

**BEFORE THE ADJUDICATING OFFICER
SECURITIES AND EXCHANGE BOARD OF INDIA
(ADJUDICATION ORDER NO.: Order/SD/NS/2021-22/15593)**

UNDER SECTION 15-I OF THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992 READ WITH RULE 5 OF THE SECURITIES AND EXCHANGE BOARD OF INDIA (PROCEDURE FOR HOLDING INQUIRY AND IMPOSING PENALTIES) RULES, 1995

In respect of:

JAGDISH SAHU

PAN: AOIPS4507J

In the matter of dealings in Illiquid Stock Options at the Bombay Stock Exchange

BACKGROUND

1. Securities and Exchange Board of India (hereinafter referred to as “SEBI”) observed large scale reversal of trades in the Stock Options segment of the Bombay Stock Exchange (hereinafter referred to as “BSE”) leading to the alleged creation of artificial volume in the stock options segment. In this regard, SEBI conducted an investigation into the trading activity in the illiquid Stock Options segment at the BSE for the period April 01, 2014 to September 30, 2015 (hereinafter referred to as “Investigation Period”).
2. It was observed during the course of investigation that a total of 2,91,643 trades comprising 81.38% of all the trades executed in the Stock Options Segment at BSE during the investigation period were trades which involved reversal of buy and sell positions by the clients and counterparties in a contract on the same day. It was observed that Jagdish Sahu (hereinafter referred to as “Noticee”) was one such client whose reversal trade(s) involved squaring off open positions with a significant price difference without any basis for such change in the contract price. The aforesaid reversal trade(s) allegedly resulted into generation of artificial volumes, leading to allegations that the Noticee had violated the provisions of

regulations 3(a), (b), (c), (d) and regulations 4(1),4(2)(a) of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 (hereinafter referred to as “PFUTP Regulations, 2003”).

APPOINTMENT OF ADJUDICATING OFFICER

3. SEBI initiated adjudication proceedings and appointed the undersigned as Adjudicating Officer under section 15-I of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as “SEBI Act”) read with rule 3 of the SEBI (Procedure for Holding Inquiry and Imposing Penalties) Rules, 1995 (hereinafter referred to as “Adjudication Rules”) vide order dated September 20, 2021 to inquire into and adjudge under section 15HA of the SEBI Act against the Noticee for the alleged violation of the aforesaid provisions of PFUTP Regulations, 2003.

SHOW CAUSE NOTICE AND REPLY

4. A Show Cause Notice bearing reference no. SEBI/HO/CDMRD/DOC/OW/2022/3611/1 dated January 28, 2022 (hereinafter referred to as “SCN”) was issued to the Noticee under Rule 4(1) of the Adjudication Rules to show cause as to why an inquiry should not be initiated against the Noticee and why penalty should not be imposed upon the Noticee under Section 15HA of the SEBI Act for the violations alleged to have been committed by the Noticee.
5. The undersigned was informed by Mr. Ujjwal Kumar (Grandson of Noticee) vide email dated March 14, 2022 that the Noticee had passed away on January 02, 2019. A copy of death certificate bearing Registration No: D-2019:20-90032-000355 dated January 18, 2019 issued by Registrar, Municipal Corporation Ranchi was produced along with said email. The website of Civil Registration System- crsorgi.gov.in .It is observed that the Noticee expired before initiation of the present adjudication proceedings against him.
6. In this regard, it is relevant to note that the Hon’ble Supreme Court in the case of **Girijandini vs. Bijendra Narain** (AIR 1967 SC 1124), *inter-alia*, observed that in

case of personal action, i.e. the actions where the relief sought is personal to the deceased, the right to sue will not survive to or against the representatives, and in such cases, the maxim "*action personalis moritur cum persona*" (personal action dies with the death of the person) would apply.

7. Further, Hon'ble Securities Appellate Tribunal has held in **Chandravadan J Dalai Vs. SEBI** that "*The appeal abates since the appellant during the pendency of the appeal died on 29th November, 2004. The appeal accordingly abates. The penalty imposed on the original appellant being personal in nature also abates*".
8. In the matter under consideration, the Noticee expired before the issuance of SCN and therefore, an opportunity of personal hearing cannot be provided to the person concerned. Relying on the aforementioned orders of Hon'ble Supreme Court and Hon'ble Securities Appellate Tribunal, I am of the view that the adjudication proceedings initiated against the Noticee do not survive and are liable to be abated without going into the merits of the case. Consequently, no penalty is imposed on the Noticee who is since deceased and the Adjudication Proceedings against the Noticee stand abated.

ORDER

9. After taking into consideration all the facts and circumstances of the case, the Adjudication Proceedings initiated against the Noticee, viz. Late Shri Jagdish Sahu (PAN - AOIPS4507J), vide SCN bearing reference no. SEBI/HO/CDMRD/DOC/OW/2022/3611/1 dated January 28, 2022 are disposed of.
10. In terms of Rule 6 of the Adjudication Rules, a copy of this order is sent to the Noticee/ his representative and also to SEBI.

DATE: March 25, 2022

PLACE: MUMBAI

S DHAKSHANAMURTHY

ADJUDICATING OFFICER