

ITEM NO.20

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).26890-26891/2023

(Arising out of impugned final judgment and order dated 01-12-2023 in WP No. 530/2023 and 01-12-2023 in WP No. 447/2023 passed by the High Court of Judicature at Bombay)

SECURITIES AND EXCHANGE BOARD OF INDIA

Petitioner(s)

VERSUS

ASHOK DAYABHAI SHAH & ORS.

Respondent(s)

(WITH IA No.252764/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-12-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Abhishek Anand, Adv.
Ms. Unnimaya S., Adv.
Mr. Shreyash Kumar, Adv.
For M/S. K J John And Co

For Respondent(s) Mr. C.A. Sundaram, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Navroz Seervai, Sr. Adv.
Mr. Saket Sikri, Adv.
Mr. Nina Nariman, Adv.
Mr. Divyam Agarwal, AOR
Ms. Arti Raghavan, Adv.
Mr. Pulkit Sukhramani, Adv.
Ms. Vidhi Jhavar, Adv.
Mr. Deepank Anand, Adv.
Ms. Shourya Tanay, Adv.
Mr. Aniket Aggarwal, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 When the interim order of the Division Bench of the High Court of Judicature at Bombay was questioned before this Court under Article 136 of the Constitution, the Special Leave Petition which was filed initially by the promoter was dismissed. The order of the High Court required SEBI to make a disclosure of documents. Subsequently, a companion Special Leave Petition filed by SEBI was also dismissed. However, this was without prejudice to the proceedings which were pending before the High Court. The High Court has, in the course of its impugned order, reiterated its interim order of directing a disclosure to be made.
- 2 The Solicitor General submitted that Regulation 29(1) of the Securities and Exchange Board of India (Settlement Proceedings) Regulations 2018¹ stipulates that all information submitted and discussions held in pursuance of the settlement proceedings under the Regulations shall be deemed to have been received or made in a fiduciary capacity and may not be released to the public, if the same prejudices the Board and/or the applicants.
- 3 There is no material before this Court to indicate that the disclosure would cause prejudice. It is common ground that the settlement itself has been revoked in which case the provisions of Regulation 29 are not attracted. In any event, we are of the view that the order of the High Court requiring disclosure of documents would not fall for interference in these proceedings. In the future, if any case arises before this Court bearing on a demonstrable prejudice to the Board or to the applicant within the meaning of Regulation 29, that issue would be adjudicated upon on its own merits.

1 “Regulations”

- 4 The period for compliance is extended by a period of two weeks from today.
- 5 Subject to the aforesaid, the Special Leave Petitions are dismissed.
- 6 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR