BEFORE THE ADJUDICATING OFFICER

SECURITIES AND EXCHANGE BOARD OF INDIA

ADJUDICATION ORDER NO. Order/MR/VV/2021-22/14937

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:

Mr. Sudhir Kumar Gupta

PAN: AEXPG9609Q

In the matter of dealings in Illiquid Stock Options at the BSE

A. BACKGROUND

1. Securities and Exchange Board of India (hereinafter referred to as the "**SEBI**") conducted an investigation into the trading activity in illiquid stock options on BSE Limited (hereinafter referred to as the "**BSE**") for the period April 01, 2014 to September 30, 2015 (hereinafter referred to as the "**investigation period**") after observing large scale reversal of trades in the stock options segment of the BSE.

2. The investigation revealed that during the investigation period, out of the total trades executed on the BSE stock options segment, around 81% were reversal / non-genuine. It was observed that Mr. Sudhir Kumar Gupta (hereinafter referred to as the **"Noticee"**) was one among the various entities who had indulged in execution of reversal trades in stock options segment of BSE during the investigation period. The aforesaid reversal trades allegedly resulted into generation of artificial volumes, leading to allegations that the Noticee had violated regulations 3(a), (b), (c), (d), 4(1) and 4(2) (a) of the Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 (hereinafter referred to as the "**PFUTP Regulations**").

B. APPOINTMENT OF ADJUDICATING OFFICER

3. SEBI initiated adjudication proceedings and appointed the undersigned as the adjudicating officer under section 15I of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as the "**SEBI Act**") read with rule 3 of the Securities and Exchange Board of India (Procedure for Holding Inquiry and Imposing Penalties) Rules, 1995 (hereinafter referred to as the "**Adjudication Rules**") *vide* order dated July 2, 2021 to inquire into and adjudge under section 15HA of the SEBI Act, against the Noticee for the alleged violation of the provisions of regulations 3(a), (b), (c), (d), 4(1) and 4(2) (a) of the PFUTP Regulations. The said appointment was communicated *vide* communiqué dated July 6, 2021.

C. SHOW CAUSE NOTICE, REPLY AND HEARING

4. A show cause notice dated September 28, 2021 bearing number "SEBI / HO /LAD1/LAD1_DOP3/P/OW/2021/26155/1/2021" (hereinafter referred to as the "**SCN**") was served upon the Noticee under rule 4(1) of the Adjudication Rules to show cause as to why an inquiry should not be held and penalty not be imposed against him under section 15HA of the SEBI Act for the alleged violation of regulations 3(a),(b),(c),(d), 4(1) and 4(2)(a) of the PFUTP Regulations. The SCN was served to the Noticee vide an e-mail dated September 29, 2021. The SCN was also duly served to the Noticee vide Registered Post AD on October 4, 2021.

5. The SCN issued to the Noticee, *inter alia,* alleged the following:

a) The Noticee was one of the entities which had indulged in reversal trades which allegedly created false and misleading appearance of trading, generating artificial volumes in stock options segment of the BSE during the investigation period;

b) The Noticee had engaged in two (2) trades in one (1) unique contract which led to generation of artificial volume in the aforesaid unique contract;

c) In the said contract, the trades entered by the Noticee were reversed with the same counterparty at a substantial price difference without any basis, which indicates that these trades were artificial and non-genuine in nature; and

d) The Noticee's two (2) trades while dealing in the above said contract during the investigation period had allegedly generated artificial volume of 20,000 units, which made up 25% of total market volume in the said contract during the investigation period and 33.33% of total market volume in the said contract on March 31, 2015 i.e. the day on which the Noticee traded.

6. By indulging in execution of the aforesaid non-genuine reversal trades, the Noticee has allegedly violated regulations 3(a),(b),(c),(d), 4(1) and 4(2)(a) of the PFUTP Regulations.

7. The Noticee submitted his reply to the aforesaid SCN (hereinafter referred to as the **"reply"**) *vide* email dated October 23, 2021. The reply was also received on November 1, 2021 vide speed post. In the reply, the Noticee has raised the following contentions:

a) That there has been an inordinate delay in issuance of the SCN and that the SEBI should have acted within reasonable time;

b) That the Noticee has only traded once in the options segment at BSE;

c) That the SCN does not contain any details with respect to the objective criteria used to establish the fraudulent nature of the trades executed by the Noticee;

d) That the SCN does not contain any facts/details to show about the exact manner in which the Noticee's trades violated each provision of law; and

e) That neither SEBI nor BSE had issued any warnings to the investors against execution of trades on BSE's F&O Segment.

8. The Noticee has further submitted in his reply that he does not wish to avail the opportunity of personal hearing in the matter.

D. CONSIDERARTION OF ISSUES AND FINDINGS

9. I have carefully perused the charges levelled against the Noticee, his reply and the documents / material available on record. The issues that arise for consideration in the instant matter are:

a) **Issue No. I**: Whether the Noticee has violated provisions of regulations 3(a), (b), (c), (d), 4(1) and 4(2)(a) of the PFUTP Regulations;

b) **Issue No. II:** Does the violation, if any, attract monetary penalty under section 15HA of the SEBI Act?; and

c) **Issue No. III:** If so, what would be the quantum of monetary penalty that can be imposed on the Noticee after taking into consideration the factors mentioned in section 15J of the SEBI Act?

10. Before dealing with aforesaid issues, I would like to deal with the contentions raised by the Noticee in the reply dated October 23, 2021.

11. The Noticee has, *inter alia,* contended that there has been an inordinate delay of more than five years in the initiation of proceedings and that principles of natural justice require statutory authorities like SEBI to act within reasonable time. In this regard, I note that the investigation as regards violation of the PFUTP Regulations is an exhaustive, time consuming process, which may require detailed analysis of the case facts. Here, I would like to place my reliance on the decision of the Hon'ble

Securities Appellate Tribunal in the matter of ***Bipin R Vora Vs. SEBI***[1] wherein it was, *inter alia,* held that:

> *"As regards the plea of delay and latches and submission that the show cause notice is barred by limitation, I do not find any merit in these contentions as the time and efforts involved in an investigation though may vary from case to case, generally investigations per-se is a time consuming process which invariably involve collection, scrutiny and careful examination of voluminous records/ order-trade details of all the concerned including the exchanges/recording of statements etc. and therefore no time limit can be fixed in this regard to enable a regulator to take appropriate disciplinary action for the safeguard and improvement of the system/market".*

12. Further, I would also like to refer to the decision of the Hon'ble Securities Appellate Tribunal in the matter of ***Rajendra Aggarwal Vs. SEBI***[2] wherein the Hon'ble Securities Appellate Tribunal while rejecting the contention of the Noticee therein regarding delay of four years in issuance of SCN, has, *inter alia,* held that:

> *"The investigation was against a large number of entities which apparently took time and ultimately notices were issued to 35 entities. Consequently, we do not find any inordinate delay in the issuance of the show cause notice nor do we find any merit in the contention that there was an inordinate delay."*

13. In view of the aforementioned case laws, I am of the view that it would inequitable and unjust to put up any unreasonable limit upon the regulator to initiate proceedings within a fixed span of time and that there has been no inordinate delay in initiation of proceedings against the Noticee. Here, I would like to bring it on record that the investigation into the trading activity in illiquid stock options was conducted for 21,652 entities and a total of 14,720 entities were found to be in alleged violation of

[1] Decided on March 22, 2006
[2] Decided on September 17, 2021

the PFUTP Regulations against whom adjudication proceedings were approved in phased manner starting from the year 2018.

14. In the backdrop of the approved adjudication proceedings against 14,720 entities, SEBI decided to introduce a Settlement Scheme (hereinafter referred to as the "**Scheme**") in terms of regulation 26 of the Securities and Exchange Board of India (Settlement Proceedings) Regulations, 2018 (hereinafter referred to as the "**Settlement Regulations**"). Accordingly, SEBI framed the Scheme in accordance with the provisions of the Settlement Regulations which provided a onetime opportunity to the entities against whom adjudication proceedings were approved for the aforementioned violations, to settle the said pending proceedings. SEBI issued a public notice dated July 27, 2020 about the launching of the Scheme and the modalities for availing the benefit of the Scheme. In addition to the same, all the entities were intimated through email and letters.

