

**BEFORE THE ADJUDICATING OFFICER
SECURITIES AND EXCHANGE BOARD OF INDIA
[ADJUDICATION ORDER NO. Order/BS/DP/2023-24/26524]**

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

In respect of:

Late Ms. Bimla Gupta

PAN: ADFPG7279M

In the matter of dealing in Illiquid Stocks Options at BSE

FACTS OF THE CASE IN BRIEF

1. Securities and Exchange Board of India (hereinafter referred to as 'SEBI'), observed large scale reversal of trades in Illiquid Stock Options (hereinafter referred to as "ISO") segment of Bombay Stock Exchange (hereinafter referred to as "BSE") leading to creation of artificial volume. Reversal trades are those trades in which an entity reverse its buy or sell positions in a contract with subsequent sell or buy position with the same counter party during the same day. The said reversal trades are alleged to be non-genuine trades as they are not executed in the normal course of trading, lack basic trading rationale and allegedly lead to false or misleading appearance of trading in terms of generation of artificial volume, hence were deceptive and manipulative.
2. SEBI conducted an investigation into the trading activities of certain entities in ISO, BSE for period April 1, 2014 to September 30, 2015 (hereinafter referred to as "Investigation Period"/"IP"). Pursuant to investigation, it was observed that during the IP, large number of trades executed in Stock Options of BSE were non-genuine trades. The aforesaid non-genuine trades resulted in creation of artificial volume to the tune of 826.21 crore units or 54.68% of the total market volume in Stock Options segment of BSE during the IP.

3. It was alleged that Ms. Bimla Devi Gupta (hereinafter referred to as “Noticee”) was one of the entities who had indulged in creating artificial volume of 50,000 units through 2 non-genuine trades in 1 stock option contract. Following is noted from the dealings of Noticee in aforesaid 1 contract vi, “BHRT15JUL460.00PE” at BSE
- a. During the investigation period, 2 trades for 50,000 units were executed by the Noticee in said contract on July 28, 2015.
 - b. While dealing in the said contract on July 28, 2015, at 13:16:05 hrs, the Noticee entered into sell trade with counterparty N M Impex Pvt. Ltd. for 25,000 units at Rs. 47 per unit. At 13:06:17 hours, the Noticee entered into a buy trade with the same counterparty for 25,000 units at Rs. 27 per unit.
 - c. Noticee’s two trades while dealing in the aforesaid contract during the investigation period allegedly generated an artificial volume of 50,000 units, which made up of 10.5% of total market volume in the said contract during the period.
4. In view of the foregoing, it was alleged that the Noticee has entered into reversal trades in BSE ISO and these reversal trades were non-genuine in nature and have created false and misleading appearance of trading in terms of artificial volume in Stock Options and therefore alleged to be manipulative, deceptive in nature. The Noticee was alleged to have violated regulations 3(a), (b), (c) and (d), 4(1), 4(2)(a) of SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003 (hereinafter referred to as “PFUTP Regulations”).

APPOINTMENT OF ADJUDICATING OFFICER

5. Vide an order of the Competent Authority, SEBI, dated November 16, 2021, the Shri Vishal Padole was appointed as the Adjudicating Officer under Section 15-I of Securities and Exchange Board of India Act, 1992 (hereinafter referred to as “SEBI Act”) read with Rule 3 of SEBI (Procedure for Holding Inquiry and Imposing Penalties by Adjudicating

Officer) Rules, 1995 (hereinafter referred to as “Adjudication Rules”) to inquire and adjudge under section 15HA of SEBI Act. Subsequently, Shri Sahil Malik was appointed as the Adjudicating Officer. Upon his transfer, vide communique dated April 24, 2023, the undersigned has been appointed as the Adjudicating Officer.

SHOW CAUSE NOTICE, REPLY AND HEARING

6. Based on the findings by SEBI, Show Cause Notice dated August 08, 2022 (hereinafter referred to as 'SCN') was served on the Noticee under Rule 4(1) of Rules to show cause as to why an inquiry should not be held and penalty should not be imposed on him for the alleged violations. The Noticee did not reply to the SCN.
7. Vide the said SCN, Noticee was also informed that SEBI has framed the SEBI settlement scheme, 2022 pursuant to the order dated May 13, 2022 passed by the Hon’ble Securities Appellate Tribunal. Noticee was provided an option to avail the benefit of the said scheme.
8. However, Noticee did not apply for the settlement under the said scheme.
9. Subsequently, vide Notice of personal hearing dated May 10, 2023, Noticee was granted an opportunity of personal hearing.
10. However, vide email dated May 11, 2023, it was informed by the Authorised Representative (AR) of the Noticee that she had passed away on December 05, 2017. The AR of the Noticee also forwarded the notarised copy of notarised death certificate issued by Kolkata Municipal Corporation, Health Department. The detail of death of Noticee has been verified from the website of the Kolkata Municipal Corporation.
11. Before proceeding further in the matter on merit, it would be in the fitness of things to first decide as to whether on account of the death of the Noticee, the present adjudication proceedings against her would continue or abate.

12. 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 SAT 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 29th November 2004. The appeal accordingly abates. The penalty imposed on the original appellant being personal in nature also abates."*
13. In view of the foregoing, I am of the view that the instant adjudication proceedings against the Noticee abates without going into the merits of the case qua her and the SCN dated August 08, 2022 issued against her, accordingly, is disposed of.
14. 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.

Date: May 17, 2023
Place: Mumbai

BIJU S.
ADJUDICATING OFFICER