

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Appeal No. 104 of 2008

Date of decision: 10.06.2009

Sarvani Choudhary & Ors.

..... Appellants

Versus

Securities and Exchange Board of India

..... Respondent

None for Appellants.

Ms. Daya Gupta Advocate for the Respondent.

CORAM : Justice N.K. Sodhi, Presiding Officer
Samar Ray, Member

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

There are five appellants before us. They are said to have played some dubious role in some of the public offerings and were allegedly involved in the IPO scam. By an ex-parte order dated April 27, 2006 they had been restrained from accessing the capital market till further orders. The ex-parte order was treated as a show-cause notice to which the appellants were required to file their replies. During the pendency of the proceedings before the Securities and Exchange Board of India (for short the Board) the appellants filed applications in terms of circular dated April 20, 2007 with a request that a consent order be passed. The Board considered the said applications and rejected the same having regard to the nature of the role played by the appellants. By letters dated July 7, 2008 addressed to each of the appellants, the Board communicated that the consent applications stood rejected and that the proceedings against them would continue. It is against this communication that the present appeal has been filed. One of the grievances made by the appellant is that the ex-parte order was passed in April, 2006 restraining them from accessing the capital

market and that the final order was being unduly delayed. The learned counsel appearing for the respondent Board has placed before us order dated May 7, 2009 by which final action has been taken against all the appellants. This obviously renders the appeal infructuous and the same is dismissed accordingly. It will, however, be open to the appellants to challenge the order dated May 7, 2009 in accordance with law. No costs.

Sd/-
Justice N.K. Sodhi
Presiding Officer

Sd/-
Samar Ray
Member

10.06.2009

Prepared and compared by :
msb