



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 36651 OF 2024

Sandeep Subhashbhai Borse & Ors. .. Petitioners
Versus
Security Exchange Board of India .. Respondent

Mr. Prarak Choudhary a/w Ms. Esheta Lunkad for the petitioner.
None for respondent.

**CORAM : M. S. Sonak &
Jitendra Jain, JJ.**
DATE : 11 December 2024

PC.:-

1. Heard learned counsel for the petitioners.
2. The petitioner challenges the Security Exchange Board of India (SEBI) order dated 28 December 2023 and the notice of demand, attachment, etc., based on this order.
3. As against the main order dated 28 December 2023, the petitioner has a remedy under Section 15 T of the SEBI Act 1992. Such an appeal must be filed within 45 days of receiving the copy of the SEBI order or the adjudicating authority order. However, the proviso to Section 15T(1) states that the Securities Appellate Tribunal (SAT) may entertain an appeal after the expiry of the said period of 45 days if it is satisfied that

there was sufficient cause for not filing it within the period.

4. Learned counsel for the petitioner has pointed to the hardships that the petitioners face because of the consequential order of attachment of bank accounts. He pointed out that there is an infant in the house, and on account of the attachment orders, even acquiring necessities has become difficult.

5. He pointed out that the impugned order dated 28 December 2023 was made without giving sufficient opportunity to cross-examine the complainant. In that sense, there was a breach of natural justice. For all these reasons, the learned counsel submitted that we should exercise our extraordinary jurisdiction and not relegate the petitioner to the remedy of appeal.

6. Though we appreciate the petitioners' submissions, we do not think we would be justified in bypassing a statutory remedy provided under the SEBI Act. The SAT is a specialised body that deals with the issues that arise under the SEBI Act of 1992. The SAT is very much equipped to deal with the contentions about the alleged failure of natural justice, and in fact, they routinely deal with such issues. Therefore, the statutory remedy before the SAT is an alternate and efficacious remedy available to the petitioners.

7. Regarding hardships, again, while we appreciate the contentions

made before us, precisely citing the difficulties, the petitioner should have rushed to the SAT. In any event, the petitioner can still approach the SAT and seek condonation of the delay. As noted earlier, the SAT may entertain such appeals after the expiry of 45 days if sufficient cause is shown for non-filing of the appeal within that period. The SAT also has adequate powers to grant interim reliefs *interalia* relating to the freezing of accounts etc.

8. For all the above reasons, we decline to entertain this petition but relegate the petitioner to the alternate remedy under Section 15T of the SEBI Act. Suppose the petitioner applies for condonation of delay and for interim relief. In that case, we are sure that the SAT will consider such an application by following the law and as expeditiously as possible, given the hardships that the petitioners have today portrayed before this Court.

9. Besides, we observe that we have not examined any of the contentions on merit. Therefore, all parties' contentions are left open to be determined by the SAT, should the petitioner approach the SAT by instituting an appeal and other appropriate applications.

10. This petition is disposed of with liberty in the above terms. There shall be no order as to cost.

11. The interim order, if any, stands vacated. The interim application,

if any, is disposed of.

12. All concerned must act on an authenticated copy of this order.

(Jitendra Jain, J.)

(M. S. Sonak, J.)