

## **On-Line Resolution of Disputes Mechanism in the Indian Securities Market**

- ❖ Securities and Exchange Board of India ("SEBI") vide its Circular No. SEBI/HO/OIAE\_IAD-1/P/CIR/2023/131 dated July 31, 2023 as subsequently amended vide Circular No. SEBI/HO/OIAE\_IAD-1/P/CIR/2023/135 dated August 4, 2023 (jointly referred hereinafter as "Circular") has introduced on-line Resolution of Disputes mechanism in the Indian Securities Market streamlining the existing dispute resolution mechanism by establishing a common On-line Dispute Resolution Portal ("ODR Portal") which harnesses on-line Conciliation and on-line Arbitration for resolution of disputes arising in the Indian Securities Market.
- ❖ The link to the master circular : [https://www.sebi.gov.in/legal/master-circulars/aug-2023/online-resolution-of-disputes-in-the-indian-securities-market\\_75220.html](https://www.sebi.gov.in/legal/master-circulars/aug-2023/online-resolution-of-disputes-in-the-indian-securities-market_75220.html)
- ❖ All disputes between Investors/Clients and listed companies (including their Registrar and Share Transfer Agents) or any of the specified intermediaries / regulated entities in securities market arising out of latter's activities in the securities market, will be resolved in accordance with this Circular.
- ❖ A common On-line ODR Portal, called the SMART ODR has been established for this purpose, the link to access the portal: <https://smartodr.in/login>
- ❖ An Investor can lodge its complaint directly to the Company, escalating it further through SCORE system, before initiating dispute resolution through the ODR Portal or alternatively, can directly initiate dispute resolution through the ODR Portal, provided no complaint is pending at any level or with any court, tribunal, consumer forum or before any arbitral process or the Company is not under CIRP-IBC or winding up or liquidation.
- ❖ However, all matters that are appealable before the Securities Appellate Tribunal in terms of Section 15T of SEBI Act, 1992 (other than matters escalated through SCOREs portal in accordance with SEBI SCOREs Circular), Sections 22A and 23L of Securities Contracts (Regulation) Act, 1956 and 23A of Depositories Act, 1996 shall be outside the purview of the ODR Portal.
- ❖ Under ODR Portal, the complaint will first be routed through Conciliation process. In case of non-resolution through the Conciliation process or if the listed company or the investor desire, the matter can be escalated to Arbitration process.
- ❖ The entire process will be conducted in the on-line mode.

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