

SECURITIES AND EXCHANGE BOARD OF INDIA

MISCELLANEOUS ORDER

On the application made by Beejay Investments and Financial Consultants Private Limited, Sudhir Jain and Rashmi Jain in respect of the SEBI Order dated April 09, 2021, and Hon'ble Securities Appellate Tribunal Order dated July 07, 2021 in Misc. Application Nos. 773 -775 of 2021 and Appeal No. 444 of 2021.

1. Securities and Exchange Board of India ("SEBI") passed a final order dated April 09, 2021 ("SEBI Order") in respect of the following entities:

	NOTICEES	PAN
1.	Beejay Investments and Financial Consultants Private Limited	AACB0832B
2.	Eversight Tradecomm Private Limited	AAACE7667E
3.	Divyadrishti Traders Private Limited	AABCD8146J
4.	Divyadrishti Merchants Private Limited	AABCD8147K
5.	Neelanchal Mercantile Private Limited	AAACN8842N
6.	Stupendors Traders Private Limited	AADCS7524F
7.	Flex Trade Pvt. Ltd.	AAACF6723A
8.	Sudhir Jain	AEUPJ6167K
9.	Rashmi Jain	ABBPL1283E
10.	Peeyush Jain	AFNPJ8263L
11.	Adish Jain	AGZPJ0317Q
12.	Kinkar Bhattacharya	AMDPB1266E
13.	Sukanta Chatterjee	AIRPC7338Q

14.	Rajesh Kumar Agarwal	ADDPA1188K
15.	Debasis Mishra	AHBPM8657M
16.	Surendra Agarwala	ADHPA1860E
17.	Bhupendra Kumar Dhanuka	ACOPD8512C
18.	Manish Agarwal	APLPA3819B
19.	Prativa Kothari	AWCPK5030E
20.	Vicky Kothari	AKQPK4594D

2. Beejay Investments and Financial Consultants Private Limited, Eversight Tradecomm Private Limited and Sunil Jain were restrained from accessing the securities market by SEBI vide interim order dated June 04, 2009 and Confirmatory Orders dated January 19, 2010 and January 25, 2010. Beejay Investments and Financial Consultants Private Limited, Eversight Tradecomm Private Limited and Sunil Jain had allegedly circumvented the earlier directions restraining them from accessing the securities by transferring funds to Trading Entities (Neelanchal Mercantile Private Limited, Divyadrishti Merchants Private Limited and Divyadrishti Traders), who in turn transferred such funds to various stock brokers. Upon enquiry, the charges were found established and accordingly vide Order dated April 09, 2021, the following directions were issued against the Noticees:

- “a. Noticees Nos. 1, 2 and 8 having been restrained from accessing the securities market and further prohibited from buying, selling or otherwise dealing in securities, directly or indirectly, or being associated with the securities market in any manner, vide SEBI orders dated June 16, 2016 and March 27, 2017, shall continue to be so restrained for a further period of two (2) years, from the date of this order;*
- b. Restrain directions imposed on Noticee Nos. 3 to 6, Noticee Nos. 9 to 17 and Noticee Nos. 19 and 20 from accessing the securities market and further prohibiting from them buying, selling or otherwise dealing in securities, directly or indirectly, or being associated with the securities market*

in any manner vide SEBI orders dated June 16, 2016 and March 27, 2017, hereby stand revoked;

c. Noticee Nos. 7 and 18, not being part of the SEBI orders dated June 16, 2016 and March 27, 2017, are hereby restrained from accessing the securities market and further prohibited from buying, selling or otherwise dealing in securities, directly or indirectly, or being associated with the securities market in any manner, whatsoever, for a period of four (4) years, from the date of this order;

d. Noticees 1 to 20 shall jointly and severally directed to disgorge the unlawful gain of Rs. 3,30,26,842. Noticees shall pay the said amounts within 45 days from the date of this Order either by way of demand draft drawn in favour of 'Securities and Exchange Board of India', payable at Mumbai or by e-payment to SEBI account ..."

3. The Noticees preferred an Appeal (No. 444 of 2021) against the SEBI Order before the Hon'ble Securities Appellate Tribunal (SAT). The Hon'ble Tribunal vide Order dated July 07, 2021, directed the appellants in the matter to deposit a sum of Rs. 45 lakh within four weeks from the date of the SAT Order, as an interim measure.

