passed.

6. The Writ Petition to stand disposed of accordingly.

[MADHAV J. JAMDAR, J.]

[A. A. SAYED, J.]