15. The Scheme was initially kept open for a period of three months commencing from August 01, 2020 to October 31, 2020 (both days inclusive). Subsequently, vide public notice dated October 31, 2020, SEBI extended the period of the Scheme till December 31, 2020 to enable the entities to avail the benefit of the scheme in view of the disruptions caused due to the Covid-19 pandemic. Thereafter, a settlement order was passed by SEBI on January 15, 2021.

16. Pursuant to the aforesaid order, adjudication proceedings were initiated against those entities which had failed to avail the opportunity of settlement. Given the fact that the investigation in the present matter was against multiple entities and that a settlement scheme was also floated by the Board, the SCN issued in the present case cannot be labelled as one issued after inordinate delay. Therefore the contentions of the Noticee, in this regard, hold no merit.

17. Secondly, the Noticee has stated that other than the two trades, he never executed any trades on the BSE's F&O segment. In this regard, it is observed that the Noticee did not trade again in the BSE F&O segment after execution of reversal trades, cannot be a justification for the violation committed by the Noticee in the first place.

Here, I would like to refer to the decision of the Hon'ble Supreme Court in the matter of ***SEBI Vs. Rakhi Trading***[3] wherein the Hon'ble Supreme Court, *inter alia,* held that:

> *"37. …………...The stock market is not a platform for any fraudulent or unfair trade practice. The field is open to all the investors. By synchronization and rapid reverse trade, as has been carried out by the traders in the instant case, the price discovery system itself is affected. Except the parties who have pre-fixed the price nobody is in the position to participate in the trade. It also has an adverse impact on the fairness, integrity and transparency of the stock market."*

18. I would also like to refer to the decision of the Hon'ble Securities Appellate Tribunal in the matter of ***Shivam Investments Vs. SEBI***[4] wherein the Hon'ble Tribunal, *inter alia,* held that:

> *"We are of the view that in the facts and circumstances of this case, the volume of trades, as contended by the appellant, is not relevant since the wrong doing stands established."*

19. In view of the above judgments, it is amply clear that the Noticee merely executed two trades is not of much relevance as long as the factum of violation of PFUTP Regulations stands established. Thus, Noticee's contentions in this regard are liable to be rejected.

20. Thirdly, the Noticee has stated that the SCN does not contain any objective criteria to establish that the reversal trades are fraudulent in nature. In this regard, it is noted that the Noticee was provided with all the documents which have been relied upon in the present matter. It was explicitly stated in Para 9 of the SCN that the trades of the Noticee were reversed on the same day with the same counterparty within a span of few seconds at a substantial price difference. In this regard, relevant data vide Annexure B and Annexure C was also duly provided to the Noticee. Therefore, the Noticee's contention is hereby dismissed.

---

[3] Decided on February 8, 2018
[4] Decided on April 12, 2012.

21. Fourthly, the Noticee has stated that although the SCN alleges that the Noticee has violated several provisions of law, it does not contain any facts / details to show about the exact manner in which the Noticee's trades violated each provision of law. This contention of the Noticee is not tenable in view of the facts stated in the SCN, especially in view of the facts from Para 8 to 11. Further, the Noticee was provided the data with respect to the value/amount, time and parties involved in the transaction. The Noticee was also informed that reversal of trades with the same counterparty at substantial price difference without any basis, amounts to non-genuine trades. Hence, the SCN has clearly brought out the use of fraudulent and unfair trade practices of the Noticee in intentionally matching the trades with the counterparty which in itself amounts to fraud and unfair trade practices in securities. Therefore, the Noticee's contention does not hold any merit and is hereby dismissed.

22. Lastly, the Noticee has stated that neither BSE nor SEBI had issued any warning to the investors against execution of trades on BSE's F&O segment. In this regard, I am of the view that execution of trades on BSE's F&O segment is not, *per se,* illegal or prohibited. Therefore, neither SEBI nor BSE can be said to be under any obligation whatsoever to issue warnings.

23. In order to decide the Issue No. I, I would like to refer to the relevant provisions of the PFUTP Regulations as below:

> ***"3. Prohibition of certain dealings in securities***
> *No person shall directly or indirectly—*
> *(a) buy, sell or otherwise deal in securities in a fraudulent manner;*
> *(b) use or employ, in connection with issue, purchase or sale of any security listed or proposed to be listed in a recognized stock exchange, any manipulative or deceptive device or contrivance in contravention of the provisions of the Act or the rules or the regulations made there under;*
> *(c) employ any device, scheme or artifice to defraud in connection with dealing in or issue of securities which are listed or proposed to be listed on a recognized stock exchange;*

(d) engage in any act, practice, course of business which operates or would operate as fraud or deceit upon any person in connection with any dealing in or issue of securities which are listed or proposed to be listed on a recognized stock exchange in contravention of the provisions of the Act or the rules and the regulations made there under."

