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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) No.5204/2016 & CM No.21632/2016 (for stay).
RANJAN KUMAR Petitioner
Through: Mr. Sougatm Ganguli, Adv. along
with petitioner in person.
versus
SECURITIES & EXCHANGE BOARD OF INDIA
& ORS Respondents
Through: Mr. Sanjay Jain, ASG with Mr.
Apoorv Tripathi, Ms. Ruche Jain and
Ms. Natasha Thakur, Advs. for SEBI.
Mr. Amit Mahajan, CGSC for R-2&3
with Mr. Kunal Dutt, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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31.05.2016

CM No.21633/2016 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

W.P.(C) No.5204/2016 & CM No.21632/2016 (for stay).

3. The petitioner, claiming to be an Advocate with Enrolment No.D/926-R/1998 has filed this petition impugning Section 15C of the Securities & Exchange Board of India (SEBI) Act, 1992 and the summons dated 23rd February, 2016 and 2nd March, 2016 under Rule 4(3) of SEBI (Procedure for Holding Inquiry & Imposing Penalties by Adjudication Officer) Rule, 1995 served on his client M/s. Mahadushi International Trade Limited.

4. In the morning, the counsel for the petitioner Mr. Sougatm Ganguli mentioned the matter stating that the petition had been wrongly listed before this Bench and should have been listed before the Division Bench.
5. However finding it strange that the petitioner, a lawyer, was maintaining a petition in his own name for the cause of action of his client and thereby doing away with the distinction essential for a professional, the matter was directed to be called as per its turn.
6. When the matter is so called, Mr. Sougatm Ganguli, Advocate appearing for the petitioner reiterated the same request. However upon it being enquired from the counsel as to how the petitioner, an Advocate was identifying with his client, the counsel stated that since the petitioner as an Advocate was representing his client in response to the said summons, he was entitled to maintain this petition.
7. The learned ASG appearing for the respondent no.1 Securities & Exchange Board of India (SEBI) also advised the counsel for the petitioner but to no avail.
8. Only upon this Court observing that such misconduct on the part of the Advocate needs to be reported to the Bar Council of Delhi, the counsel states that he withdraws the petition.
9. However the presence of the petitioner was also directed.
10. The petitioner has appeared and apologises for his conduct.
11. The petitioner, having been registered with the Bar Council as far back as in the year 1998 and his counsel M/s Map Corporate Legal Law Offices through Mr. Sougatm Ganguli, Advocate registered with the Bar

Council in the year 2009 ought to have known about their duties as a professional and the limits to which they can act on behalf of the client.

12. However, taking a sympathetic view, the petition is permitted to be withdrawn but both, the petitioner and his counsel are cautioned to be careful in future.

13. The learned ASG is also requested to take appropriate measures as he may deem fit in his wisdom in this regard.

RAJIV SAHAI ENDLAW, J

MAY 31, 2016

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