

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO.26204 OF 2024  
IN  
COMMERCIAL SUIT (L) NO.3469 OF 2024

National Stock Exchange of India Ltd. ... Applicant

**In the matter between**

National Stock Exchange of India Ltd. ... Plaintiff

V/s.

F6 Finserve Pvt. Ltd. & Ors. ... Defendants

WITH  
COMMERCIAL SUIT (L) NO.3469 OF 2024

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Mr. Prathamesh Kamat, Ms. Krushi Barfiwala, Mr. Rudra Deosthali, Mr. Kayush Zaiwala i/by Parinam Law Associates for the Applicant/Plaintiff.

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CORAM : ARIF S. DOCTOR, J.

DATE : 30TH SEPTEMBER 2024

**P.C. :**

1. The captioned Suit has been filed by the Plaintiff pursuant to an order dated 9<sup>th</sup> June 2022 passed by the Securities and Exchange Board of India (SEBI) against the Defendants by which SEBI has *inter alia* held the Defendants guilty of contravening various provisions of the Securities and Exchange Board

of India Act, 1992 (SEBI Act) as also various regulations and circulars issued by SEBI.

2. Mr. Kamat, Learned Counsel appearing on behalf of the Plaintiff today press for limited interim relief in terms of prayer clauses (a) and (e) only against Defendants. He submits that SEBI has vide the said order rendered detailed findings against the Defendants and the fraud purported by them on the investors. He submits that the Defendants have admittedly misused the funds/securities of the investors and applied them for their own personal benefit. From the said order he points out the following findings of SEBI, viz.

*“31.4. Noticees No. 1, 3, 4, 9 and 10 shall, jointly and severally, be liable to repay / refund the investors / clients' money with an interest of 15 % per annum from the date when the repayment became due till the date of actual repayment, under the supervision of NSE. Similarly, Noticees No. 2 to 4 shall, jointly and severally, be liable to repay / refund the investors / clients' money with an interest of 15 % per annum from the date when the repayment became due till the date of actual repayment, under the supervision of MCX.*

*31.10. NSE for Noticees No. 1, 3, 4, 9 and 10 and MCX for Noticees No. 2 to 4 shall proceed with the recovery of funds and securities from the assets of respective Noticees to cover any shortfall in funds and securities in the Escrow Accounts(s) and Demat Account, opened pursuant to the directions in the Confirmatory Order.”*

3. Mr. Kamat then submitted that the Defendants had not challenged the order of SEBI and thus the same had now attained finality. He submitted that the Plaintiff had filed the present Suit pursuant to the directions of SEBI, since the scam purported by the Defendants was on the Plaintiff Exchange. It was thus that the present Suit was filed to recover the monies/securities of the investors which had been fraudulently dealt with and/or utilized by the Defendants.

4. Mr. Kamat submits that the Defendants, though served, have not appeared today to oppose the present Interim Application.

5. I have heard learned counsel for the Applicant/Plaintiff and perused the Interim Application. I find that a plain reading of the Plaint as a whole, in my view, makes clear that the same is one which contemplates urgent reliefs. This is more so in the context of the most grave and serious findings of SEBI against the Defendants. These findings have admittedly not been challenged and are today final. Hence, I find that the Plaintiff has made out a case for the grant of limited ad interim relief. Thus, I grant ad interim relief in terms of prayer clauses (a) and (e), which read as follows:

*“a. This Hon'ble Court be pleased to direct the Respondents to disclose on oath by filing an Affidavit of: (A) all its assets/ properties, both movable and*

*immovable, including securities, investments, shareholding in its group companies and all other related entities, all receivables from its clients/debtors, together with details of all encumbrances and valuation in respect thereof; (B) all income-tax returns, audited or otherwise, for the period of last three years till date; (C) nature of transactions entered into by the Respondents with their related parties, with all supporting information/documents;*

- e. *this Hon'ble Court may be pleased to restrain the Respondents, their servants, agents, assigns, directors, officials or any persons acting or claiming through or under it, by temporary order and injunction of this Hon'ble Court from in any manner transferring, alienating, selling, disposing of and/or dealing with and/or parting with possession and/or encumbering or creating any third party, right, title and interest in all assets, movable and immovable, tangible and intangible, securities, shares, debentures, investments owned by the Respondents and/ or kept or diverted to any other connected entity, including the assets disclosed on oath by the Respondents;"*

6. The Defendants to comply with this order within a period of four weeks from today.

7. Stand over to 11<sup>th</sup> November 2024 for further hearing.

**(ARIF S. DOCTOR, J.)**