"4. Prohibition of manipulative, fraudulent and unfair trade practices
(1) Without prejudice to the provisions of regulation 3, no person shall indulge in a fraudulent or an unfair trade practice in securities.

(2) Dealing in securities shall be deemed to be a fraudulent or an unfair trade practice if it involves fraud and may include all or any of the following, namely:—
(a) indulging in an act which creates false or misleading appearance of trading in the securities market;"

24. I note that allegation against the Noticee is that, while dealing in the stock option contracts at BSE during the investigation period, the Noticee had executed reversal trades which were non-genuine and the same had resulted in generation of artificial volume in stock option contracts at BSE. Reversal trades are considered to be those trades in which an entity reverses its buy or sell positions in a contract with subsequent sell or buy positions with the same counterparty during the same day.

25. The said reversal trades are considered to be non-genuine trades as they are not executed in the normal course of trading, lack basic trading rationale, lead to false or misleading appearance of trading in terms of generation of artificial volumes and hence, are deceptive and manipulative. In this regard, I would like to place my reliance on the decision of the Hon'ble Supreme Court in the matter of ***SEBI Vs. Rakhi Trading Pvt Ltd***[5] wherein the Hon'ble Supreme Court, *inter alia,* held that:

"31…. The non-genuineness of these transactions is evident from the fact that there was no commercial basis to suddenly, within a matter of minutes, reverse

[5] Decided on February 8, 2018

a transaction when the value of the underlying had not undergone any significant change.

………

………

………

73. Applying the test laid down in Kishore R. Ajmera case to the present case, I find that by cumulative analysis of the reversal transactions between Respondent and Kasam Holding, quantity, time and significant variation of prices, without major variation in the underlying price of the securities clearly indicate that the Respondent's trades are not genuine and had only misleading appearance of trading in the securities market, without intending to transfer beneficial ownership."

26. I note from the trades of the Noticee that the Noticee had traded in one contract in the stock options segment of BSE during the investigation period and executed two trades in the said contract. The aforesaid trades of the Noticee generated an artificial volume of 20,000 units in the said contract. Summary of the trades executed by the Noticee is produced for sake of convenience:

Particulars	Sell	Buy
CONTRACT NAME	AUPL15MAY1050.00PE	AUPL15MAY1050.00PE
TRADE DATE	31/03/2015	31/03/2015
CLIENT NAME WITH PAN	NIKHIL JAIN AFGPJ3994K	SUDHIR KUMAR GUPTA AEXPG9609Q
CP CLIENT NAME	SUDHIR KUMAR GUPTA AEXPG9609Q	NIKHIL JAIN AFGPJ3994K
ORDER NO.	1427790146385001005	1427790146385001006
CP ORDER NO.	1427790146385001004	1427790146385001007
TRADE TIME	14:08:09.302090	14:08:14.202288
ORDER LMTIME	14:08:09.302090	14:08:13.925250
CP ORDER LMTIME	14:08:08.125017	14:08:14.202288
TRADE RATE	23	8
TRADE VALUE	10730000	10580000
PREMIUM TRADE VALUE	230000	80000
ORDER_LMRATE	23	8
CP ORDER LMRATE	23	8

TRADED QTY (no. of units)	10000	10000
ORDER LMQTY	10000	10000

27. I find that the trades executed by the Noticee were squared up within a short span of time with the same counterparty. The Noticee on March 31, 2015 at 14:08:09.302090 hrs. entered into sell trade with the counterparty Nikhil Jain for 10,000 units at the rate of INR 23 per unit in the contract 'AUPL15MAY1050.00PE'. Thereafter, on the same day, the Noticee entered into a buy trade at 14:08:14.202288 hrs. with the same counterparty for 10,000 units at the rate of INR 8 per unit.

