

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Misc. Application No. 3 of 2009
In
Appeal No. 62 of 2007

Date of decision: 12.06.2009

Design Auto Systems Ltd. and Ors. Appellants

Versus

Securities and Exchange Board of India Respondent

Mr. Ashok Verma, Advocate with Mr. Roshan Mistry, Advocate for Appellants.
Dr. Poornima Advani, Advocate with Mr. Anant Upadhyay, Advocate and Mr. Tejas
Joshi, Advocate for Respondents.

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

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

By our order dated July 30, 2008 we had disposed off appeal no. 62 of 2007 on the consent terms offered by the applicants after modifying clauses 4 and 5 thereof. As per clause 4 of the consent terms as modified by us, the directors of Design Auto Systems Ltd. were required to procure 98,21,074 shares of the company within six months commencing from August 1, 2008 from the market and make them available to the company for their cancellation. The applicants state that they have been able to procure about 50% of the shares so far and that the remaining shares are yet to be procured from the public shareholders. The applicants want further time to procure the balance amount of shares and through this application they have sought an extension of time by four months, which period has already lapsed. The application was filed on January 29, 2009 and it could not be taken up for final

hearing for want of quorum. Be that as it may, having regard to the facts and circumstances of the case and particularly the interest of the securities market and the investors, we direct that the applicants procure the remaining quantity of shares on or before August 31, 2009 and make them available to the company for their cancellation failing which the consent application filed by them before the Securities and Exchange Board of India shall be deemed to have been rejected and appeal no. 62 of 2007 dismissed. The application stands disposed off accordingly. It will, however, be open to the Securities and Exchange Board of India to proceed further in the matter in accordance with law.

Sd/-
Justice N.K. Sodhi
Presiding Officer

Sd/-
Samar Ray
Member

12.06.2009

Prepared and compared by :
msb