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

PUBLIC INTEREST LITIGATION NO.84 OF 2024
ALONG WITH
INTERIM APPLICATION NO.1504 OF 2025

Chandrakant C. Shah,	]	
R/of Royal Touch Yogi Hills,	]	.. Petitioner /
Mulund (W), Mumbai	]	Applicant
Versus		
1. Securities and Exchange Board of India,	]	
Through its Chairperson,	]	
SEBI Bhavan BKC, Bandra (E), Mumbai	]	
2. Association of Mutual Funds in India,	]	
Through its Chief Executive,	]	
Naman Corporate Link, BKC,	]	
Bandra (E), Mumbai	]	.. Respondents

Mr. Abhishek Venkataraman, *Amicus Curiae* and Mr. Viswajit, Advocate are present in Court.
Mr. Chandrakant C. Shah, Petitioner-Applicant is present in person.
Mr. Vishal Kanade with Ms. Nidhi Singh, Ms. Hubab Sayyed, Mr. Nishin Shrikhande and Ms. Nidhi Faganiya, Advocates, i/b Vidhi Partners, for respondent No.1-SEBI.
Mr. Niket Mehta, Advocate, i/b Cyril Amarchand Mangaldas, for respondent No.2-AMFI.

CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.

DATE : 17TH SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

The petitioner has filed the present Public Interest Litigation under Article 226 of the Constitution of India, seeking a writ directing the respondent no.1-Securities and Exchange Board of India (SEBI) to revoke the liberty granted to the respondent no.2-Association of Mutual Funds in India (AMFI) for carrying out investor education and awareness initiatives /

programs. The main grievance of the petitioner is that the respondent no.2 should be restrained from continuing its advertisement campaigns titled *“Mutual Funds Sahi Hai”*, *“Mutual Funds Mein SIP Sahi Hai”* and *“Be Patient and Stay Invested”*. According to the petitioner, these campaigns are reckless, misleading, and create a false impression of assured financial safety in the minds of general public in mutual fund investments. It is submitted that this campaign neither educates the investors nor does it disclose the risks inherent in the sale and purchase of mutual funds.

2. The petitioner further contends that the respondent no.1, has failed to monitor or regulate the respondent no.2’s advertisement campaigns over the past seven years in its capacity as the regulator of the securities and capital market in India. Both respondents nos.1 and 2 have neglected their duties, as the campaigns are designed primarily to serve the interests of the respondent no.2’s members who are mutual fund companies, rather than the investors/ general public. The petitioner’s complaints to the respondents have not been replied to even though such serious issues have been raised by the petitioner. Since the respondent no.2 falls within the regulatory jurisdiction of the respondent no.1, SEBI’s inaction amounts to a breach of its statutory obligations under the Securities and Exchange Board of India Act, 1992 (in short, SEBI Act). Hence this petition.

3. Mr. Vishal Kanade, learned counsel for the respondent no.1 (SEBI), submits that the present petition is devoid of merit and is liable to be dismissed with costs. He points out that the petitioner had earlier filed Public Interest Litigation No.26 of

2025 raising similar issues, which was dismissed by this Court on 17th April 2025 and the Special Leave Petition (No.13341 of 2025) arising therefrom was dismissed by the Hon'ble Supreme Court on 14th July 2025. In view of the above, he submits that the present petition ought to be dismissed at the threshold.

4. We have heard the petitioner in-person, learned counsels for the parties as well as the learned *amicus curiae*, Mr. Abhishek Venkatraman. We have perused the record and find no merit in this petition. Amongst other things, in a PIL, the Court is required to be satisfied about (a) the credentials of the petitioner / applicant; (b) the prima facie correctness or nature of information given by him; and (c) the information being not vague and indefinite. But none of the above foundational parameters are satisfied in the present case.

5. The petitioner is a qualified Chartered Accountant. As stated in the petition, he is presently unemployed and has an annual income of approximately ₹3.50 lakhs and admits that he does not transact in mutual funds. We are thus unable to appreciate his grievance as also his locus to allege that respondent no.2's advertisements are of misleading nature. He is not impacted by the advertisement campaigns of the respondent no.2 and thus cannot say that he has practical knowledge of the impact of the advertisement campaigns. He cannot be heard to say that he is here to protect the interest of the general public. As held in *Ashok Kumar Pandey v. State of W.B.*, (2004) 3 SCC 349 only a person acting bona fide and possessing sufficient interest in the subject matter of a Public Interest Litigation has the locus standi to approach the Court for redressal of violations of fundamental rights or genuine infractions of statutory

provisions. The petitioner does not meet the tests laid down in the said judgment.

