**BEFORE THE ADJUDICATING OFFICER**

**SECURITIES AND EXCHANGE BOARD OF INDIA**

**[ADJUDICATION ORDER NO. Order/BM/GN/2022-23/22947]**

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

In respect of:

**Mr. Jalaj Agrawal**

**(PAN - AUDPA0226H)**

In the matter of

**Trading activities of certain entities in the scrip of Panafic Industrials Limited.**

## BACKGROUND:

1. Securities and Exchange Board of India (hereinafter referred to as **SEBI**) received complaints alleging receipt of SMS urging investors to buy the scrip of Panafic Industrials Limited (hereinafter referred to as **Company/ Panafic**). Pursuant to this SEBI conducted an investigation during the period from January 04, 2017 to March 31, 2017 (hereinafter referred to as **IP**), to ascertain whether there was any violation of the provisions of Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 (hereinafter referred to as **PFUTP Regulations**) and Securities and Exchange Board of India Act, 1992 (hereinafter referred to as **SEBI Act**) by Mr. Jalaj Agrawal (hereinafter referred to as **Noticee**) in trading in the scrip of Panafic Industrials Limited during the IP.

## APPOINTMENT OF ADJUDICATING OFFICER

2. Vide order dated November 17, 2022 SEBI appointed the undersigned as the Adjudicating Officer under Section 19 of SEBI Act read with Sub-section (1) of Section 15I of the SEBI Act and Rule 3 of SEBI (Procedure for Holding Inquiry and Imposing Penalties) Rules, 1995 (hereinafter referred to as **'SEBI Adjudication Rules'**) to inquire into and adjudge under the provisions of Section 15HA of the SEBI Act, 1992 for the alleged violation of Section 12A(a), (b), (c) of SEBI Act, 1992 and Regulation 3(a), (b), (c), (d), 4(1) and 4(2)(k) of SEBI (PFUTP) Regulations, 2003.

## SHOW CAUSE NOTICE, REPLY AND HEARING

3. Show Cause Notice (hereinafter referred to as **"SCN"**) dated November 24, 2022 was issued to the Noticee under rule 4(1) of the SEBI Adjudication Rules to show cause as to why an inquiry should not be held against him in terms of Rule 4 of Adjudication Rules read with Section 15-I (1) & (2) of SEBI Act, and penalty, if any, be not imposed on Noticee under the provisions of Section 15HA of the SEBI Act, 1992 for the alleged violation of Section 12A(a), (b), (c) of SEBI Act, 1992 and Regulation 3(a), (b), (c), (d), 4(1) and 4(2)(k) of SEBI (PFUTP) Regulations, 2003.

4. The allegations levelled against the Noticee is summarized below:

   i. SEBI received several complaints alleging that several stock tips / recommendations were circulated in the scrip of Panafic. During investigation it was observed that stock tips/ recommendations were alleged to be circulated through SMS header viz. IM-MNYMKR. The aspects related to SMS headers viz. IM-MNYMKR were analysed as under:

   **Details regarding SMS sender IDs – IM-MNYMKR**

   ii. It was observed that the (Telecom Service Provider) TSP of aforesaid sender id is Idea Cellular Ltd. ('Idea').

   iii. Idea vide e-mail dated July 04, 2018 submitted that entity namely *Mgage | M- campaigner Private Limited* had sent these messages to the investors as the same was SMS aggregator for the SMS header IM-MNYMKR.

   iv. As informed by Idea, SMS aggregator namely, Karix Mobile Pvt. Ltd. (formerly *M-campaigner Pvt. Ltd.)* vide e-mail dated July 13, 2018 was inter-alia requested to provide the SMS records for the period January 04, 2017 to March 31, 2017 and Customer Application Form (CAF) for the sender ID IM-MNYMKR.

   v. Karix Mobile Pvt. Ltd. ('Karix') vide e-mail dated July 27, 2018 submitted that entity namely *Proactive Professional Services Pvt. Ltd.* had sent these messages to the investors as the same was SMS aggregators for the said SMS header. Further, Karix has submitted SMS data records of said sender id too.

vi. It is observed from said SMS data records that SMSes were sent to around 4,62,883 mobile numbers using said header during January 20-23, 2017 giving buy recommendation in the scrip of Panafic. The content of few such SMSes are as under :

*Content 1 - PREMIUM CASH CALL:- 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.40 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY)*

*Content 2 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.20 TARGET 25 (DOUBLE YOUR INVESTMENT IN 4-5 DAY.) (RAKESH JHUNJHUWALA INVEST 700 CR)*

*Content 3 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.40 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY)*

*Content 4 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.15 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY)*

*Content 5 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.30 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY.)*

vii. In view of the above, information was sought from *Proactive Professional Services Pvt. Ltd.* ('Proactive'). In reply vide e-mail dated July 05, 2019, Proactive submitted that said SMS header was allotted to reseller namely '*Eminent Systems*' ('Eminent'). Eminent on July 18, 2019 given name of 'RT Infotech' for the same. RT infotech on December 03, 2021 given name of 'Shree SAI Venkatesh Technologies' for the same.

viii. Accordingly, information was sought vide summons dated December 03, 2021 from Shree SAI Venkatesh Technologies (proprietor Mr. Ajay Suryawanshi). In reply, vide e-mail dated December 06 & 07, 2021, Mr. Ajay has submitted that the said header was given to the

Noticee and payment of Rs. 1,50,000/- received in this regard. Mr. Ajay also submitted bank statement of account number – 14052*****3867 of HDFC Bank showing such payment from Noticee which are as under :

| Table 9 : Transactions from bank account of Shree SAI Venkatesh Technologies | | |
|---|---|---|
| **Date** | **Paid/Received by Jalaj Agrawal** | **Amount (Rs.)** |
| 08.02.2017 | Received | 25,000 |
| 22.02.2017 | Paid | 4,00,000 |
| 06.04.2017 | Paid | 1,00,000 |

ix. Vide e-mail dated September 12, 2022, Mr. Ajay Suryawanshi clarified that Noticee has taken various other services like website development, payment integration, hosting, yearly maintenance, crm management including bulk SMS services. The aforesaid payments were made towards such services by Noticee. Further, it is stated that due to non-renewal of website, such URL of website automatically removed from system and hence he could not provide name of said website/ domain name.

