

IN THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Review Petition No.4 of 2006
In
Appeal No.103 of 2005

Securities and Exchange Board of India **....Applicant**

Versus

Time Capital Ltd. **....Respondent-Appellant**

Dr. Poornima Advani, Advocate for the applicant

None for the respondent-appellant

CORAM

Justice N.K. Sodhi, Presiding Officer
Arun Bhargava, Member
Utpal Bhattacharya, Member

Per: Justice N.K. Sodhi, Presiding Officer (Oral)

The primary contention of the learned counsel for the applicant seeking review of the order dated 21.3.2006 is that the action of the Securities and Exchange Board of India (for short “the Board”) in adjusting the excess amount of Rs.57,155/- against the interest payable by the stock broker and then giving it the benefit of the regularization scheme is a possible view of the provisions of the said scheme and therefore the impugned action cannot be said to be arbitrary and that it was not a case where costs should have been awarded. There appears to be some force in the contention. As per the final fee liability statement prepared by the Board a sum of Rs.57.155/- was lying in excess with it on behalf of the stock

did was that it adjusted the excess amount from the interest and thereafter gave the benefit of the scheme from the balance amount. Since the excess amount had not been adjusted and the stock broker made a request on November 6, 2004 to adjust the same towards interest and this request was made during the regularization period, we are of the view that the excess amount would be deemed to have been paid during the regularization period and that the stock broker was entitled to the benefit of the same. In this view of the matter we find no error in the order sought to be reviewed. However the view as now projected on behalf of the Board could be a possible view and therefore we agree with the learned counsel for the applicant that the impugned action could not be termed as arbitrary. In the circumstances, we modify the order dated 21.3.2006 only to the extent that the parties in the main appeal would bear their own costs.

The review application stands disposed of as above.

Sd/-

Justice N.K. Sodhi
Presiding Officer

Sd/-

Arun Bhargava
Member

Sd/-

Utpal Bhattacharya
Member

RRN

11.7.2007