



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 19109 & 19112 OF 2019

AND

W.M.P. NOS.18477 & 26806 OF 2019

D.Kannan .. Petitioner in WP 19109/2019

Pentasoftware Technologies Ltd.
presently amalgamated with
Pentamedia Graphics Ltd.
No.30-A, Akbarabad, 1st Street
Kodambakka, Chennai 600 024. .. Petitioner in WP 19112/2019

- Vs -

1. Securities Exchange Board of India
rep. by its Chairman
SEBI Bhavan, Plot No.C4-A
"G" Block, Bandra Kurla Complex
Bandra (E), Mumbai 400 051.
2. General Manager
Enforcement Department
Securities Exchange Board of India
SEBI Bhavan, Plot No.C4-A
"G" Block, Bandra Kurla Complex
Bandra (E), Mumbai 400 051.
3. Securities Exchange Board of India
7th Floor, 756-L,
Annasalai, Chennai-02.
Tamil Nadu. ..RR-1 to 3 in both petitions
4. Pentamedia Graphics Ltd.
(Formerly known as Pentasoftware Technologies Ltd.)
No.30A, Akbarabad 1st Street
Kodambakkam, Chennai 600 024
Tamil Nadu. ..R-4 in WP 19109/2019

Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st and 2nd respondents to produce all the records and more specifically the investigation report and the connected documents pertaining to the investigation leading upto the show cause notice No.EFD/DRA-1/SM/RK/PENTA/25324/1/2018 dated 07.09.2018.



WEB COPY

For Petitioners: Mr.P.H.Arvind Pandian, SC, for
Mr. Gokul in both petitions

For Respondents: Mr. R.Shankaranarayanan, ASG, Asst.by
Mr. V.M.Shivakumar for RR-1 to 3
in both petitions

COMMON ORDER

The present petitions have been filed by the respective petitioners to direct 1st and 2nd respondents to produce all the records and more specifically the investigation report and the connected documents pertaining to the investigation leading upto the impugned show cause notice.

2. When the matter is taken up for hearing, learned Addl. Solicitor General appearing for respondents 1 to 3 submitted that in view of the additional affidavit filed in the writ petitions, more especially clauses (b) and (c) of para (3), wherein, it is fairly conceded that the contents of the show cause notice issued to the noticee and the documents annexed thereto and also the submission made by such noticee will be taken into consideration while deciding the matter. It is further submitted that if any materials, which were not part of the show cause notice given to the noticee are relied upon, then the said material shall be provided to the noticee through a supplementary notice with appropriate further time to the noticee to make his submission. It is therefore submitted by the learned Addl. Solicitor General that the above submission may be recorded and these writ petitions may be closed and the respondents 1 to 3 may be directed to follow the above said clauses (b) and (c) of para-3 of the additional affidavit while conducting the enquiry.

3. Learned senior counsel appearing for the petitioners fairly submits that the petitioners would be satisfied if the above statement of the learned Addl. Solicitor General is recorded and a direction is issued to respondents 1 to 3 to follow the above said clauses (b) and (c) of para-3 of the additional affidavit while conducting the enquiry.

4. In such view of the matter, this Court, while recording the submission of the learned Addl. Solicitor General appearing for respondents 1 to 3 directs that before deciding the issue, respondents 1 to 3 shall provide necessary relied upon documents and adequate time to the petitioner to answer all necessary subsequent queries, if any, raised by the respondents.



5. The writ petitions are disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

WEB COPY

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Chairman
Securities Exchange Board of India
SEBI Bhavan, Plot No.C4-A
"G" Block, Bandra Kurla Complex
Bandra (E), Mumbai 400 051.
2. General Manager
Enforcement Department
Securities Exchange Board of India
SEBI Bhavan, Plot No.C4-A
"G" Block, Bandra Kurla Complex
Bandra (E), Mumbai 400 051.
3. Securities Exchange Board of India
7th Floor, 756-L,
Annasalai, Chennai-02.
Tamil Nadu.

W.P. NOS. 19109 &
19112 OF 2019

RSV(CO)
SB(03/03/2022)