x. In view of the information provided by Mr. Ajay Suryawanshi (Prop. of Shree SAI Venkatesh Technologies) along with payment details, vide e-mail dated December 13, 2021 information was sought from Noticee. Noticee replied vide e-mail dated December 14, 2021. However, no relevant and point wise reply submitted.

xi. Hence, the information was sought vide summons dated December 16, 2021 and reminder summons dated January 05, 2022. Noticee vide letter dated January 10, 2022 expressed his inability to attend the hearing on January 12, 2022 and sought further time to provide the information.

xii. In absence of any reply, the information was sought from Noticee vide summons dated February 22, 2022 . Noticee vide e-mail dated March 03, 2022 sought extension till March 04, 2022 to reply. Noticee vide e-mail dated March 04, 2022 submited his reply. He has denied his involvement in circulation of SMS in the scrip of Panafic and connection with suspected entities and promoters/directors of the company. However, he has not provided any comment on payment made to Shree SAI Venkatesh Technologies for bulk SMS services.

xiii. In absence of his comments on payment for bulk SMS service, another summons dated October 04, 2022 was issued to Noticee and advised to provide the required information and appear on October 13, 2022. The summons sent to the address of Noticee was returned undelievered. Thereafter, it was informed to Noticee through telephone regarding issuance of summons dated October 04, 2022. Noticee vide email dated October 13, 2022 has acknowledged the summons sent through e-mail and made request to appear on October 17, 2022.

xiv. Noticee personally appeared before IA on October 17, 2022. With regard to payment made to Shree SAI Venkatesh Technologies for bulk SMS services, he stated that he does not know him personally and met him first time in the office of Apex Global (firm of Mr. Yadunath Singh) where he was working earlier. For the transactions with Shree SAI Venkatesh Technologies, he stated as under:

<table>
<tr><th colspan="4">Reply of Mr. Jalaj Agrawal on each transaction with Shree SAI Venkatesh Technologies (Mr. Ajay Suryawanshi)</th></tr>
<tr><th>Date</th><th>Paid/Received by Jalaj Agrawal</th><th>Amount (Rs.)</th><th>Reply of Mr. Jalaj Agrawal</th></tr>
<tr><td>08.02.2017</td><td>Received</td><td>25,000</td><td>Taken loan for servicing of his car from Mr. Yadunath Singh, owner of Apex Global who arranged money through Mr. Ajay Suryawanshi. However, there is no documentary evidence for this transaction as of now, on receipt of the same, I will submit it to SEBI. I have returned said loan amount in cash to Mr. Yadunath Singh.</td></tr>
<tr><td>22.02.2017</td><td>Paid</td><td>4,00,000</td><td rowspan="2">I received shares of Covidh Technologies Ltd. through off market which was arranged by Mr. Yadunath Singh, owner of Apex Global. I sold these shares on market and proceeds received was transferred to Mr. Ajay Suryawanshi. The said 2 transactions of Rs. 4,00,000/- & Rs. 1,00,000/- were part of that transfer.<br>Mr. Yadunath offered money of Rs. 1,00,000/- for aforesaid transactions after leaving my job.</td></tr>
<tr><td>06.04.2017</td><td>Paid</td><td>1,00,000</td></tr>
</table>

xv. Further, he has denied his involvement in circulation of SMS in the scrip of Panafic.

xvi. From the above submission of Noticee, it is observed that he has not denied aforesaid transactions with Shree SAI Venkatesh Technologies (SMS reseller). As stated by him, the payment of Rs. 4,00,000 on February 22, 2017 & Rs. 1,00,000 on April 06, 2017 has been made by him on instructions of Mr. Yadunath Singh and he received Rs. 1 lakh for the same as commission. However, he has not submitted any documentary evidence in support of said claim. Furthermore, Mr. Ajay (SMS reseller) has submitted that the bulk SMS services were given to Noticee and payment of Rs. 1,50,000/- was received for the same.

xvii. The aforesaid submission/ claim of Noticee was not accepted considering submission of Shree SAI Venkatesh Technologies (SMS reseller), bank transactions of Noticee with said SMS reseller, in absence of any documentary evidence of his claim for said transactions and his admission of payment to SMS reseller. Hence, it is alleged that Noticee has sent SMSs in the scrip of Panafic by availing bulk SMS services from Shree SAI Venkatesh Technologies.

xviii. In light of the above, it is alleged that Noticee has violated Sections 12A(a), (b), (c) of SEBI Act, 1992 and Regulations 3(a), (b), (c), (d), 4(1) & 4(2)(k) of SEBI (PFUTP) Regulations, 2003 for disseminating information through bulk SMSs which were designed to influence the decision of investors dealing in scrip of Panafic.

5. The SCN was issued at the last known three addresses of Noticee through Speed Post Acknowledgment Due (SPAD) which was delivered. SCN was also sent through Digitally Signed E-mail which was also delivered and the delivery of the notices are on record. Vide e-mail dated December 19, 2022, extension was granted to the Noticee for submission of reply. Vide email dated December 19, 2022 Noticee submitted that he will submit the reply within two days, however no reply was submitted by the Noticee in two days. Hearing opportunity were also given to the Noticee. Vide hearing Notice dated January 02, 2023 Noticee were advised to appear for hearing on January 10, 2023. Hearing Notice was sent via SPAD which was delivered, and the notice was also delivered via digitally signed email dated 02/01/2023, the delivery of which is on record. On the date of hearing, Noticee appeared for hearing and made the oral submissions and sought time till January 11, 2023 to submit the reply to the SCN along with documentary evidence. Noticee vide email dated January 12, 2023 submitted the reply dated December 29, 2022 and made the following submissions:-

*i. Noticee submitted that he does not have any direct and/or indirect involvement in the Circulation of the messages regarding the sale and purchase of the shares of scrip named Panafic Industries Limited.*