28. Thus, while dealing in the said contract during the investigation period, the Noticee executed reversal trades with the same counterparty viz. Nikhil Jain on the same day within a fraction of a second. Such matching of trades, without any change in the actual beneficial ownership, cannot be said to be a mere coincidence. Therefore, the Noticee generated an artificial volume of 20,000 units in the said contract which was 25% of the volume traded in the said contract during the investigation period and 33.33% of the volume traded in the particular contract on March 31, 2015. The said trades of the Noticee have also contributed in creation of large artificial volume in the said contract, which may have attracted other gullible investors in the said contract.

29. I would also like to put it on record that the aforementioned facts were not disputed by the Noticee in his reply to the SCN rather the Noticee vide his reply dated October 23, 2021 admitted the fact that he himself directed the broker to execute the said trades on his behalf.

30. I find that the non-genuineness of these trades executed by the Noticee is evident from the fact that there was no commercial basis as to why, within a short span of time, the Noticee reversed the position with his counterparties with significant price difference. The fact that the transactions in a particular contract were reversed with the same counterparties on the same day within a fraction of second indicates a prior meeting of minds with a view to execute the reversal trades at a pre-determined price. Since these trades were done in illiquid option contract, there was negligible trading in the said contract and hence, there was no price discovery in the strictest terms.

31. In this context, I deem it appropriate to refer to the Hon'ble Securities Appellate Tribunal order dated July 14, 2006, in the case of ***Ketan Parekh vs. SEBI (Appeal no. 2/2004)***, wherein the Hon'ble Securities Appellate Tribunal has held that –

> *"The nature of transactions executed, the frequency with which such transactions are undertaken, the value of the transactions, the conditions then prevailing in the market are some of the factors which go to show the intention of the parties. This list of factors, in the very nature of things, cannot be exhaustive. Any one factor may or may not be decisive and it is from the cumulative effect of these that an inference will have to be drawn."*

32. I find that the trading behaviour of the Noticee confirms that such trades were not normal indicating that the trades executed by the Noticee were not genuine trades and being non-genuine, created an appearance of artificial trading volumes in respective contracts. In this regard, I place reliance on the decision of the Hon'ble Securities Appellate Tribunal in the matter of ***Global Earth Properties Vs. SEBI***[6] wherein the Hon'ble Tribunal, *inter alia,* held that:

> *"12. …..The reversal of trades executed by the Appellant cannot be called a normal trading transaction in as much as these trades were reversed within a short span ranging from a few seconds to a few minutes with the same counter parties. By no stretch of imagination it can be held to be a mere coincidence that the Appellants trades matched consistently with the same counter parties unless there was a meeting of minds with a view to trade at a predetermined time. Such kind of transaction, in our opinion, is a manipulative device and is also synchronized trading."*

33. Further, the above stance was also reiterated by the Hon'ble Securities Appellate Tribunal in the matter of ***Shruti Daga Vs. SEBI***[7] wherein the SCN was issued after six years for executing two (2) trades in one (1) contract, similar to the

---

6 Decided on September 14, 2020
7 Decided on February 1, 2022

facts of the present matter. In the said case, the Hon'ble Securities Appellate Tribunal dismissed the appeal stating that controversy involved in the said case is squarely covered by the decision of the Hon'ble Tribunal in ***Global Earth Properties Vs. SEBI***[8]***.***

34. In view of the above, Issue No. I, i.e., whether the Noticee has violated the provisions of regulations 3(a), (b), (c), (d), 4(1) and 4(2)(a) of the PFUTP Regulations by the Noticee stands answered in affirmative.

35. Since, it is established that the Noticee is in violation of the aforesaid provisions of the PFUTP Regulations, it becomes pertinent to answer Issue No. II, i.e. whether the violation attracts any monetary penalty under section 15HA of the SEBI Act. In this regard, reference is drawn to the decision of the Hon'ble Supreme Court of India in the matter of ***SEBI Vs. Shri Ram Mutual Fund***[9] wherein it was, *inter alia,* held that –

> *"20. In our considered opinion, penalty is attracted as soon as the contravention of the statutory obligation as contemplated by the Act and the Regulations is established and hence the intention of the parties committing such violation becomes wholly irrelevant*…"

36. In view of the same, I am convinced that it is a fit case for imposition of monetary penalty on the Noticee under section 15HA of the SEBI Act which reads as under:

> ***"Penalty for fraudulent and unfair trade practices.***
> *15HA. If any person indulges in fraudulent and unfair trade practices relating to securities, he shall be liable to a penalty which shall not be less than five lakh rupees but which may extend to twenty - five crore rupees or three times the amount of profits made out of such practices, whichever is higher."*

37. As Issue No. II has been decided in affirmative, the quantum of monetary penalty under section 15HA of the SEBI Act that can be imposed on the Noticee after taking into consideration the factors mentioned in section 15J of the SEBI Act, as

[8] Decided on September 14, 2020
[9] [2006] 68 SCL 216(SC)

framed under Issue No. III, needs to be determined. In this regard, it is important to consider the factors as stipulated in section 15J of the SEBI Act which reads as under:-

> ***"Factors to be taken into account by the adjudicating officer.***
> ***15J.*** *While adjudging quantum of penalty under section 15-I, the adjudicating officer shall have due regard to the following factors, namely:-*
>
> *(a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;*
>
> *(b) the amount of loss caused to an investor or group of investors as a result of the default;*
>
> *(c) the repetitive nature of the default.*
>
> *Explanation.—For the removal of doubts, it is clarified that the power of an adjudicating officer to adjudge the quantum of penalty under sections 15A to 15E,clauses (b) and (c) of section 15F, 15G, 15H and 15HA shall be and shall always be deemed to have been exercised under the provisions of this section."*

38. In this case, I observe that the material available on record does not quantify any disproportionate gains or unfair advantage, if any, made by the Noticee and the losses, if any, suffered by the investors due to such violations on part of the said Noticee or establish repetitiveness of the violation. However, the act of Noticee in executing the aforesaid two non-genuine trades is in violation of the provisions of regulations 3(a), (b), (c), (d), 4(1) and 4(2)(a) of the PFUTP Regulations which has been established in the aforesaid paragraphs. Once the factum of violation of legal provisions is established, an appropriate penalty must follow. Having taken into account the facts and circumstances of this case, I am of the view that a penalty of INR 5,00,000/- (Rupees Five Lakh only) is commensurate with the violation on the part of the Noticee.

ORDER

39. After taking into consideration all the facts and circumstances of the case, the material available on record and in exercise of power conferred upon me under section

15I of the SEBI Act read with rule 5 of the Adjudication Rules, I hereby impose following penalty under section 15HA of the SEBI Act on the Noticee:

Name of the Noticee	Provisions violated	Penalty
Sudhir Kumar Gupta PAN: AEXPG9609Q	Regulations 3(a), (b), (c), (d), 4(1) and 4(2)(a) of the PFUTP Regulations.	INR. 5,00,000/- (Rupees Five Lakh only)

40. The Noticee shall remit / pay the said amount of penalty within 45 days of receipt of this order either by way of Demand Draft in favour of "SEBI - Penalties Remittable to Government of India", payable at Mumbai, OR through online payment facility available on the website of SEBI, i.e. www.sebi.gov.in on the following path, by clicking on the payment link:

ENFORCEMENT → Orders → Orders of AO → PAY NOW

41. The aforesaid Noticee shall forward said Demand Draft or the details / confirmation of penalty so paid to "The Division Chief (EFD-1/FDMD-1), Securities and Exchange Board of India, SEBI Bhavan II, Plot No. C – 7, "G" Block, Bandra Kurla Complex, Bandra (E), Mumbai – 400 051" and also send an email to tad@sebi.gov.in. The Noticee shall also provide the following details while forwarding Demand Draft / payment information:

- Name and PAN of the Noticee
- Name of the case / matter
- Purpose of Payment – Payment of penalty under AO proceedings
- Bank Name and Account Number
- Transaction Number

42. In the event of failure to pay the said amount of penalty within 45 days of the receipt of this Order, SEBI may initiate consequential actions including but not limited to recovery proceedings under section 28A of the SEBI Act for realization of the said

amount of penalty along with interest thereon, *inter alia*, by attachment and sale of movable and immovable properties.

43. In terms of the provisions of rule 6 of the Adjudication Rules, a copy of this order is being sent to the Noticee viz. Mr. Sudhir Kumar Gupta and also to the Securities and Exchange Board of India.

Date: February 9, 2022	**Mohamed Rahaz P. M.**
Place: Mumbai	**Adjudicating Officer**