4. It is further noted that the Hon'ble Tribunal vide the said order also directed as under:
"4. In this regard we permit the appellants to file an appropriate application giving details of the scrips that is required to be sold. If the same is filed before the respondent the same shall be dealt with within a week thereafter. The application for interim stay is also disposed of."

5. In compliance with the Hon'ble Tribunal's Order, Beejay Investments and Financial Consultants Private Limited, Sudhir Jain and Rashmi Jain, who were Noticee Nos. 1, 8 and 9, respectively in the SEBI Order (collectively referred to as 'Applicants') filed an application before SEBI vide email dated July 14, 2021, seeking the following reliefs:

a. Permission to sell certain securities lying in the demat account of Sudhir Jain, which was frozen pursuant to the SEBI Order. It was stated in the Application that the approval was being sought to sell the scrips to deposit the proceeds amounting to

Rs. 45 Lakhs with SEBI in compliance with the SAT Order. The details of the scrip sought to be liquidated and the demat account of Sudhir Jain, as provided in the Application are given below:

Table 1- Details of the Security

Scrip	Quantity	Value as on July 13, 2021
Nippon India ETF Liquid BeES	4500	45,00,000

Table 2 - Demat Account

Name of Account Holder	Sudhir Jain
DP Id	IN302269
Demat Account No.	14279684

- b. Approval for defreezing the following bank account of Sudhir Jain to the limited extent of receiving the sale proceeds of the security mentioned in Table 1 and transfer of the same to the SEBI account in compliance with the SAT order.

Table 3 -Bank Account

Bank Name	Account No.
HDFC Bank	00080340030910

6. I have considered the representations made by Beejay Investments and Financial Consultants Private Limited, Sudhir Jain and Rashmi Jain, the Order of the Hon'ble Securities Appellate Tribunal dated July 07, 2021 and SEBI orders dated June 16, 2016, March 27, 2017 and April 09, 2021. It is noted that the Hon'ble Tribunal has directed the Noticees to deposit a sum of Rs. 45 Lakhs as an interim measure vide Order dated July 07, 2021, and the Applicants are seeking the approval of SEBI to liquidate certain securities

lying in the demat account of Sudhir Jain, which was frozen pursuant to the SEBI Order to enable them to comply with the said direction of the Hon'ble Tribunal..

7. In view of the above, in compliance with the order of the Hon'ble Securities Appellate Tribunal dated July 07, 2021, I issue the following directions:

- a. The demat account of Sudhir Jain mentioned in Table 2 of this order is permitted to be defreezed for the specific purpose of executing the sale of securities mentioned in Table I, so that the proceeds of the sale can be transferred to the bank account of Sudhir Jain mentioned in Table 3.
- b. HDFC Bank is permitted to transfer the proceeds, from the sale permitted in paragraph 7(a) above, from the bank account of the applicant mentioned in Table 3 of this order to the SEBI bank account, details of which are given below:

BANK	BRANCH	RTGS CODE	BENEFICIARY NAME	BENEFICIARY ACCOUNT No.
BANK OF INDIA	BANDRA KURLA COMPLEX	BKID 0000122	SEBI – INVESTOR PROTECTION AND EDUCATION FUND	012210210000008

8. The Applicants shall forward details of the demand draft or online payment made in compliance with the directions at paragraph 7 of this Order in writing (in the format as given in the table below) to the “Division Chief, Enforcement Department-1, DRA-4, Securities and Exchange Board of India, SEBI Bhavan, Plot no. C-4A, ‘G’ Block, Bandra Kurla Complex, Bandra (E), Mumbai-400051” or by email to ashutosha@sebi.gov.in. The Noticee shall provide the following details while forwarding the demand draft/payment information:

1. CASE NAME:	
2. NAME OF THE PAYEE:	
3. DATE OF PAYMENT:	

4. <i>AMOUNT PAID:</i>	
5. <i>TRANSACTION NO:</i>	
6. <i>BANK DETAILS IN WHICH PAYMENT IS MADE:</i>	
7. <i>PAYMENT IS MADE FOR:</i>	

9. The application dated July 14, 2021, made by Beejay Investments and Financial Consultants Private Limited, Sudhir Jain and Rashmi Jain stand disposed of with the aforesaid directions.

10. This order shall come into force with immediate effect.

11. A copy of this order shall be forwarded to the applicants, Stock Exchanges, the relevant banks and the Depositories to ensure that the directions given above are strictly complied with.

Place: Mumbai
Date: July 19, 2021

G. MAHALINGAM
WHOLE TIME MEMBER
SECURITIES AND EXCHANGE BOARD OF INDIA