*ii. Noticee further submitted that he has not paid any amount to any entity for circulating the messages or any other work which manipulate the Market whether its Shri SAI Venkatesh technologies or any other entity as mentioned in Notice.*

iii. *Noticee submitted that he has entered into the transaction with the Shree SAI Venkatesh Technologies by paying Rs. 4,00,000/- as on 22nd February, 2017 for receiving the Shares of Covidh Technologies Ltd through off Market and paid Rs. 1,00,000/- as on 06th April, 2017 as a part of the same transfer. He has sold the said shares of Covidh Technologies Ltd in the Market.*

iv. *Further, he has submitted that the SEBI has already imposed the penalty of Rs. 25,00,000/- on him regarding the Covidh Technologies Ltd and he has already paid the penalty via demand draft dated 25th August, 2022 drawn on HDFC Bank Ltd.*

v. *Noticee again reiterated that he is not involved in any transaction of any entity for the Circulation of messages in the Scrip of Panafic Industries Limited.*

## ISSUES FOR CONSIDERATION, EVIDENCE AND FINDINGS

6. I have perused the allegations levelled against the Noticee in the SCN taken into consideration the facts and circumstances of the case, reply of the Noticee and the material available on record. The issues that arise for consideration in the present case are:

**ISSUE I: Whether Noticee has violated the provisions of Section 12A(a), (b) and (c) of the SEBI Act, 1992 read with Regulations 3(a),(b),(c),(d) and Regulations 4(1), 4(2)(k) of PFUTP Regulations?**

**ISSUE II: Does the violation, if any, on part of the Noticee attract penalty under Section for 15HA of SEBI Act?**

**ISSUE III: If so, how much penalty should be imposed on the Noticee taking into consideration the factors mentioned in Section 15J of the SEBI Act?**

7. Before proceeding further, it will be appropriate to refer the provisions of Section 12A(a), (b) and (c) of the SEBI Act, 1992 read with Regulations 3(a),(b),(c),(d) and Regulations 4(1) and 4(2)(k) of PFUTP Regulations alleged to have been violated by the Noticee. The texts of the alleged provisions are as under-

8. Regulation 12A of SEBI Act, 1992- Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control.

*Regulation 12A- No person shall directly or indirectly—*

*(a) use or employ, in connection with the issue, purchase or sale of any securities listed or proposed to be listed on a recognized stock exchange, any manipulative or deceptive device or contrivance in contravention of the provisions of this Act or the rules or the regulations made thereunder;*

*(b) employ any device, scheme or artifice to defraud in connection with issue or dealing in securities which are listed or proposed to be listed on a recognised stock exchange;*

*(c) engage in any act, practice, course of business which operates or would operate as fraud or deceit upon any person, in connection with the issue, dealing in securities which are listed or proposed to be listed on a recognised stock exchange, in contravention of the provisions of this Act or the rules or the regulations made thereunder;*

*Regulation 3 of SEBI (PFUTP) Regulation, 2003 - Prohibition of certain dealings in securities*

*Regulation 3- 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.*

*Regulation 4 of SEBI (PFUTP) Regulation, 2003 - Prohibition of manipulative, fraudulent and unfair trade practices*

*Regulation 4(1)- Without prejudice to the provisions of regulation 3,no person shall indulge in a [manipulative,] fraudulent or an unfair trade practice in securities [markets].*

*[Explanation.–For the removal of doubts, it is clarified that any act of diversion, misutilisation or siphoning off of assets or earnings of a company whose securities are listed or any concealment of such act or any device, scheme or artifice to manipulate the books of accounts or financial statement of such a company that would directly or indirectly manipulate the price of securities of that company shall be and shall always be deemed to have been considered as manipulative, fraudulent and an unfair trade practice in the securities market.]*

*Regulation 4(2)- Dealing in securities shall be deemed to be a [manipulative] fraudulent or an unfair trade practice if it involves [any of the following]:—*

*(k) disseminating information or advice through any media, whether physical or digital, which the disseminator knows to be false or misleading in a reckless or careless manner and which is designed to, or likely to influence the decision of investors dealing in securities;*

## <u>FINDINGS</u>

9. On perusal of the material available on record and giving regard to the facts and circumstances of the case and reply of the Noticee, I record my findings hereunder:

**ISSUE I: a) Whether Noticee has violated the provisions of Section 12A(a), (b) and (c) of the SEBI Act, 1992 read with Regulations 3(a),(b),(c),(d) and Regulations 4(1), 4(2)(k) of PFUTP Regulations.**

10. I note from the SCN that the Noticee has been alleged to have sent SMS in the scrip of Panafic between January 04, 2017 to March 31, 2017 by availing bulk SMS sevices from Shree SAI Venkatesh Technologies which influenced the price of the scrip and thus violated SEBI (PFUTP) Regulations.

### Corporate Announcements

11. I note that during the period when SMS were circulated the following corporate announcements were made:

<table>
<tr><th colspan="4">Table 5 : Major Corporate Announcements</th></tr>
<tr><th>Broadcast Date/Time</th><th>Announcement</th><th>Price movement in the scrip (BSE)</th><th>Impact on price</th></tr>
<tr><td>20-01-2017 @ 14:12:43</td><td>Shareholding for the Period Ended December 31, 2016</td><td><table><tr><td>Date</td><td>O</td><td>H</td><td>L</td><td>C</td><td>Vol.</td></tr><tr><td>19/01/17</td><td>13.70</td><td>13.70</td><td>12.95</td><td>13.32</td><td>557675</td></tr><tr><td>20/01/17</td><td>13.50</td><td>13.90</td><td>13</td><td>13.15</td><td>501584</td></tr><tr><td>23/01/17</td><td>13.15</td><td>13.34</td><td>12.80</td><td>13.23</td><td>833969</td></tr></table></td><td>On 2 days viz. January 19 & 23, 2017, the scrip closed 1.76% & 0.61% respectively above its previous day closing price and on January 20, 2017 the scrip closed 1.28% below its previous day closing price on BSE.</td></tr>
<tr><td>20-01-2017 @ 16:03:39</td><td>Board Meeting Intimation for Results</td><td><table><tr><td>Date</td><td>O</td><td>H</td><td>L</td><td>C</td><td>Vol.</td></tr><tr><td>19/01/17</td><td>13.70</td><td>13.70</td><td>12.95</td><td>13.32</td><td>557675</td></tr><tr><td>20/01/17</td><td>13.50</td><td>13.90</td><td>13.00</td><td>13.15</td><td>501584</td></tr><tr><td>23/01/17</td><td>13.15</td><td>13.34</td><td>12.80</td><td>13.23</td><td>833969</td></tr></table></td><td>On 2 days viz. January 19 & 23, 2017, the scrip closed 1.76% & 0.61% respectively above its previous day closing price and on January 20, 2017 the scrip closed 1.28% below its previous day closing price on BSE.</td></tr>
<tr><td>21-01-2017 @ 11:28:23</td><td>Statement of Investor Complaint under Reg. 13(3) of SEBI (LODR) Regulations, 2015 for Quarter ended December 31, 2016</td><td><table><tr><td>Date</td><td>O</td><td>H</td><td>L</td><td>C</td><td>Vol.</td></tr><tr><td>19/01/17</td><td>13.70</td><td>13.70</td><td>12.95</td><td>13.32</td><td>557675</td></tr><tr><td>20/01/17</td><td>13.50</td><td>13.90</td><td>13.00</td><td>13.15</td><td>501584</td></tr><tr><td>23/01/17</td><td>13.15</td><td>13.34</td><td>12.80</td><td>13.23</td><td>833969</td></tr></table></td><td>On 2 days viz. January 19 & 23, 2017,the scrip closed 1.76% & 0.61% respectively above its previous day closing price & on January 20, 2017 the scrip closed 1.28% below its previous day closing price on BSE.</td></tr>
<tr><td>23-01-2017 @ 11:11:35</td><td>Closure of Trading Window</td><td><table><tr><td>Date</td><td>O</td><td>H</td><td>L</td><td>C</td><td>Vol.</td></tr><tr><td>20/01/17</td><td>13.50</td><td>13.90</td><td>13.00</td><td>13.15</td><td>501584</td></tr><tr><td>23/01/17</td><td>13.15</td><td>13.34</td><td>12.80</td><td>13.23</td><td>833969</td></tr><tr><td>24/01/17</td><td>13.40</td><td>13.89</td><td>13.39</td><td>13.86</td><td>1185953</td></tr></table></td><td>On January 20, 2017, the scrip closed 1.28% below its previous day closing price & on January 23 & 24, 2017 the scrip closed 0.61% & 4.76% respectively above its previous day closing price on BSE.</td></tr>
<tr><td>13-02-2017 @ 15:06:10</td><td>Standalone Financial Results, Limited Review Report for December 31, 2016</td><td><table><tr><td>Date</td><td>O</td><td>H</td><td>L</td><td>C</td><td>Vol.</td></tr><tr><td>10/01/17</td><td>17.40</td><td>17.40</td><td>17.15</td><td>17.25</td><td>825420</td></tr><tr><td>13/01/17</td><td>17.25</td><td>17.30</td><td>17.00</td><td>17.00</td><td>647892</td></tr><tr><td>14/01/17</td><td>17.10</td><td>17.50</td><td>16.15</td><td>16.85</td><td>967265</td></tr></table></td><td>On February 10, 2017, the scrip closed 0.88% above its previous day closing price & on February 13 & 14, 2017 the scrip closed 1.45% & 0.88% respectively below its previous day closing price on BSE.</td></tr>
<tr><td>13-02-2017 @ 15:08:01</td><td>Outcome of Board Meeting</td><td><table><tr><td>Date</td><td>O</td><td>H</td><td>L</td><td>C</td><td>Vol.</td></tr><tr><td>10/01/17</td><td>17.40</td><td>17.40</td><td>17.15</td><td>17.25</td><td>825420</td></tr><tr><td>13/01/17</td><td>17.25</td><td>17.30</td><td>17.00</td><td>17.00</td><td>647892</td></tr><tr><td>14/01/17</td><td>17.10</td><td>17.50</td><td>16.15</td><td>16.85</td><td>967265</td></tr></table></td><td>On February 10, 2017,the scrip closed 0.88% above its previous day closing price & on February 13 & 14, 2017 the scrip closed 1.45% & 0.88% respectively below its previous day closing price on BSE.</td></tr>
<tr><td>15-02-2017 @ 13:27:35</td><td>Clarification sought from Panafic Industrials Ltd</td><td><table><tr><td>Date</td><td>O</td><td>H</td><td>L</td><td>C</td><td>Vol.</td></tr><tr><td>14/02/17</td><td>17.10</td><td>17.50</td><td>16.15</td><td>16.85</td><td>967265</td></tr><tr><td>15/02/17</td><td>16.05</td><td>16.05</td><td>16.05</td><td>16.05</td><td>454116</td></tr></table></td><td>On all 3 days viz. February 14, 15 & 16, 2017, the scrip closed 0.88%, 4.75% & 4.98% respectively below its</td></tr>
</table>

| Table 5 : Major Corporate Announcements | | | |
|---|---|---|---|
| **Broadcast Date/Time** | **Announcement** | **Price movement in the scrip (BSE)** | **Impact on price** |
| | | 16/02/17 15.25 15.25 15.25 15.25 90961 | previous day closing price on BSE. |
| 15-02-2017 @ 17:04:32 | Clarifies on News Item | Date O H L C Vol.<br>14/02/17 17.10 17.50 16.15 16.85 967265<br>15/02/17 16.05 16.05 16.05 16.05 454116<br>16/02/17 15.25 15.25 15.25 15.25 90961 | On all 3 days viz. February 14, 15 & 16, 2017, the scrip closed 0.88%, 4.75% & 4.98% respectively below its previous day closing price on BSE. |

