

LOKPAL OF INDIA
Plot No.6, Institutional Area, Phase-II
Vasant Kunj
New Delhi - 110070

Complaint No(s). : 45/2024, 46/2024 and 48/2024

Date : 10th April, 2024

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice L. Narayana Swamy
Judicial Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

The complaints are placed before the Full Bench for consideration of the Scrutiny Reports and to pass appropriate orders.

2. Perused the Scrutiny Reports.



3. These three complaints, dated 13.02.2024, 14.02.2024 and 15.02.2024, respectively, have been registered as Complaint No(s).45/2024, 46/2024 and 48/2024. As the complainant's name is the same in all the complaints and the subject matter of all these complaints are ostensibly different but substantially the same, they are taken up together for consideration.

4. Since parts of the complaint forms are generated by the LokpalOnline portal, the complaints are unsigned. Physical copies of the complaints have not been received. The scrutiny reports in all these complaints point out various deficiencies in one respect or the other in Part-A or Part-C of the form of complaint, which are given below: -

(a) In Complaint No.45/2024, some of the documents enclosed are from the complainant while a few of them seem to be from the complainant's wife who has sworn the affidavit and whose ID is enclosed. Deficiencies such as non-mentioning of proper gender; non-enclosure of letter addressed to the Lokpal of India as in Part-C and non-submission of a list of documents in respect of the allegation of Bribe and the pre-decided buyer in Part-C exist.

(b) In Complaint No.46/2024, some of the documents enclosed are from the complainant while few of them seem to be from the complainant's son who has sworn the affidavit and whose ID is enclosed. Deficiencies such as non-enclosure of a letter addressed to the Lokpal of India as in Part-C and non-submission of a list of documents in respect of the allegation of bribery and faked/staged rigged auction as in Part-C exist.



(c) In Complaint No.48/2024, deficiencies such as non-enclosure of the original affidavit as in Part-A; non-enclosure of a letter addressed to the Lokpal of India as in Part-C, non-submission of a list of documents in respect of the allegation of Bribery/Cheating as in Part-C exist.

5. The documents annexed to Complaint No.48/2024 reveal that the complainant was one of the Directors/Promoters of SMS Technosoft (India) Limited. Recovery proceedings for the due amount of Rs.12.35 crores plus interest as applicable along with costs, charges and expenses incurred in respect of all the proceedings taken for recovery of the said sum were initiated against him and others by SEBI, which led to the auction of the property in question. The sale of the property was confirmed in favour of the buyer, by the public servant, as is evident from the Recovery Certificate No.2786 of 2020, issued under Section 28A of the SEBI Act, 1992, read with Rule 63(1) of the Second Schedule to the Income Tax Act, 1961.

6. All the complaints have been made against the DGM and AGM of the Securities and Exchange Board of India (SEBI), received through LokpalOnline portal. Some other individuals have also been mentioned in the documents attached. The complaints are against the process of auctioning the property on multiple grounds, including alleged rigging, undervaluation and sale to a pre-decided buyer at a price lower than the market price, allegedly to facilitate bribes for officials of SEBI.



7. The complainant in C.No.45/2024 and C.No.48/2024 also alleges that notice was served regarding a fake hearing and a fake settlement was conducted in which Rs.24.00 lakhs were collected and the public servant proceeded with the auction. The complainant is also aggrieved that the property auctioned belonged to his son having no connection with the company under consideration by denying the correctness of the effective date of the Prohibitory Order relied upon by SEBI. The complainant alleges that the deed of settlement of auctioned property in favour of his son was executed at Coimbatore on 11.06.2022 much before receipt of the Prohibitory Order by post on 04.07.2022. As per the SEBI letter, the said Prohibitory Order was uploaded in the public domain, viz. on the SEBI website on 09.06.2022 and sent to the complainant by email and speed post on 10.06.2022.

8. In all three complaints, documents have been attached of complaints having been made before the Tamil Nadu Lokayukta. In Complaint No.45/2024, it is filed by the complainant's wife claiming her innocence and being drawn in these proceedings before SEBI by misusing her ID resulting in payment of fines without receiving any release order. In Complaint No.46/2024, the complainant's son alleges that he was never part of any order pertaining to the said company and SEBI auctioned his property in a rigged manner and in Complaint No.48/2024, the complainant questions the legality of the process undertaken by SEBI.

9. It has also been brought to our notice that the complainant had earlier filed two complaints before the Lokpal of India which were registered as Complaint No.18/2024 and Complaint No.19/2024 and the subject matter of both was also the



same. The only difference was that Complaint No.18/2024 was filed by the complainant as an authorized representative of the company and Complaint No.19/2024 was filed in his individual capacity. As both complaints were similar, they were clubbed together and were disposed of by the Full Bench vide its Order dated 20.03.2024.

10. From the documents in Complaint No.48/2024 it is seen that the complainant had already approached the Court of District Judge, Coimbatore. However, the documents enclosed are incomplete. Besides, though it is not specifically stated so in the complaint, the matter appears to be under litigation as seen from the letter dated January 17, 2024 of Chief General Manager, Nodal Appellate Authority, Western Regional Office, SEBI as has been attached to the complaint. From the documents, it is further seen that the complainant, his wife and son have also approached the Tamil Nadu Lokayukta separately. However, no other details or orders have been placed on record. Further, the complaint lacks material facts suggestive of the commission of an offence of corruption and also lacks particulars, which precludes us from, doing any further scrutiny of the matter. Suffice it to say that the complainant is pursuing his remedy before the appropriate authority regarding the same subject matter. Hence, we are not inclined to entertain these complaints.

11. On perusal of these complaints, it is observed that the complaints are mischievous and vexatious in nature and the same complainant is filing multiple



complaints before this Forum and also resorting to proceedings before various authorities. This cannot be countenanced.

12. In view of the above, the Bench is of the considered view that there is no need to proceed further in the matter and therefore, these complaints deserve to be disposed of.

13. The disposal of these complaints will, however, not preclude the complainant to pursue other appropriate remedies, as may be advised and permissible in law.

14. Accordingly, these complaints are disposed of.


(Court Master)