

**BEFORE THE ADJUDICATING OFFICER  
SECURITIES AND EXCHANGE BOARD OF INDIA  
(ADJUDICATION ORDER NO: Order/AS/VC/2022-23/23806)**

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**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

**Late Bhagwan Devi Dubey**

**(PAN: AGTPD4647H)**

In the matter of dealings in Illiquid Stock Options at BSE

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**BACKGROUND OF THE CASE**

1. Securities and Exchange Board of India (hereinafter referred to as '**SEBI**') had conducted an investigation into large scale reversal of trades in Stock Options segment of the Bombay Stock Exchange (hereinafter referred to as '**BSE**') during the period of April 01, 2014 to September 30, 2015 (hereinafter referred to as '**investigation period**').
2. Pursuant to investigation, it was observed that during the investigation period, there were trades executed in BSE Stock Options Segment involving reversal of buy and sell positions by clients and counterparties in the same contract. The reversal trades involved squaring off trades (either buy or sell), with significant difference in the price. Late Bhagwan Devi Dubey (hereinafter referred to as '**Noticee**') was one among the entities who indulged in reversal trades, which allegedly created false and misleading appearance of trading thereby generated artificial volumes in the Stock Options Segment of BSE during the investigation period. The trades entered in the unique contracts were reversed on the same day with same counterparties, at a price difference which had no underlying basis and without an intention of performing it or there being a change of ownership /

rights in the contracts. These factors indicated that these trades were allegedly artificial and non- genuine in nature.

### **APPOINTMENT OF ADJUDICATING OFFICER**

3. In this connection, SEBI had initiated adjudication proceedings against Noticee, under SEBI (Procedure for Holding Inquiry and Imposing Penalties) Rules, 1995 (hereinafter referred to as '**Adjudication Rules**') for allegedly violating Regulations 3(a),(b),(c),(d) and 4(1), 4(2)(a) of SEBI (Prohibition of Fraudulent and Unfair Trading Practices relating to Securities Markets) Regulations, 2003 (hereinafter referred to as '**PFUTP Regulations**'), in the matter of trading in illiquid stock options at BSE. Vide *communiqué* dated September 30, 2021, Mr. Parag Basu, Chief General Manager, was appointed as Adjudicating Officer under Section 15-I of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as '**SEBI Act**') to inquire into and adjudge the alleged violations by the Noticee and determine whether penalty under Section 15HA of the SEBI Act is liable to be imposed. Pursuant to transfer of Mr. Parag Basu to other department, vide *communiqué* dated July 26, 2022, undersigned was appointed as Adjudicating Officer in the instant matter.

### **SHOW CAUSE NOTICE, REPLY AND HEARING**

4. A Show Cause Notice no. EAD-8/AS/VS/30635/2022 dated July 28, 2022 (hereinafter referred to as '**SCN**') was served on the Noticee, in terms of the provisions of rule 4 of the Adjudication Rules read with Section 15-I of the SEBI Act, requiring the Noticee to show cause as to why an inquiry should not be held against her in terms of Rule 4 of the Adjudication Rules read with section 15-I of the SEBI Act, and penalty, if any, should not be imposed on Noticee under Section 15HA of the SEBI Act for the aforesaid alleged contraventions done by her. In the SCN, the Noticee was informed about the SEBI Settlement Scheme, 2022, in terms of Regulation 26 of the Securities and Exchange Board of India (Settlement Proceedings) Regulations, 2018 in the matter of Illiquid Stock Options and in case, Noticee do not wish to avail of the facility under the SEBI Settlement

Scheme, 2022, Noticee was advised to file a reply to the SCN within 14 days of the receipt of the SCN. I note that the SCN was duly served on the address of the Noticee through SPAD and email.

5. With regard to the aforementioned SCN, *vide* letter dated September 19, 2022, Mr. Nirmal Dubey, stated to be son of Noticee, informed about the death of the Noticee on July 17, 2020 and provided a notarized copy of the death certificate of the Noticee, issued by the Nagar Nigam Kanpur, Department of Medical and Health, Govt. of Uttar Pradesh. The death certificate has been cross verified from the website of the Office of the Registrar General & Census Commissioner, India by scanning the QR code imprinted on the death certificate and it shows that the Noticee passed away on July 17, 2020.
6. Before proceeding further in the matter on merit, it would be in the fitness of things to first decide as to whether on the death of the Noticee, the present adjudication proceedings against her would continue or abate.
7. In this context, it is worth mentioning that in **Girijanandini Vs Bijendra Narain** (AIR 1967 SC 2110), the Hon'ble Supreme Court held that in case of personal actions, 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 *actio personalis moritur cum persona* (personal action dies with the death of the person) would apply. It is also relevant to refer to the decision of Hon'ble Securities Appellate Tribunal in **Chandravadan J. Dalal vs. SEBI** (Appeal No. 35/2004 decided on June 15, 2005) wherein it was held that: *"The appeal abates since the appellant during the pendency of the appeal died on 29<sup>th</sup> November 2004. The appeal accordingly abates. The penalty imposed on the original appellant being personal in nature also abates."*
8. In view of the foregoing, I am of the view that the instant adjudication proceedings against the Noticee are liable to be abated without going into the merits of the

case qua her and the SCN dated July 28, 2022 issued against her is disposed of accordingly.

9. In terms of the provisions of Rule 6 of the Adjudication Rules, a copy of this order is being sent to SEBI and to the last known address of deceased Noticee as well as to Mr. Nirmal Dubey, who is stated to be son of the deceased Noticee.

**Place: Mumbai**

**Date: February 16, 2023**

**ASHA SHETTY**

**ADJUDICATING OFFICER**