### Price Volume Analysis (PV analysis)

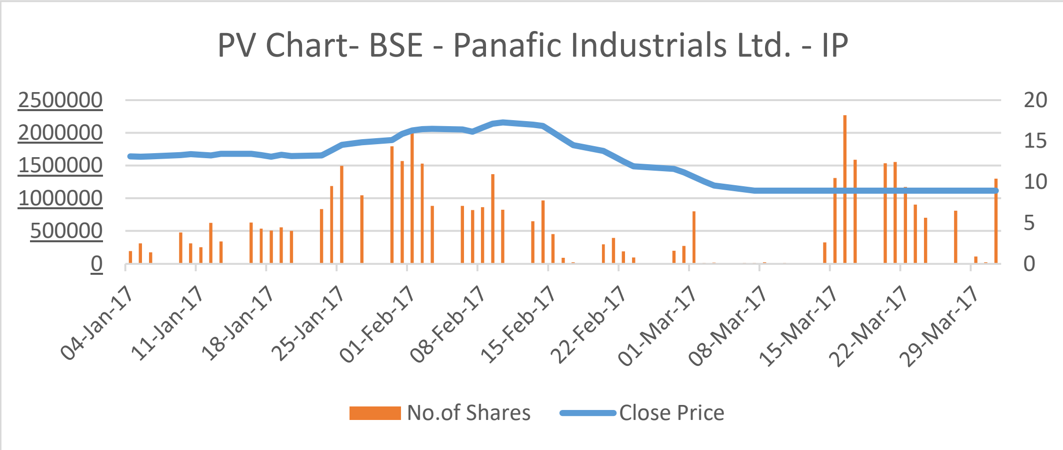
12. PV analysis was carried out based on trading data of BSE. Based on the price volume data during the investigation period, price and volume in the scrip of Panafic has been analyzed in the following patches:

Patch I of IP : (January 04, 2017 to February 10, 2017) - Price Rise

Patch II of IP : (February 13, 2017 to March 31, 2017) - Price Fall

| Brief details of Price-Volume Data (BSE) | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Period** | **Dates** | | **Opening** | **Closing** | **Low** | **High** | **Total Traded Shares (Average)** |
| Before Examination period | 03.10.2016 to 03.01.2017 | Price | 21 | 12.52 | 11.34 (03/01/2017) | 27.2 (26/10/2016) | 50,67,765 (79183.83) |
| | | Vol | 5110 | 84521 | 2 (30/12/2016) | 6,44,770 (01/11/2016) | |
| During Examination Period | Patch I- 04.01.2017 to 10.02.2017 | Price | 12.6 | 17.25 | 12.1 (04/01/2017) | 17.4 (10/02/2017) | 2,25,78,877 (8,36,254.70) |
| | | Vol | 191519 | 825420 | 173735 (06/01/2017) | 20,66,176 (01/02/2017) | |
| | Patch II- 13.02.2017 to 31.03.2017 | Price | 17.25 | 8.92 | 8.92 (07/03/2017) | 17.5 (14/02/2017) | 1,81,10,868 (5,48,814.18) |
| | | Vol | 647892 | 1297526 | 615 (28/03/2017) | 22,69,638 (16/03/2017) | |
| After Exmaination period | 03.04.2017 to 30.06.2017 | Price | 8.75 | 4.41 | 4.41 (30/06/2017) | 8.75 (03/04/2017) | 2,16,98,689 (3,55,716) |
| | | Vol | 4080 | 55647 | 1 (10/05/2017) | 15,49,861 (09/06/2017) | |

Price-Volume of the scrip during the IP on BSE is given below:




13. During investigation it was observed that stock tips / recommendations were alleged to be circulated through SMS header viz. IM-MNYMKR for the period from January 04, 2017 to March 31, 2017. During patch I of the IP price of the scrip of Panafic rose from ₹12.60 (open) to ₹17.25 (close) (i.e. 36.90% rise) with average daily volume of 8,36,255 shares and during patch II of the IP price of the scrip of Panafic fall from ₹17.25 (open) to ₹8.92 (close) (i.e. 48.29% fall) with average daily volume of 5,48,814 shares. I note that the SMS giving buy recommendation in the scrip of Panafic was given during the price rise period i.e. from January 04, 2017 to February 10, 2017.

**Details regarding SMS sender IDs – IM-MNYMKR**

14. The name of Telecom Service Provider (**TSP**) of sender ids viz. IM-MNYMKR was identified from the website - https://www.smsgatewaycenter.com. It was observed that the TSP of aforesaid sender id is Idea Cellular Ltd. (‘Idea’).

15. Accordingly, Idea vide letter dated June 27, 2018 was requested to provide the SMS records for the period January 04, 2017 to March 31, 2017 and Customer Application Form (CAF) for the aforesaid sender IDs.

16. Idea vide e-mail dated July 04, 2018 submitted that entity namely *Mgage | M- campaigner Private Limited* had sent these messages to the investors as the same was SMS aggregator for the SMS header IM-MNYMKR.

17. As informed by Idea, SMS aggregator namely, Karix Mobile Pvt. Ltd. (formerly *M-campaigner Pvt. Ltd.)* vide e-mail dated July 13, 2018 was inter-alia requested to provide the SMS records for the period January 04, 2017 to March 31, 2017 and Customer Application Form (CAF) for the sender ID IM-MNYMKR.

18. Karix Mobile Pvt. Ltd. ('Karix') vide e-mail dated July 27, 2018 submitted that entity namely *Proactive Professional Services Pvt. Ltd.* had sent these messages to the investors as the same was SMS aggregators for the said SMS header. Further, Karix has submitted SMS data records of said sender id too.

19. It is observed from said SMS data records that SMSes were sent to around 4,62,883 mobile numbers using said header during January 20-23, 2017 giving buy recommendation in the scrip of Panafic. The content of few such SMSes are as under :

*Content 1 - PREMIUM CASH CALL:- 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.40 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY)*

*Content 2 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.20 TARGET 25 (DOUBLE YOUR INVESTMENT IN 4-5 DAY.) (RAKESH JHUNJHUWALA INVEST 700 CR)*

*Content 3 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.40 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY)*

*Content 4 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.15 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY)*

*Content 5 - PREMIUM CASH CALL:- BUY 9000 SHARE OF "PANAFIC" (BSE CODE:-538860) @ 13.30 TARGET 25 (DOUBLE YOUR TRADING INVESTMENT IN 4-5 DAY.)*

20. In view of the above, information was sought from *Proactive Professional Services Pvt. Ltd.* ('Proactive'). Proactive submitted that said SMS header was allotted to reseller namely

'*Eminent Systems*' ('Eminent'). When enquired from Eminent, it gave name of 'RT Infotech' for the same. RT infotech in turn gave name of 'Shree SAI Venkatesh Technologies' for the same.

