

Court No. - 40

Case :- WRIT - C No. - 37612 of 2023

Petitioner :- Spfl Securities Limited And Another

Respondent :- Security Exchange Board Of India And 10 Others

Counsel for Petitioner :- Udai Chandani,Vipin Kumar Kushwaha

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Udai Chandani, learned counsel for the petitioners and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents.

2. The petitioners have filed the instant writ petition seeking the following reliefs :-

"(i) Issue a suitable writ, order or direction in the nature of mandamus directing the respondent nos. 1 and 2 to pass appropriate orders and direction relating to the change in the authorized signatory of the de-mat accounts of respondent no.4 with the petitioners, within a stipulated period.

(ii) Issue a suitable writ, order or direction in the nature of mandamus keeping the status of the de-mat accounts as suspended/freeze for some temporary period until the issue pertaining to change in authorized representative of respondent no. 4, in respect of securities held by said respondent in JPL in the SPFL DP, with respect to meetings of JPL is decided by the National Company Law Tribunal, Allahabad Bench in Company Petition No. 64 /ALD OF 2023 (Mahendra Mohan Gupta & others Vs. Devendra Mohan Gupta & others)

(iii) Issue a suitable writ, order or direction in the nature of mandamus directing the respondent no. 1 to pass appropriate orders, after considering the reply of the petitioner on the complaint preferred by the respondent nos. 8 to 11 before respondent no. 1, within a stipulated period."

3. The petitioner claims itself to be a depository participant with National Security Depository Limited and Central Depository Service (India) Limited. The petitioner acts as a custodian of its client/beneficial owners of the securities keeping them in demat account. One of his clients is Jagran Media Network Investment Private Limited who has two demat accounts bearing Nos. 1206120000352021 and 1206120000349777 and the authorised signatory of the said demat account was one Mr. Mahendra Mohan Gupta. It seems that there was a dispute between the Gupta family and both factions wanted to take over the operation of the demat account. The Board meeting was held by them which has

subsequently been challenged before the National Company Law Tribunal (for short "NCLT"), Allahabad which is still pending before the Tribunal.

4. The learned counsel for the petitioners submitted that one of the factions has moved a complaint before Securities and Exchange Board of India (for short "SEBI") for the cancellation of the petitioners' licence. Against this complaint, the petitioners have already given a reply to the SEBI.

5. Since it is a dispute between the two factions of Gupta family which is already pending before NCLT, Allahabad, no order has been passed by the Tribunal or by the SEBI which would adversely affect the rights of the petitioners. Hence, the instant petition is premature and has been filed only on mere apprehension.

6. Accordingly, the writ petition is **dismissed**.

Order Date :- 1.11.2023

Rama Kant