WTM/AB/OIAE/IGRD/7129/2019-20

SECURITIES AND EXCHANGE BOARD OF INDIA

CORAM: ANANTA BARUA, WHOLE TIME MEMBER

FINAL ORDER

Under Section 11B of Securities and Exchange Board of India Act, 1992 - In the matter of Lilac Power Limited.

S. No.	Name of the Entity	PAN
1.	Lilac Power Limited	PAN – Not Available CIN – U40108MH1995PLC086577

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1. Present proceedings have emanated from a Show Cause Notice dated March 28, 2013 (hereinafter referred to as "**SCN**") issued by Securities and Exchange Board of India (hereinafter referred to as "**SEBI**") to Lilac Power Limited (hereinafter referred to as **"the Company"/ "the Noticee"**) calling upon it to show cause as to why suitable directions including direction to restrain it from accessing the securities market for a specified period or till all pending investor grievances against the Company, as on the date of the SCN are resolved, should not be issued against it under Section 11B of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as "**SEBI Act, 1992**").

2. The events leading to issue of aforesaid SCN to the Company are as under:

   (i) SEBI vide circular no. CIR/OIAE/2/2011 dated June 3, 2011 (hereinafter referred to as "**2011 Circular**") advised all listed companies and the stock exchanges

about the commencement of the process of resolution of investor complaints in the SEBI Complaints Redress System (SCORES), which is an online portal/mechanism. The online electronic centralized database was meant for receiving complaints and moving it online to the concerned listed companies for resolution of complaints and uploading the Action Taken Report (hereinafter referred to as "ATR") by the companies so as to be accessible to the investors online. The listed companies, after having received the complaints are required to take appropriate steps to resolve the complaints and upload their ATRs by logging in to SCORES by using their SCORES authentication (consisting of user ID and password), which can be obtained by the company after submitting the necessary details to SEBI. Similarly, investors can also upload their complaints and check the status of their complaints thereof from time to time by logging into SCORES by using their ID and password which they receive after registration with SCORES.

(ii) Subsequently, vide another circular no. CIR/OIAE/1/2012 dated August 13, 2012 (hereinafter referred to as "**2012 Circular**"), SEBI advised all companies whose securities are listed on stock exchanges to obtain SCORES authentication by September 14, 2012 in terms of the aforesaid circular. The circular further directed listed companies to take appropriate steps within seven days of receipt of complaints through SCORES in terms of the aforesaid circular, so as to resolve the complaint/s within thirty days of its receipt.

(iii) As there were investor complaints against the Noticee and the Noticee had also failed to take SCORES authentication by September 14, 2012, as required by 2012 Circular, a public notice was issued on January 30, 2013 by SEBI, advising the Noticee to obtain SCORES authentication within seven days from the date of the public notice failing which SEBI would be constrained to initiate appropriate enforcement actions.

(iv) There were 7 complaints pending against the Noticee. However, Noticee neither taken any measure to resolve the complaints nor it activated SCORES authentication, therefore, SEBI by a letter dated February 15, 2013 advised Noticee, *inter alia,* to resolve all pending complaints at the earliest but not letter than February 27, 2013.

(v) As the Noticee did not comply with 2011 Circular, 2012 Circular, advise given in the public notice dated January 30, 2013 and advise given in the letter dated February 15, 2013, SEBI issued the SCN against the Noticee for non-redressal of the investor grievance.

3. The Noticee failed to file any reply to the SCN, within the time granted in the SCN. Thereafter, an opportunity of personal hearing was granted to the Noticee on May 29, 2019 in order to comply with the principles of natural justice. However, the Notice of hearing returned undelivered. Thereafter, another opportunity of personal hearing was granted to the Noticee on December 27, 2019. The said Notice of hearing also returned undelivered. Thereafter, Notice of personal hearing on December 27, 2019 was published in Times of India (English) and Sakal (Marathi), on December 22, 2019. However, the Noticee did not appear for the personal hearing on the scheduled date. Thereafter, the file has been placed before me for passing of the order.

4. On perusal of the SCN and the material available on record, it was thought fit to ascertain the present listing status of the Noticee. BSE Ltd. (hereinafter referred to as "**BSE**") vide its email dated February 28, 2020 has informed that the Noticee had been compulsorily delisted from the BSE with effect from July 02, 2004. The material available on record does not indicate that the Noticee was listed on any other recognized stock exchange, at the time of violations alleged in the SCN.

5. As noted above, 2011 Circular and 2012 Circular which require taking of SCORES authentication and consequential of redressal of investors' grievance within 30 days,

apply to a company whose securities are listed on a recognized stock exchange. I find that in the present case, the Noticee was delisted from the BSE from July 02, 2004 and material available on record does not indicate the Noticee was listed on any other recognized stock exchange at the time of violations alleged in the SCN, therefore, the Noticee ceased to be a listed company and consequently, requirement under 2011 Circular and 2012 Circular were not applicable to it.

6. In view of the above, I, in exercise of the powers conferred upon me under Sections 11 and 11B read with Section 19 of the SEBI Act, hereby disposes of the SCN issued against the Noticee without issuing any directions.

7. This Order shall come into force with immediate effect.

8. A copy of this Order shall be forwarded to the Noticee and the recognized stock exchanges.

-Sd-

Place: Mumbai **ANANTA BARUA**

Date: March 03, 2020 **WHOLE TIME MEMBER**

SECURITIES AND EXCHANGE BOARD OF INDIA