21. Accordingly, information was sought vide summons dated December 03, 2021 from Shree SAI Venkatesh Technologies (proprietor Mr. Ajay Suryawanshi). In reply, , Mr. Ajay submitted that the said header was given to the Noticee and payment of Rs. 1,50,000/- was received in this regard. Mr. Ajay also submitted bank statement of account number – 14052*****3867 of HDFC Bank showing such payment from Noticee which are as under :

| **Table 9 : Transactions from bank account of Shree SAI Venkatesh Technologies** | | |
|---|---|---|
| **Date** | **Paid/Received by Jalaj Agrawal** | **Amount (Rs.)** |
| 08.02.2017 | Received | 25,000 |
| 22.02.2017 | Paid | 4,00,000 |
| 06.04.2017 | Paid | 1,00,000 |

22. Mr. Ajay Suryawanshi further clarified that Noticee has taken various other services like website development, payment integration, hosting, yearly maintenance, crm management including bulk SMS services. The aforesaid payments were made towards such services by Noticee. Further, it is stated that due to non-renewal of website, such URL of website automatically removed from system after 1-2 years and hence he could not provide name of said website/ domain name.

23. In view of the information provided by Mr. Ajay Suryawanshi (Prop. of Shree SAI Venkatesh Technologies) along with payment details, vide e-mail dated December 13, 2021 information was sought from Noticee.

24. Noticee vide e-mail dated March 04, 2022 submitted his reply. He denied his involvement in circulation of SMS in the scrip of Panafic and connection with promoters/directors or other connected persons of the company. With regard to payment made to Shree SAI Venkatesh Technologies for bulk SMS services, he stated that he does not know him personally and met him first time in the office of Apex Global (firm of Mr. Yadunath Singh) where he was working earlier. For the transactions with Shree SAI Venkatesh Technologies, he stated as under:

| Reply of Mr. Jalaj Agrawal on each transaction with Shree SAI Venkatesh Technologies (Mr. Ajay Suryawanshi) | | | |
|---|---|---|---|
| **Date** | **Paid/Received by Jalaj Agrawal** | **Amount (Rs.)** | **Reply of Mr. Jalaj Agrawal** |
| 08.02.2017 | Received | 25,000 | Taken loan for servicing of his car from Mr. Yadunath Singh, owner of Apex Global who arranged money through Mr. Ajay Suryawanshi. However, there is no documentary evidence for this transaction as of now, on receipt of the same, I will submit it to SEBI. I have returned said loan amount in cash to Mr. Yadunath Singh. |
| 22.02.2017 | Paid | 4,00,000 | I received shares of Covidh Technologies Ltd. through off market which was arranged by Mr. Yadunath Singh, owner of Apex Global. I sold these shares on market and proceeds received was transferred to Mr. Ajay Suryawanshi. The said 2 transactions of Rs. 4,00,000/- & Rs. 1,00,000/- were part of that transfer.<br>Mr. Yadunath offered money of Rs. 1,00,000/- for aforesaid transactions after leaving my job. |
| 06.04.2017 | Paid | 1,00,000 | |

25. Noticee further denied that he has paid any amount to any entity for circulating the messages or any other work which manipulate the market.

26. In reply to the SCN, Noticee submitted that he entered into the transaction with Shree SAI Venkatesh Technologies by paying Rs. 4,00,000/- as on February 22$^{nd}$, 2017 for receiving shares of Covidh Technologies Ltd. through off market and paid Rs. 1,00,000/- on 06$^{th}$ April, 2017 as a part of the said transfer and he sold the said shares of Covidh Technologies Ltd in the Market.

27. Noticee further submitted that SEBI has already imposed the penalty of Rs. 25,00,000/- on him in the matter of Covidh Technologies Ltd.

28. I note that SMSs in the scrip of Panafic was circulated between January 04, 2017 to March 31, 2017 . During patch I of the IP the price of the scrip rose from Rs. 12.60 (open) to 17.25 (close) on February 10, 2017. The SMS was circulated by the reseller Shree SAI Venkatesh Technologies. From the reply of the Shree SAI Venkatesh Technologies I observe that Noticee had taken various services of Shree SAI Venkatesh Technologies which included bulk SMS also. I note that Shree SAI Venkatesh Technologies received Rs. 4,00,000/- from Noticee on February 22, 2017 which is the period when SMS were circulated and Rs. 1,00,000/- on April 06, 2017. In his reply to the SCN Noticee has not

denied transactions with Shree SAI Venkatesh Technologies (SMS reseller). I note that Noticee submitted during investigation that he received shares of Covidh Technologies Ltd. through off market which was arranged by Mr. Yadunath Singh, owner of Apex Global and he sold these shares on market and proceeds received was transferred to Mr. Ajay Suryawanshi (proprietor of Shree SAI Venkatesh Technologies). The transactions of Rs. 4,00,000/- & Rs. 1,00,000/- from Noticee to Mr. Ajay Suryawanshi were part of that transfer and he received Rs. 1 lakh for the aforesaid transaction from Mr. Yadunath. Whereas in reply to the SCN Noticee submitted that he paid Rs. 4,00,000/- to Shree SAI Venkatesh Technologies on February 22nd, 2017 for receiving the shares of Covidh Technologies Ltd. through off Market which was later sold in the market. Submissions made by the Noticee in reply to the SCN is contrary to the submissions made by him during investigation. In one place he is saying that he paid to Shree SAI Venkatesh Technologies Ltd. for receiving the shares of Covidh Technologies Ltd through off market and in other place he is saying that he paid to Mr. Ajay Suryawanshi the proceeds received after selling the shares of Covidh Technologies Ltd in the market. Further, I note that no documentary evidence is submitted by the Noticee either in support of the aforesaid off market transfer or for the purpose of transfer of fund from Noticee to Mr. Ajay Suryawanshi. In view of the same, the submissions made by the Noticee is not tenable.