6. The respondent no.2 is a non-profit organization comprising Asset Management Companies (AMCs) of all SEBI-registered mutual funds in India. Its activities, as well as those of its member organizations, fall within SEBI's regulatory jurisdiction. The petitioner has failed to demonstrate any violation of the SEBI Act by the respondent no.2. The impugned advertisement campaigns neither disclose any statutory breach nor establish any infraction of the regulatory regime that affects the general public at large. One of the purpose of a Public Interest Litigation is to protect the interests of general public who cannot approach the Court themselves. The petitioner has not placed on record any data to substantiate his claim of how the investors are being misled and in what number by such advertisements. There is no incapacity that is shown here. The petitioner's best evidence is certain advertisements sourced from the internet. There is no data from government or reliable sources which would otherwise show the gravity and seriousness involved. In these circumstances, the lack of material details, either accidental or deliberate, is sufficient to dismiss this PIL. We are not satisfied that the petitioner is genuinely espousing a public cause.

7. We also note that the petitioner has earlier filed another Public Interest Litigation raising identical issues concerning mutual fund advertisements. The said Public Interest Litigation, being PIL No.26 of 2025, was dismissed by this Court on 17th April 2025. The said order reads as under:

> *"1. Heard the Petitioner appearing in-person.*
>
> *2. This Public Interest Litigation is filed by the Petitioner under Article 226 of the Constitution of India seeking a writ of mandamus or any other appropriate order or direction to the respondent No.1 - Securities and Exchange Board of India (SEBI) to prohibit new fund offers of mutual funds under the scheme/plan/banner "Systematic Investment Plan" (SIP) including advertisement. According to him, the nomenclature, narrative propaganda and literature soliciting investments in such schemes is incorrect, false, deceptive, misleading and causing unwarranted confusion in the minds of investors potentially leading to incorrect and wrong investment decisions and thus, seriously prejudicial to the interest of public and investors at large.*
>
> *3. The Petitioner claims to be a public interest litigant representing a cause in the interest of the public at large. The Petitioner has not suffered any legal injury. Any of the investor who is aggrieved or suffered a legal injury can always seek remedies for redressal of grievance. We are not inclined to entertain the present Public Interest Litigation at the instance of the present Petitioner.*
>
> *4. Keeping the issue involved in the present Petition open, the Public Interest Litigation is rejected."*

8. Aggrieved by the dismissal, the petitioner filed a petition for Special Leave to Appeal bearing No.13341 of 2025 before the Hon'ble Supreme Court wherein the petitioner agitated the following question of law :-

> *"G. <u>Given that the same petitioner herein had earlier filed another identical petition viz. PIL No.84 of 2024 involving the same parties and raising substantially the same issues and contentions concerning objectionable advertisements of mutual funds</u> and despite the fact that the petitioner had not suffered any legal injury in this matter, however, considering the element of public interest in the cause, the Hon'ble High Court agreed to proceed further in the said matter by issuing notice to the respondents and also appointing an amicus curiae, <u>WHETHER the Ld. Judges of the Division Bench failed to appreciate that despite both the matters being almost identical, there was a need to maintain parity in both the matters on the issue of locus of the petitioner</u> and*

> *whether the impugned matter ought to have been allowed for further hearing, irrespective of whether or not the petitioner has suffered any legal injury."*

9. The petitioner's SLP was dismissed on 14th July 2025. Admittedly it is the petitioner's case before the Hon'ble Supreme Court that both the matters being almost identical, there was a need to maintain parity in both the matters. Since this Court and the Hon'ble Supreme Court declined to entertain the petitions, the dismissal of Public Interest Litigation No.26 of 2025 now operates as a bar to the petitioner from re-agitating the same issues before this Court. It is settled law as held in Buddhi *Kota Subbarao (Dr) v. K. Parasaran [(1996) 5 SCC 530]*, that a litigant does not have a right to waste court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a license to file and pursue misconceived petitions.

10. At the outset, the petitioner ought to have disclosed the fact that his Public Interest Litigation and Special Leave Petition has been dismissed. He did not do so. It is well settled law, as held by the Hon'ble Supreme Court in *"Bhaskar Laxman Jadhav v. Karamveer Kakasaheb Wagh Education Society"* (2013) 11 SCC 531 and *"Kishore Samrite v. State of U.P."* (2013) 2 SCC 398, that a litigant, who suppressed the material facts, is not entitled to any relief. It is not open to the petitioners to decide unilaterally which facts are material and which are not. Full and fair disclosure is a prerequisite to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. This has not been done by the petitioner. We are not, *prima facie*, satisfied with the credentials of the Petitioner so as to warrant the entertainment of this Public Interest Litigation.

No substantial public interest is found to be involved in the present petition. No substantial public interest is found to be involved in the present petition.

11. Accordingly, Public Interest Litigation No.84 of 2024 is dismissed with no order as to costs. Consequently, Interim Application No.1504 of 2025 also does not survive and is disposed of. We record our appreciation to the valuable assistance rendered by the learned *amicus curiae* Shri Venkataraman in this matter.

[GAUTAM A. ANKHAD, J.] **[CHIEF JUSTICE]**

SNEHA ABHAY DIXIT Digitally signed by SNEHA ABHAY DIXIT Date: 2025.09.22 14:36:23 +0530