

Info Capsule

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THE INSTITUTE OF
Company Secretaries of India

भारतीय कम्पनी सचिव संस्थान

IN PURSUIT OF PROFESSIONAL EXCELLENCE

Statutory body under an Act of Parliament

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ISSUE OF CERTIFIED COPIES OF ORDERS AND CIRCULARS¹

In order to streamline the procedure for issuance of certified copies of orders and circulars based on requests for certified copies of orders passed by the Board, Adjudicating Officers or Recovery Officers or circulars issued by the departments of the Board, the following procedure shall be adopted.

Issue of certified copy to persons against whom order has been passed by the Board, Adjudicating Officer or Recovery Officer

1. A certified copy of the order passed by the Board or Adjudicating Officer or Recovery Officer shall be provided by the Enforcement Department or by the Enquiries and Adjudication Department (EAD) or by the Recovery and Refund Department or by the concerned Operational Department, as the case may be, to the person who is a party to the said proceedings, without charging any fee.

Provided that where there is an acknowledgment on record of service of the certified copy of the order upon such persons against whom such order has been passed by the Board or Adjudicating Officer or Recovery Officer, and such a person subsequently seeks another certified copy of the order, the fees provided herewith shall be applicable to such applications.

Provided further that where an application is filed for the certified copy of an order passed within two months prior to the date of issue of this circular for which no certified copy was issued to such applicant against whom an order had been passed, such an application may be processed without charging any fee.

Issue of certified copy of Order or Circular to any applicant

2. An application may be made by any person seeking a certified copy of the order passed by the Board, Adjudicating Officer or Recovery Officer or circulars issued by the departments of the Board. The application shall be filed with the concerned department or the Enforcement Department or the Recovery and Refund Department, as the case may be.
3. An application may be made by an applicant at any time after the order is passed or the circular is issued.
4. An officer of the rank of Assistant Manager and above of the concerned division of the department which is in possession of the original order or circular, may issue the certified

¹ Available at: https://www.sebi.gov.in/legal/circulars/apr-2019/issue-of-certified-copies-of-orders-and-circulars_42633.html

copy of the order or the circular with the prior approval of the Division Chief, within five working days from the date of receipt of the complete application.

5. The certified copy of the order or circular, as the case may be, shall be issued after verifying the same with the original order or circular.
6. The certified copy shall contain the following:
 - a. The words "Certified to be true copy" shall be conspicuously visible on the bottom of the last page along with the name and designation of the officer certifying it;
 - b. Office Seal at the bottom of every page along with the full signature of the officer certifying it on the last page of the certified copy and the initials of the certifying officer on the remaining pages;
 - c. The date of issue of the certified copy; and
 - d. Information as to the number of pages of the order or circular contained.
7. Every division/department that issues a certified copy of an order or circular, as the case may be, shall maintain a record of the certified copies given and give a serial number to each copy.

Fee Payment

8. A non-refundable fee of `50/-per order or circular or `5/-per page, whichever is higher, shall be charged as fees for each certified copy. The same shall be paid along with the application or subsequently within such time as may be informed to the applicant, by way of a demand draft drawn in favor of 'Securities and Exchange Board of India' payable at Mumbai or by way of direct credit in the bank account of the Board through NEFT/RTGS/IMPS or any other mode allowed by the Reserve Bank of India (RBI).
9. In case of receipt of a demand draft, the same shall be sent to the General Services Department-Treasury and Accounts Division, immediately upon receipt of the same.

In case of payments made electronically through NEFT/RTGS/IMPS modes, the applicant shall intimate the same to the concerned department along with necessary details.
10. Certified copies shall be ordinarily collected by the applicant in person against proper acknowledgment. However, upon specific request and subject to payment of charges; certified copies may be dispatched to the applicant by Registered Post or Speed Post with acknowledgment due or through Courier Service.
11. This circular is issued in exercise of powers conferred under sub-section (1) of section 11 of the Securities and Exchange Board of India Act, 1992 and in supersession of Legal Department office circular no. 3 of 2003.
12. This circular shall come into force with immediate effect.
13. This circular is issued with the approval of the competent authority.