29. I further note that in the matter of Covidh Technologies Ltd. Noticee submitted that he had received Rs. 6,00,000 in his account and as per instruction of Mr. Yadunath Singh he had transferred the same to Shree SAI Venkatesh Technologies. I observe that the same modus operandi as in the instant case was followed in the case of COVIDH where too bulk circulation of SMS was made recommending buy in the scrip of COVIDH.

30. Therefore, I observe that the aforesaid submission / claim of Noticee cannot be accepted considering submission of Shree SAI Venkatesh Technologies (SMS reseller), bank transactions of Noticee with said SMS reseller, Noticee's admission of payment to SMS reseller.

31. I note that the aforesaid SMS messages were circulated between January 04, 2017 to March 31, 2017. I also note that during patch I of the IP (price rise period i.e. January 04, 2017 to February 10, 2017) the daily average trading volume in the scrip of the company was 8,36,254.70 shares and in Patch II of the IP (price fall period i.e. February 13, 2017 to March 31, 2017) daily average trading volume in the scrip of the company was 5,48,814.18

shares, whereas, daily average trading volume before the IP (i.e. October 03, 2016 to January 03, 2017) and after the IP (i.e. April 03, 2017 to June 30, 2017) was just 79183.83 shares and 3,55,716 shares respectively. Thus, I note that there was substantially higher trading volume in the scrip of the company during the IP, as compared to the pre investigation period and post investigation period.

32. I also note that during Patch I of the IP (i.e. January 04, 2017 to February 10, 2017) price of the scrip of the company rose from Rs. 12.60 (open) to Rs. 17.25(close) (i.e. 36.90% rise). I further note from the corporate announcements made by the company during patch I of the IP and share price of the company during patch I of IP, that there was no impact on the share price of the company, from the corporate announcements made by the company during that period. For instance, on January 20, 2017, the company announced the board meeting intimation for results, on January 20, 2017, the scrip closed at Rs. 13.15/- whereas on January 23, 2017 (next trading day of January 20, 2017) the opening price was same as that of last trading day closing price i.e. Rs. 13.15/-. Further, company announced the Standalone Financial Results, Limited Review Report for December 31, 2016 on February 13, 2017. On February 13, 2017 the scrip closed at Rs. 17/- whereas on February 14, 2017, the scrip opened at Rs. 17.10/- which is 0.58% above its previous day closing price and closed at Rs. 16.85/- which is 0.88% below its previous day closing price. Therefore, from the above instances, I observe that the corporate announcements made by the company during IP did not have any impact on the price of scrip of the company. I further note that when the SMSs were being circulated, price of the scrip was continuously increasing till February 10, 2017, when no significant corporate announcement was made by the company. Therefore, I observe that the price of the scrip increased during patch I of the IP solely on the basis of the circulation of the SMSs.

33. I find that in cases of market manipulation, where direct evidence may not be available, transactions as indicated in the present case are to be tested for any manipulative intent on the basis of conduct of parties and abnormality of practices. In other words, I find that the requirement under PFUTP Regulations is that fraud must be proved on a preponderance of probabilities. In this regard, I place reliance on the judgment of Hon'ble Supreme Court in the case of *SEBI vs. Kishore R. Ajmera*[(2016) 6 SCC 368], dated February 23, 2016 wherein Hon'ble Supreme Court has held as under:

*It is a fundamental principle of law that proof of an allegation levelled against a person may be in the form of direct substantive evidence or, as in many cases, such proof may have to be inferred by a logical process of reasoning from the totality of the attending facts and circumstances surrounding the allegations/charges made and levelled. While direct evidence is a more certain basis to come to a conclusion, yet, in the absence thereof the Courts cannot be helpless. It is the judicial duty to take note of the immediate and proximate facts and circumstances surrounding the events on which the charges/allegations are founded and to reach what would appear to the Court to be a reasonable conclusion therefrom. The test would always be that what inferential process that a reasonable/prudent man would adopt to arrive at a conclusion.The test, in our considered view, is one of preponderance of probabilities so far as adjudication of civil liability arising out of violation of the Act or the provisions of the Regulations framed thereunder is concerned. The conclusion has to be gathered from various circumstances like that volume of the trade effected; the period of persistence in trading in the particular scrip; the particulars of the buy and sell orders, namely, the volume thereof; the proximity of time between the two and such other relevant factors."*

34. Therefore, on the basis of the foregoing findings and placing reliance on the aforesaid judgements, I observe that the Noticee has sent SMSs in the scrip of Panafic by availing bulk SMS services from Shree SAI Venkatesh Technologies and such SMSs were designed to influence the decision of investors dealing in the scrip of Panafic.

35. In this regard, I note that Regulations 3(a), (b), (c) and(d) of the PFUTP Regulations ,inter alia, prohibit employment of any manipulative/deceptive device, scheme or artifice to defraud in connection with dealing in securities; engaging in any act, practice, course of business which operates or would operate as fraud or deceit upon any person in connection with dealing in securities. I note that Regulation 4(1) of the PFUTP Regulations provides for a prohibition on indulging in fraudulent or unfair trade practices in securities. I further note that Regulation 4(2)(k) prohibits an advertisement that is misleading or that contains information in a distorted manner and which may influence the decision of the investors.

36. At this juncture, I find it pertinent to refer to the judgement of Hon'ble Supreme Court of India in the matter of *N. Narayanan vs. SEBI[(2013) 12 SCC 152]*in which it was held as follows:

*"if market abuse is not properly curbed, then it would result in defeating the very object and purpose of SEBI Act......Prevention of market abuse and preservation of market integrity is the hallmark of Securities Law...Market manipulation is normally regarded as the "unwarranted" interference in the operation of ordinary market forces of supply and demand and thus undermines the "integrity" and efficiency of the market... Section 12A read with Regulations 3 and 4 of the Regulations 2003 essentially intended to preserve 'market integrity' and to prevent 'Market abuse'.*

37. I also find it pertinent to refer to decision of Hon'ble Supreme Court of India in the matter of *SEBI vs.Shri Kanaiyalal Baldevbhai Patel* (Civil Appeal No. 2595 of 2013; Decided on September 20, 2017). In the aforementioned judgment, the Hon'ble Supreme Court of India while discussing the ambit of fraud under PFUTP Regulations has held as under:

*"The difference between inducement in criminal law and the wider meaning thereof as in the present case, is that to make inducement an offence the intention behind the representation or misrepresentation of facts must be dishonest whereas in the latter category of cases like the present the element of dishonesty need not be present or proved and established to be present. In the latter categor of cases, a mere inference, rather than proof, that the person induced would not have acted in the manner that he did but for the inducement is sufficient. No element of dishonesty or bad faith in the making of the inducement would be required...To attract the rigor of Regulations 3 and 4 of the 2003 Regulations, mens rea is not an indispensable requirement and the correct test is one of preponderance of probabilities... The inferential conclusion from the proved and admitted facts, so long the same are reasonable and can be legitimately arrived at on a consideration of the totality of the materials, would be permissible and legally justified."*

38. Therefore, in light of the aforesaid judgements, I find that the attending facts and circumstances in the instant case demonstrate manipulative intent and conduct of the Noticee. Thus, based on the facts and circumstances established above and on a preponderance of probabilities, I find that the dissemination of the aforesaid false and misleading SMS messages in order to lure investors into buying the scrip of panafic, constituted an "unwarranted" interference in the operation of ordinary market forces of supply and demand in relation to the scrip of Panafic and thus amounted to market abuse. Therefore, I observe that Noticee has violated Sections 12A(a), (b), (c) of SEBI Act, 1992 and Regulations 3(a), (b), (c), (d), 4(1) & 4(2)(k) of SEBI (PFUTP) Regulations, 2003 for

disseminating information through bulk SMSs which were designed to influence the decision of investors dealing in scrip of Panafic.

**ISSUE II: Does the violation, if any, on part of the Noticee attract penalty under Section for 15HA of SEBI Act.**

39. As has been established in foregoing paragraphs Noticee has violated the Section 12A(a), (b) and (c) of the SEBI Act, 1992 read with Regulations 3(a),(b),(c),(d) and Regulations 4(1), 4(2)(k) of PFUTP Regulations.

40. The Hon'ble Supreme Court of India in the matter of SEBI vs. Shri Ram Mutual Fund interalia held *" once the violation of statutory regulations is established, imposition of penalty becomes sine qua non of violation and the intention of parties committing such violation becomes totally irrelevant. Once the contravention is established then the penalty is to follow."*

41. Therefore, I am convinced that it is a fit case for imposition of penalty under the provisions of Section 15HA of the SEBI Act, which reads as given below:

***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.*

**ISSUE III: If so, how much penalty should be imposed on the Noticee taking into consideration the factors mentioned in Section 15J of the SEBI Act?**

42. While determining the quantum of penalty under sections 15HA of the SEBI Act, it is important to consider the factors stipulated in section 15J of SEBI Act, which reads as under:-

*15J - Factors to be taken into account by the adjudicating officer*

*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."*

43. The material available on record has not quantified the amount of disproportionate gain or unfair advantage, if any, made by the Noticee and the loss, if any, and suffered by the investors as a result of the Noticee's failure. As regard to the repetitive nature of the violation, I find that, in the matter of Covidh Technologies Ltd. penalty was imposed on the Noticee for issuance of bulk SMS which was found to be fraudulent. I further note that in the instant case Noticee entered into fraudulent transaction which has the effect of disrupting the securities market and has the potential to mislead and induce genuine investors to trade in the scrip. This violation of the Noticee, if dealt with lightly could seriously undermine investors' confidence in the securities market and has to be viewed seriously and calls for appropriate penalty.

**ORDER**

44. Having considered the facts and circumstances of the case, the material available on record, the factors mentioned in Section 15J of the SEBI Act, the purpose of SEBI PFUTP Regulations 2003, taking note of Section 15HA of the SEBI Act, and also taking into account judgment of the Hon'ble Supreme Court in *SEBI vs. Bhavesh Pabari (2019) 5 SCC 90* and in exercise of power conferred upon me under section 15-I of the SEBI Act, 1992 read with rule 5 of the SEBI Adjudication Rules, 1995, I hereby impose following penalty under section 15HA of the SEBI Act, 1992 on the Noticee:

| **Name of entity** | **Provisions violated** | **Penalty (Rs.)** |
|---|---|---|
| **Mr. Jalaj Agrawal** | Section 12A(a), (b) and (c) of the SEBI Act, 1992 read with Regulations 3(a),(b),(c),(d) and Regulations 4(1) and 4(2)(k) of SEBI (PFUTP) Regulations, 2003. | 15,00,000/-(Rupees Fifteen Lakhs only) |

45. I am of the view that the said penalty is commensurate with the lapse/omission on the part of the Noticee.

46. 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. In case of any difficulties in payment of penalties, Noticee may contact the support at portalhelp@sebi.gov.in.

47. The aforesaid Noticee shall forward said Demand Draft or the details / confirmation of penalty so paid to "The Division Chief (Enforcement Department 1 DRA-2), Securities and Exchange Board of India, SEBI Bhavan, Plot No. C/7, "G" Block BKC, Bandra Kurla Complex, Bandra (E), Mumbai – 400 051." The Noticee shall also provide the following details while forwarding DD / payment information:

| | |
|---|---|
| 1. Case Name: | |
| 2. Name of payee: | |
| 3. Date of payment: | |
| 4. Amount paid: | |
| 5. Transaction no.: | |
| 6. Bank details in which payment is made: | |
| 7. Payment is made for:<br>(like penalties/ disgorgement/ recovery/ settlement amount and legal charges along with order details) | |

48. 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, 1992 for realization of the said amount of penalty along with interest thereon, inter alia, by attachment and sale of movable and immovable properties.

49. In terms of the provisions of rule 6 of the Adjudication Rules, a copy of this order is being sent to the Noticee and also to the Securities and Exchange Board of India.

**Place: Mumbai** **BARNALI MUKHERJEE**
**Date: January 18, 2023** **ADJUDICATING OFFICER**